

**LEBANON CITY COUNCIL
MINUTES
September 14, 2016**

Council Present: Mayor Paul Aziz and Councilors Jason Bolen, Bob Elliott, Floyd Fisher, Robert Furlow and Rebecca Grizzle

Staff Present: City Attorney Tré Kennedy, City Manager Gary Marks, City Clerk Linda Kaser, Police Chief Frank Stevenson, Engineering Services Director Ron Whittlatch and Finance Director Dean Baugh

CALL TO ORDER: Mayor Aziz called the Regular Session of the Lebanon City Council to order at 6:00 p.m. in the Santiam Travel Station Board Room.

ROLL CALL: The City Clerk called roll with Councilor Wayne Rieskamp being absent (unexcused).

APPROVAL OF CITY COUNCIL MINUTES

Councilor Grizzle moved, Councilor Bolen seconded, to approve the August 10, 2016 Regular Session Minutes as presented. The motion passed unanimously.

CONSENT CALENDAR

AGENDA: City of Lebanon Council Agenda – September 14, 2016
BOARD APPOINTMENTS: Parks Committee/Tree Board – Greg Nervino & Rod Sell (reappointments)
BOARD MINUTES: Parks Committee/Tree Board – July 12, 2016
Planning Commission – June 15, 2016

Councilor Elliott moved, Councilor Furlow seconded, to approve the Consent Calendar as presented. The motion passed unanimously.

READINGS OF PROCLAMATIONS

Mayor Aziz proclaimed:

- September 16, 2016 as **American Legion Day**;
- September 17-23 as **Constitution Week**. He presented the proclamation to Lindy Woody and Marilyn York from the Daughters of the American Revolution. They distributed a pamphlet entitled "Know Your Rights under the Constitution."
- September 11, 2016 as **Patriot Day**, as read by Mayor Aziz at the September 11th event.

PRESENTATION – 2015 Water/Wastewater Treatment Plant Annual Report

Engineering Services Director Whittlatch introduced CH2M Hill Project Manager Jeff Houchin who provided highlights of the 2015 water and wastewater treatment plant annual report.

Responding to Councilor Furlow's question, Mr. Houchin indicated that there were no bypass days in 2015. Mayor Aziz asked about the communication issue a couple of years ago when the City did not find out about an incident until later. Whittlatch confirmed for Mayor Aziz that there is protocol for immediate notification in place.

Mayor Aziz stated that he is impressed there were no recorded injuries in over nine years. Councilor Furlow was happy to hear that there were no violations in the Oregon Health Authority's Sanitary Survey.

PUBLIC COMMENTS

Robert Wambach, 300 Sand Ridge Court, spoke about the popularity of pickleball and suggested that Lebanon look into adding courts. Mayor Aziz stated out that this goes along with the Vision's healthy community aspect. Staff will look into the cost.

Tom Pouliot, 1350 Williams Street, praised the City for the Lebanon Brewfest event. He also complimented the City for taking care of issues he submitted using the City's Citizen Reporting Form.

Mr. Pouliot distributed information (Oregon Medical Marijuana Qualifying Conditions, Rip City Remedies, Oregon Cannabis Growers Fair 2016 Program, and MRS Labs Therapeutic Effects of Cannabinoids) and asked if meetings regarding the marijuana issue were planned. Mayor Aziz shared that the Chamber of Commerce is holding a forum on the marijuana initiatives.

Mr. Pouliot asked whether the Rent-A-Center building could be used as an indoor event center and distributed information on suggested events (Oregon Robotics Tournament & Outreach Program and World of Speed).

Steven Burak, 80 South Place Way, spoke on behalf of a group of seniors, commonly known as snowbirds, and asked Council to reconsider snowbird rates. A couple of years ago, his proposal was turned down after about a three-month period. Most of the snowbirds have lived here most of their lives and have contributed their taxes and talents for the good of the community. He spoke about options available from Republic Services, Comcast, NW Natural Gas, and Pacific Power. Looking at six months of water bills during their absence, the average monthly cost was \$52-\$55 for no water coming in or being discharged into the sewer system. He described his experience with the City's Finance office and stated that he was told that his bill would be about \$70 per month while they are gone, even though they have a meter. The City of Albany states that while the meter is turned off, a resident is not being charged while out of town.

City Manager Marks explained the minimum charge for the three utilities (storm drainage, water and sewer). Whether the property owner is present or not, they are benefitting from the storm drainage system. One portion of water and sewer billing ensures that the customer participates equally with all other residents in the community in infrastructure costs (pipes, plant construction, maintenance, and upkeep). The Council can review this to make sure that true costs are being reflected. The second portion includes costs either to process the water safely through the system or to treat the effluent so that it is environmentally safe to discharge. If no water is being used, processing does not have to be done so the bill will be reduced.

Councilor Grizzle recalled that usage is a small portion of the cost. Since the price for infrastructure remains the same, everyone else's rates would have to increase to compensate snowbirds not being charged. Marks agreed and added that Lebanon is trying to reach equity among all utility users.

Responding to Councilor Bolen's question, Finance Director Baugh indicated that he receives much less than 50 inquiries about snowbird rates. Councilor Bolen felt that it was worth looking into whether it would really hurt the City to reduce the amount for snowbirds. Mayor Aziz agreed. Baugh stated that a minimum bill with no usage is under \$55; he would have to look into why Mr. Burak was quoted \$70.

Councilor Grizzle pointed out that the significant number of requests like this for homes that are vacant or for sale. Baugh agreed that there are other situations where customers will want this reduction; it can snowball if the City is

not careful. Councilor Bolen stated that the intent is that these are good customers who pay their bill on time.

A brief discussion ensued about staff bringing a report back for Council review. Councilor Grizzle commented that some customers may not come in to ask about this so it may be more helpful to look for a pattern in the bills. Baugh agreed that it may be hard to get that estimate.

Tom Cordier, 2240 NW Park Terrace, Albany, stated that he believes CenturyLink is abusing their franchise agreement with the City. He submitted a photo of the lot he is building on and a copy of his emails with CenturyLink, who agree that their pedestal is in an improper location, but the cost is \$3,500 to move it two feet. The PUC determined that they cannot require a price reduction even if Mr. Cordier does the trench work himself.

He added that the City receives about \$40,000 from the franchise agreement. He asked that the City use this working relationship to assist with deferring at least part of the cost. Marks stated that the City's legal counsel will review the franchise agreement to find out legal capabilities.

Councilor Grizzle apologized to Mr. Cordier for not speaking before the meeting. She did not get through to a voicemail when she called.

REGULAR SESSION

1) Approving a Linn County IGA and Road Transfer (Russell Drive)

Whitlatch presented staff's recommendation to approve the resolution and Russell Drive/River Road jurisdictional transfer intergovernmental agreement with Linn County, who will be contributing up to \$1.25 million for improvements. The IGA jurisdiction change also includes portions of Willow and Taylor Streets for the Porter Park community gardens project.

City Attorney Kennedy read the title of RESOLUTION NO. 2016-30. ***Councilor Elliott moved, Councilor Bolen seconded, to APPROVE RESOLUTION NO. 2016-30, A RESOLUTION SURRENDERING JURISDICTION OF CERTAIN COUNTY ROADS. The motion passed unanimously.***

2) Approving a Resolution Notifying Citizens that Discrimination is Prohibited by the Fair Housing Amendments Act

As part of the 2016 Community Development Block Grant application, Baugh presented resolutions for the next four agenda items. The first notifies citizens that discrimination is prohibited by the Fair Housing Amendments Act. A sub-agreement for Willamette Neighborhood Housing Services to manage the grant will later be signed.

Councilor Furlow asked why these resolutions are required each time the City applies for this grant. Baugh indicated that new requirements for federal grants are always added.

Kennedy read the title of RESOLUTION NO. 2016-31. ***Councilor Bolen moved, Councilor Furlow seconded, to APPROVE RESOLUTION NO. 2016-31, A RESOLUTION TO NOTIFY ALL CITIZENS THAT DISCRIMINATION IS PROHIBITED BY TITLE VIII OF THE FEDERAL FAIR HOUSING AMENDMENTS ACT OF 1988. The motion passed unanimously.***

3) Adopting a Housing and Urban Development Section 3 Plan

Baugh stated that this resolution adopts a Housing and Urban Development Section 3 Plan, which provides a guide to Section 3 requirements for community development and housing assistance projects via CBDG funds or other funds issued by HUD.

Kennedy read the title of RESOLUTION NO. 2016-32. **Councilor Grizzle moved, Councilor Bolen seconded, to APPROVE RESOLUTION NO. 2016-32, A RESOLUTION TO ADOPT THE SECTION 3 PLAN TO COMPLY WITH 24 CFR, PART 135 OF THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 3. The motion passed unanimously.**

4) Adopting a Limited English Proficiency Policy and Language Access Plan

Baugh explained that this resolution adopts a Limited English Proficiency (LEP) Policy and Language Access Plan to ensure that persons with LEP not be discriminated against nor be denied meaningful access to, and participation in, the programs and services provided. Because the City determined that each LEP population is currently below both 5% and 1000 individuals, translated vital documents are not required at this time.

Kennedy read the title of RESOLUTION NO. 2016-33. **Councilor Furlow moved, Councilor Elliott seconded, to APPROVE RESOLUTION NO. 2016-33, A RESOLUTION TO ADOPT THE LIMITED ENGLISH PROFICIENCY POLICY AND LANGUAGE ACCESS PLAN. The motion passed unanimously.**

5) Adopting a Policy Regarding Nondiscrimination on the Basis of Handicapped Status

Baugh stated that this resolution adopts a policy regarding nondiscrimination on the basis of handicapped status and establishing a grievance process for complaints of alleged discrimination based upon disability.

Kennedy read the title of RESOLUTION NO. 2016-34. **Councilor Bolen moved, Councilor Fisher seconded, to APPROVE RESOLUTION NO. 2016-34, A RESOLUTION ADOPTING A POLICY REGARDING NONDISCRIMINATION ON THE BASIS OF HANDICAPPED STATUS AND ESTABLISHING A GRIEVANCE PROCEDURE FOR COMPLAINTS OF ALLEGED DISCRIMINATION BASED UPON DISABILITY. The motion passed unanimously.**

6) City Manager's Report – Marks provided updates:

League of Oregon Cities City Hall Week – At this event, the LOC representative spoke about legislative priorities for 2017 – property tax finance reform, restoring recreational immunity, transportation funding, and PERS reform. Representative Sherrie Sprenger also spoke about Tax Measure 97.

Academy Square Gazebo – More than 200 people attended the ribbon cutting held last night.

Homelessness Initiative – Expert Dr. Robert Marbut spoke with social service agency representatives, City staff and the homeless and will be returning for the summit at Boulder Falls Inn on October 27, 2016. He will assess Lebanon's homeless population and tailor strategies to more effectively address this issue.

Goal Setting Session – With it being an election year, the session was tentatively planned for February 22, 2017 (after seating of the new Council).

ITEMS FROM COUNCIL

Councilor Elliott asked for an update on the totem pole. Marks stated that he had to take a break from working on it, but he hopes to have it done for the Strawberry Plaza ribbon cutting. Responding to Councilor Furlow's question, Marks indicated that the finished totem pole will contain about 90% of the original material.

Mayor Aziz reminded the Councilors to call him, Marks or City Clerk Kaser if they are unable to attend a meeting.

Mayor Aziz announced that the grand opening for the LBCC Innovation and Heavy Transportation Building's second and third phases will be held on October 20th at the Oak Street facility. The Council is invited to a VIP reception and tour from 10:00-11:00 a.m. There will be a public presentation at 11:15 a.m. and a luncheon.

The Chamber of Commerce will hold a Q&A public forum on recreational marijuana dispensaries in Lebanon. It will tentatively be held on October 25th from 5:30-7:00 p.m. at the River Center.

Mayor Aziz spoke about a thank you letter complimenting Gill's Landing RV Park and commended Maintenance Services Director Williams, his crew and the park hosts.

PUBLIC COMMENTS – *There were none.*

ITEMS FROM PRESS – *There were none.*

NEXT SCHEDULED COUNCIL MEETING(S)

- October 12, 2016 (6 p.m.) Regular Session
- November 9, 2016 (6 p.m.) Regular Session

ADJOURNMENT

Mayor Aziz adjourned the meeting at 7:13 p.m.

[Minutes prepared by Linda Kaser & Donna Trippett]

Minutes Approved by the Lebanon City Council on this 12th day of October 2016.



Paul R. Aziz, Mayor

Bob Elliott, Council President

ATTESTED:


Linda Kaser, City Clerk