

**LEBANON CITY COUNCIL  
MINUTES  
September 9, 2020**

**Council Present** Mayor Paul Aziz, Councilors Robert Furlow, Rebecca Grizzle, Karin Stauder and Michelle Steinhebel

**Staff Present** City Attorney Tré Kennedy, Interim City Manager/Engineering Director Ron Whitlatch, City Recorder Kim Scheafer, Police Chief Frank Stevenson, Community Development Director Kelly Hart, Finance Director Matt Apken and Systems Engineer Andy Roy

**CALL TO ORDER** Mayor Aziz called the electronic meeting to order at 6:00 p.m. using Zoom web conferencing due to the COVID-19 pandemic.

**ROLL CALL** Councilors Bolen and Rieskamp were absent.

**CONSENT CALENDAR** Councilor Grizzle moved, Councilor Stauder seconded, to approve the Consent Calendar as presented. The motion passed unanimously.

<b><u>AGENDA</u></b>	Lebanon City Council Agenda – September 9, 2020
<b><u>BOARD MINUTES</u></b>	Planning Commission – July 15, 2020
<b><u>COUNCIL MINUTES</u></b>	August 5, 2020 Special Session and August 12, 2020 Regular Session

**PROCLAMATIONS**

Mayor Aziz read the proclamations declaring September 16 to be American Legion Day, September 17-23 to be Constitution Week, and October 4-10 to be Fire Prevention Week. He thanked all first responders for their hard work on the wildfires. He also proclaimed October 6 to be National Night Out. Police Chief Stevenson shared that the Police will be visiting neighborhoods this year, instead of gathering for a huge event.

**PUBLIC COMMENTS**

Mayor Aziz read an update from the Lebanon Downtown Association.

**PUBLIC HEARING**

**1) Annexation A-20-05**

Mayor Aziz opened the Public Hearing at 6:12 p.m. City Attorney Kennedy said that format of the hearings was noticed. Written testimony and requests to speak were asked for ahead of time. Community Development Director Hart indicated that no written testimony was submitted, nor were there any requests to speak regarding the hearings. Kennedy went over quasi-judicial hearing procedures. There were no declarations of ex parte contact or conflicts of interest by any Council member. There were no submitted objections to the notice sent out in this case or to the jurisdiction of this body to hear and consider this case.

Hart requested Council approval of an annexation request for 0.72-acre property at 2120 Stoltz Hill Road. The 107-foot portion of Stoltz Hill Road along the front of the property would also be annexed into the City as part of this proposal. The land is located within the Lebanon urban growth boundary and is adjacent to City limits. The subject property is improved with an existing single-family residence and a detached structure. City sewer, water and storm

drainage are available in Stoltz Hill Road. Upon annexation, the applicant intends to extend services across the length of the property. There is no development included as part of the application. The applicant accepts the automatic zoning designation of the Residential Mixed Density zone upon annexation.

Hart reiterated that no comments were received. *Mayor Aziz closed the Public Hearing at 6:17 p.m.* Kennedy read the title of ORDINANCE BILL NO. 2020-11, ORDINANCE NO. 2951. ***Councilor Stauder moved, Councilor Grizzle seconded, to APPROVE ORDINANCE BILL NO. 2020-11, ORDINANCE 2951, A BILL FOR AN ORDINANCE ANNEXING AND ZONING PROPERTY FOLLOWING CONSENT FILED WITH THE CITY COUNCIL BY LANDOWNERS IN SAID AREA PURSUANT TO ORS 222.120 AND ORS 222.170. FILE A-20-05; ROSS LATIMER. The motion passed unanimously.***

## **REGULAR SESSION**

### **2) Adoption of Cyber Security Policy**

Finance Director Apken requested Council approval of a Cyber Security Policy, which is required for cyber security insurance through Citycounty Insurance. The policy must be in place by October 1, 2020.

Mayor Aziz recommended two changes to the policy on pages 5 and 11. Page 5 – He felt that system access should be removed immediately or within 24 hours (and not within 30 days). Systems Engineer Roy said that staff intended to change the wording to “immediately.” Page 11 – Mayor Aziz felt that notification of an electronic or physical security incident should include the Mayor and City Manager. Roy said that he did not see a reason why this could not be changed as well.

***Councilor Grizzle moved, Councilor Furlow seconded, to APPROVE THE CYBER SECURITY POLICY WITH THE SUGGESTED CHANGES. The motion passed unanimously.***

### **3) Correction on Subdivision Fees on Fee Schedule**

Apken explained that there was a transposition error for subdivision plat fees that was approved by Council in August. The fee for a tentative plat should be \$1,500 and \$750 for a final plat. This follows the payment structure from prior years where the tentative plat is a higher fee than the final.

***Councilor Grizzle moved, Councilor Stauder seconded, to APPROVE A CORRECTION ON SUBDIVISION FEES ON THE FEE SCHEDULE ADOPTED ON AUGUST 12, 2020. The motion passed unanimously.***

### **4) Utility Billing Update Due to COVID-19**

Apken reminded everyone that sending out notices and making phone calls to past due customers were discussed at the last meeting. Letters have been sent out but the phone calls have not yet occurred. The amount past due, for 379 accounts, increased about \$10,000 in the past month. Other cities have either restarted doing lock-offs or plan to by the beginning of October. Most cities are flexible with payment options. There are no other revenue sources that the City can use to help customers at this time. He recommended restarting lock-offs in October with flexible payment options.

Councilors Stauder and Grizzle said that residents they spoke to feel that paying utilities is a responsibility and are encouraging the City to move forward. A payment plan can be worked out because it is hard to catch up if getting further and further behind. They are in favor of starting lock-offs; customers must contact the City and make arrangements in an effort to get caught up. Mayor Aziz agreed and said that the City needs to keep up with this since the majority of these accounts have a history of being past due.

Councilor Steinhebel stated that, because of COVID and the importance of having access to clean water, she still

prefers that the City not resume water lock-offs but she understands the City's position and its responsibility to residents to be fiscally responsible. Councilor Furlow agreed and said that he would not want to see water shut off for anyone making an attempt at a relationship with the City.

**Council consensus was to RESUME LOCK-OFFS IN OCTOBER.** Mayor Aziz asked that the phone and letter notifications get sent out before lock-offs.

Councilor Steinhebel asked if a bill must be paid in full to be reconnected. Apken said that Lebanon will likely handle it similarly to other cities who are allowing customers to make some payment to reconnect and then set up a payment plan. They would make that payment plus the current bill. Reconnection should occur as soon as something can be worked out with the City.

#### **5) Refinance R56200 Wastewater DEQ Loan**

Apken requested approval of a resolution allowing for refinancing of the DEQ R56200 loan for a savings of about \$30,000.

Kennedy read the title of RESOLUTION NO. 2020-19. **Councilor Grizzle moved, Councilor Stauder seconded, to APPROVE RESOLUTION NO. 2020-19, A RESOLUTION AUTHORIZING THE ISSUANCE AND NEGOTIATED SALE OF A FULL FAITH AND CREDIT FINANCING AGREEMENT AND NOTES TO REFINANCE OUTSTANDING OBLIGATIONS OF THE CITY; DESIGNATING AN AUTHORIZED REPRESENTATIVE, FINANCIAL ADVISOR, AND SPECIAL COUNSEL; AND RELATED MATTERS. The motion passed unanimously.**

#### **6) Approval to Award Owner's Representative and Administrative Oversight Contract for Westside Interceptor Phase V**

Interim City Manager/Engineering Director Whitlatch asked that Council pass a motion approving the \$122,000 Owner's Representative and Administrative Oversight Contract with David Evans and Associates for the Westside Interceptor Phase V Project. Staff is proposing to send out a Construction Manager/General Contractor Request for Proposals later this year to be prepared for the 2021 construction season. This process will require an exemption from public bidding and will likely be brought back to Council for approval later this fall.

**Councilor Stauder moved, Councilor Furlow seconded, to APPROVE THE OWNER'S REPRESENTATIVE AND ADMINISTRATIVE OVERSIGHT CONTRACT WITH DAVID EVANS AND ASSOCIATES FOR THE WESTSIDE INTERCEPTOR PHASE V PROJECT. The motion passed unanimously.**

#### **7) Update on Wastewater Treatment Plant Operational Transition**

Whitlatch provided an update on the Wastewater Treatment Plant operational transition after termination of the Jacobs, Inc. contract.

- The City will be offering temporary employment to five staff members currently operating and maintaining the WWTP that were laid off by Jacobs as of August 31, 2020. The 30-day temporary agreement allows City staff to prepare permanent job descriptions and evaluate the overall number of personnel needed for operations.
- The City entered into a three-month contract with James Allred to be the Designated Person in Charge of the plant. He will also act as the interim supervisor until a recruitment for a permanent position can be filled.
- Operational changes will likely be implemented based on the recommendations of the technical expert team and Mr. Allred.
- The Cannibal system has been turned off; the aerobic digester is being used.

- City staff will be performing various maintenance projects at the WWTP over the next several months. Some collections system capital funds will be held aside until more information is gathered about equipment. Councilor Grizzle asked if these are things that would have had to be replaced anyway or if these are things that Jacobs should have informed the City was broken. Whitlatch said that pumps eventually break but there are non-operational valves that appear not to have been exercised or taken care of. The plant is old and staff should be putting more into keeping pumps current.
- Staff is currently working on extending the IGA with the City of Albany to take solids from Lebanon, should it be needed.
- City IT staff is getting the needed software/hardware in place for the change in operation.

In response to Mayor Aziz's question, Whitlatch briefly spoke about the aerobic digester process and solids disposal.

Whitlatch confirmed that Maintenance Director Jason Williams is currently overseeing things but Mr. Allred will be the supervisor once things are in place.

**8) City Manager's Report** – Whitlatch provided updates:

- He met with the Lebanon Fire Chief, Sweet Home Fire Chief and the Sweet Home City Manager regarding an emergency management position that serves the group's needs.
- The Cheadle Lake parking lot was opened for those evacuating to park their vehicles or trailers.
- Bank transaction fees (except utilities) for credit card payments will be passed on to customers. A disclosure will be put on the City Fee Schedule.

**ITEMS FROM COUNCIL**

The Mayor and Council expressed their appreciation to Whitlatch for his leadership as Interim City Manager.

Councilor Stauder asked whether the Council had comments regarding the USS Oregon letter they received. Mayor Aziz said that, even though he likes the Navy, he does not think the City should spend City funds on this. Councilor Steinhebel agreed and said that Councilors could support it individually.

Councilor Steinhebel thanked Police Chief Stevenson for including in his report the one use-of-force incident.

Mayor Aziz asked that people keep police and fire department phone lines free for serious issues. He reminded everyone to be prepared because the fires are still spreading. Dispelling a rumor, he stressed that Lebanon is not under an evacuation order.

**PRESS COMMENTS** – There were none.

**NEXT SCHEDULED COUNCIL MEETING(S)** – September 23, 2020 (6:00 p.m.) Special Meeting

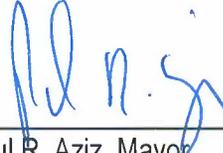
*The Council recessed and convened into Executive Session at 7:12 p.m.*

**EXECUTIVE SESSION** – *Per ORS 192.660(2)(h) To consult with counsel concerning the legal rights and duties of the public body with regard to litigation or litigation likely to be filed.*

**ADJOURNMENT** – Mayor Aziz adjourned the meeting at 7:53 p.m.

*[Minutes prepared by Donna Trippett]*

Minutes Approved by the Lebanon City Council on  
this 14<sup>th</sup> day of October 2020.



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Paul R. Aziz, Mayor   
Jason Bolen, Council President

ATTESTED:



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Kim Scheafer, MMC, City Recorder