

CITY of LA GRANDE

City Council Regular Session

March 2, 2016

6:00 p.m.

Council Chambers
La Grande City Hall
1000 Adams Avenue

MINUTES

COUNCILORS PRESENT:

Stephen E. Clements, *Mayor*
Gary Lillard, *Mayor Pro Tem*
John Bozarth, *Councilor*
Wayne Brown, *Councilor*
John Lackey, *Councilor*
Troy Pointer, *Councilor*
Justin Rock, *Councilor*

COUNCILORS ABSENT EXCUSED:

STAFF PRESENT

Robert Strobe, *City Manager*
Angelika Brooks, *City Recorder*
Kayla Nichols, *Assistant to the City Manager*
Mike Boquist, *City Planner*
Brian Harvey, *Police Chief*
Christine Jarski, *Economic Development Director*
Norm Paullus, *Public Works Director*
Stu Spence, *Parks and Recreation Director*

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ ROLL CALL/AGENDA APPROVAL

Mayor CLEMENTS called to order this Regular Session of the Council at 6:00 p.m. Roll Call was taken and a quorum was determined to be present.

City Recorder BROOKS listed the material on the dais this evening: Rules of Order for Public Hearing for the Sidewalk LID and Councilor Lillard provided material regarding the B2H Power Line.

CONSENT AGENDA

- a. **Consider:** Approval of Regular Session Minutes;
February 3, 2016
- b. **Consider:** Veterans' Memorial Pool Agreement;
La Grande High School

LACKEY requested that Item "b", *Consider: Veterans' Pool Agreement; La Grande High School* of the Consent Agenda be moved to Item "g" under New Business, as he had further questions regarding the topic.

The following Motion was introduced by LACKEY; BROWN providing the Second:

MOTION

MOTION: I move that we accept the Consent Agenda as amended.

VOTE

MSC. (unanimous)

PUBLIC COMMENTS

None

PUBLIC HEARINGS

- a. Ordinance:** First Reading; *Establishing a City Wide Voluntary Sidewalk Improvement District, LID 15-061*

RULES OF ORDER

Mayor CLEMENTS opened the Public Hearing at 6:04 p.m. and asked the City Recorder to read the Rules of Order in their entirety.

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Norm PAULLUS, *Public Works Director*

PAULLUS stated that the Council established a City Wide Voluntary Sidewalk Local Improvement District for the year 2015 during the February 4, 2015, Regular Session. The sidewalk Local Improvement District offers property owners a way to improve their property and maintain existing sidewalks. This contract assisted in facilitating sidewalk repair work upon property owner request.

PAULLUS stated that the 2015 Voluntary Sidewalk Local Improvement District Number 15-060 ended December 31, 2015, with the total cost of projects repaired under the LID being \$15,188.10. Staff monitored approximately 3,500 square feet of sidewalk repairs throughout La Grande during 2015, with many property owners hiring contractors or completing the repairs themselves.

Council accepted the Final Study and Report during the February 4, 2015, Regular Session.

PUBLIC TESTIMONY

None

COUNCIL DISCUSSION

A brief discussion was held regarding the Americans with Disabilities Act (ADA) compliance for corner lot properties.

Mayor CLEMENTS closed the Public Hearing at 6:07 p.m.

At the Mayor's request, the City Recorder Read the Proposed Ordinance for the First Time by Title Only as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, ESTABLISHING THE

FINAL ASSESSMENTS TO THE PROPERTY DETERMINED TO BE SPECIFICALLY BENEFITED BY THE 2015 CITY WIDE VOLUNTARY SIDEWALK LOCAL IMPROVEMENT DISTRICT NUMBER 15-060; AND DECLARING AN EFFECTIVE DATE

Mayor CLEMENTS announced that the Second Reading by Title Only of the proposed Ordinance and Council vote was scheduled during the Council's Regular Session on April 6, 2016.

UNFINISHED BUSINESS

None

NEW BUSINESS

- a. **Consider:** Resolution; *Abatement Lien on 1601 Seventh Street*

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Mike BOQUIST, City Planner

BOQUIST stated that in April 2015, 1601 Seventh Street experienced a catastrophic fire that caused significant damage to the dwelling on the property. The dwelling was deemed condemned by the Building Official and Fire Chief. After no action was taken by the property owner to clean up the property and address the hazardous conditions that existed, a public hearing was held before the City Council, where on July 8, 2015, the Council ordered the Building Official to proceed with the abatement and clean-up of the property pursuant to Public Nuisance Ordinance 3002, Series 2002, and enforcement Ordinance 3217, Series 2014. The scope of work for the abatement included (1) the removal of asbestos; (2) removal of the dwelling and foundation; (3) removal of all outdoor storage and misc. debris; and, (4) leveling the site and reseeding with grass. The total cost for abatement amounted to \$45,576 and was completed in September 2015.

BOQUIST stated that in October 2015, subsequent to completing the abatement, the property owner moved back onto the property and established at least three (3) tent camping sites in violation of the City's Public Nuisance and Land Development Code Ordinances. Within a relatively short time period, the property returned to blight conditions and City Staff arranged for a Court Order from the Union County Circuit Court for the property to be vacated and brought into compliance with City Ordinances. In December 2015, in response to the Court Order, the property owner vacated the property and removed most of the outdoor storage. Five (5) City Staff members (Public Works, Police, and Planning) volunteered to perform the remaining cleanup which resulted in a \$13.00 charge for waste disposal.

BOQUIST noted that the property owner was billed for the abatement performed and was given thirty (30) days to arrange payment of the \$47,589 due. The thirty (30) day time period was expired and the property owner had not paid the abatement costs or contacted the City regarding the invoice. As a result, Staff was requesting the City Council pass the proposed Resolution assessing the costs to the property via a lien. The cost for recording the lien with the Union County Clerk would be added to the total cost of the lien, as will the cost of releasing the lien. The liens shall bear interest at the current statutory interest rate of eight percent (8%) until paid in full.

A brief discussion was held regarding the actuality of being able to collect on the lien.

PUBLIC COMMENT

None

COUNCIL DISCUSSION

None

MOTION

The following Motion was introduced by BOZARTH; POINTER providing the Second:

MOTION: I move that the proposed Resolution establishing a lien for failure to pay the costs of abating a nuisance on property located at 1601 Seventh Street be Read by Title Only, Put to a Vote and Passed.

COUNCIL DISCUSSION

None

At the Mayor's request, the City Recorder Read by Title Only the Proposed Resolution, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, ESTABLISHING A LIEN ON REAL PROPERTY FOR FAILURE TO ABATE A DANGEROUS BUILDING AND NUISANCES [4717]

VOTE

MSC. (unanimous)

b. **Consider:** Accepting Application/Resolution;
Right-of-way Vacation Request, Youth for Christ

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Mike BOQUIST, *City Planner*

BOQUIST stated the request was to vacate the North ten feet (10') and the "J" Avenue right-of-way between Second Street and Third Street, reducing the overall width from eighty feet (80') wide to sixty feet (60') wide.

BOQUIST noted that the Applicant was encouraged to extend the vacation area to Fourth Street, which City Staff recommended as a more desirable and uniform segment. However, the Applicant was unable to obtain the required signatures of consent from some property owners and thus, reduced the request to the proposed one block length.

BOQUIST stated that the Applicant had received signatures of consent from approximately 85% of the affected property owners of the proposed vacation area. State Law requires signatures of consent from a minimum of two-thirds (2/3) or 66.6% of the affected property owners. The request meets State Law requirements. If the City Council were to find this request to be valid and accepted the Vacation Petition, the request would be referred to the Planning Commission for a Public Hearing and a recommendation during its April 12, 2016, Regular Session. This request would then be scheduled for consideration by the City Council during the May 2016 and June 2016, Regular Sessions.

In response to LACKEY's question, BOQUIST stated that the property was a small lot and the property owner(s) needed the additional ten feet (10') to accommodate building setbacks.

PUBLIC COMMENT

None

COUNCIL DISCUSSION

None

MOTION

The following Motion was introduced by LILLARD; POINTER providing the Second:

Motion: I move that the proposed Resolution Initiating Vacation Proceedings and Establishing a Public Hearing Date be Read by Title Only, Put to a Vote and Passed.

COUNCIL DISCUSSION

None

At the Mayor's request, the City Recorder Read by Title Only the Proposed Resolution, together with that portion of Resolution Establishing the Public Hearing Date as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, ACCEPTING A PETITION FOR THE VACATION OF THE NORTH TEN FEET (10') AND THE SOUTH TEN FEET (10') OF "J" AVENUE, LYING BETWEEN SECOND STREET AND THIRD STREET; AND ESTABLISHING A PUBLIC HEARING DATE ON APRIL 12, 2016. [4718]

VOTE

MSC. (unanimous)

c. Consider: Resolution; *Annexation of 903 Lake Avenue, Fincher*

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Mike BOQUIST, *City Planner*

BOQUIST stated that the subject property, 903 Lake Avenue, is located within the City of La Grande Urban Growth Boundary and the property owner had requested annexation into the City of La Grande in exchange for receiving City sewer services. The subject property was currently served with a private septic system. The property owner was in the process of remodeling the dwelling on the property and desired to update the plumbing, abandon the septic system and connect to the City sewer.

BOQUIST noted that the property was contiguous to the City Limits and there were no known conflicts with satisfying this request. In accordance with Oregon Revised Statutes 222.125, for this request to be approved by Resolution, the request must include 100% property owner consent(s) and consent from the majority of the electors. If these requirements were met, the legislative body (City Council) may "proclaim the annexation" by Resolution. This request included a statement of consent from the sole property owner, Steve Don Fincher, who resides on this property and represents 100% of the owners and the majority of the electors. This request met the requirements of ORS 222.125.

PUBLIC COMMENT

None

COUNCIL DISCUSSION

None

MOTION

The following Motion was introduced by BROWN; BOZARTH providing the Second:

Motion: I move that the proposed Resolution annexing property located at 903 Lake Avenue and removing said property from the La Grande Rural Fire Protection District be read by title only, put to a vote, and passed.

COUNCIL DISCUSSION

None

At the Mayor's request, the City Recorder Read by Title Only the Proposed Resolution, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, DECLARING CERTAIN TERRITORY ANNEXED TO THE CITY OF LA GRANDE, OREGON; SPECIFICALLY, PROPERTY AT 903 LAKE AVENUE AND THE ADJACENT LAKE AVENUE RIGHT-OF-WAY, T2S, R38E, SECTION 31DD, TAX LOT 1300; AND

**REMOVING SAID PROPERTY FROM THE LA GRANDE
RURAL FIRE PROTECTION DISTRICT [4719]**

VOTE

MSC. (unanimous)

**d. Consider: City Manager's Top Priorities;
Fiscal Year 2016-2017**

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Robert STROPE, *City Manager*

STROPE stated that the City Council, City Manager and Department Directors participated in the Council/Agency Annual Goal Setting Retreat on Monday, February 1, 2016. During this Session, goals and priorities for Fiscal Year 2016-2017 were identified and discussed in preparation for developing the proposed Budget for the next Fiscal Year. Those goals and priorities were included in the Council Retreat 2016 Topics/Sequence and were as follows:

- **Fiscal management:** Continue to manage the City's finances within limited resources to provide highest possible level of service to the City of La Grande. Implement the recommendations of the Fiscal Committee.
- **Economic Development:** Continue to implement the Urban Renewal Plan and economic development strategy presented to the City Council/Urban Renewal Agency in November, 2016.
- **Urban Renewal Review Committee:** Assist with the Agency appointed Urban Renewal in the City of La Grande.
- **Library Special District:** Explore the feasibility of creating a Library Special District to serve Union County.
- **Gas Tax:** Develop a proposed ballot measure to place before the voters to implement a Gas Tax to improve the transportation system in the City of La Grande.
- **Quiet Zone:** Develop a recommendation for the City Council's consideration regarding the creation of a whistle free zone.
- **City Council Training:** Develop a training and continuing education plan for the City Councilors.

STROPE noted that as in previous years, the Council's Goals were reflected as the City Manager's top Priorities.

In response to LACKEY's question, STROPE stated that it would be the City's intent to put in place for the FY 2016 – 2017 Budget for the Budget Committee and ultimately the City Council and Urban Renewal Agency for consideration, an under levy that would maximize the dollars that would

come to the City's General Fund with a target of maintaining an ending fund balance in Urban Renewal of \$250,000. The projections that were discussed with the Fiscal Committee were that the General Fund would have an increase of over \$400,000 in revenue in the first Fiscal Year.

PUBLIC COMMENT

None

COUNCIL DISCUSSION

None

MOTION

The following Motion was introduced by LILLARD; BOZARTH providing the Second:

Motion: I move that the City Council Goals/City Manager's Top Priorities for Fiscal Year 2016-2017 as discussed during the Annual Council Retreat on February 1, 2016, be adopted as presented.

COUNCIL DISCUSSION

None

VOTE

MSC. (unanimous)

STROPE noted that it was his intent to compose a letter to the Union County Board of Commissioners, requesting money for the Library. Included in the request would be the City's intent to explore the formation of a Library Special District.

e. **Consider:** Resolution; *Amend Resolution Number 4648, Administrative Fees*

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Robert STROPE, *City Manager*

STROPE stated that various Department Directors requested amendments to Resolution 4648, Series 2012, which establishes certain administrative fees and enforcement penalties, to increase, add and delete certain fees.

STROPE noted that an electronic version of Resolution Number 4648 was not available for editing; therefore, instead of a legislative version, the proposed Resolution, along with a copy of Resolution 4648, Series 2012, with the deleted or altered items highlighted in pink, were provided in the Staff Report; a copy of which is now a permanent document in the master file for this Regular Session and by this reference incorporated herewith as if fully set forth. Items which were added include fees for: Fire Reports, False Fire Alarms; Building Board of Appeals Application; False Alarms to which Police respond, and additional Police fees.

A brief discussion was held regarding new fees that were being added to the resolution.

CLEMENTS noted, and confirmed with Chief Harvey, a correction to the proposed Resolution to the City Police Impound fee which read \$0.00, but should read \$100.00.

PUBLIC COMMENTS

None

COUNCIL DISCUSSION

In response to LACKEY's question, STROPE stated he would double check on the Building Department fees for City Residents versus Union County Residents.

MOTION

The following Motion was introduced by LACKEY; POINTER providing the Second:

Motion: I move that the Proposed Resolution amending Resolution Number 4648, Series 2012, establishing certain administrative fees and enforcement penalties be Read by Title Only, Put to a Vote and Passed, with the inclusion of the \$100.00 Impound Fee.

COUNCIL DISCUSSION

None

At the Mayor's request, the City Recorder Read by Title Only the Proposed Resolution, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, ESTABLISHING CERTAIN ADMINISTRATIVE FEES AND ENFORCEMENT PENALTIES FOR THE CITY OF LA GRANDE, UNION COUNTY, OREGON; REPEALING RESOLUTION NUMBER 4648, SERIES 2012; AND ALL OTHER RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH [4720]

VOTE

MSC. (unanimous)

f. Consider: Appointing Citizens to Various Committees/ Commissions; *Library Advisory Commission*

STAFF REPORT

Mayor CLEMENTS supplied the Staff Report

The Library Advisory Commission had one vacancy, the remainder of a four-year term. The only applicant for this vacancy was Michael Shearer, who had been serving on the Commission and whose term had expired.

The following motion was introduced by CLEMENTS; LILLARD providing the Second:

MOTION

Motion: I move that Michael Shearer be appointed to the Library Commission for the remainder of a four-year term, expiring on December 31, 2019.

VOTE

MSC. (unanimous)

h. Consider: Veterans' Memorial Pool Agreement;
La Grande High School

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Stu SPENCE, *Parks and Recreation Director*

SPENCE stated that the current agreement between the City of La Grande and the La Grande High School Swim Team expired on December 31, 2014. Staff met with representatives from La Grande High School and developed the proposed Agreement for the swim seasons of 2015-16; 2016-17; 2017-18 swim seasons.

SPENCE noted that the major change was the method by which the Swim Team would be billed. Currently, they were billed a flat fee for the swim season. The new agreement stated that the Swim Team would be billed \$3.50 per hour for each lane they use instead. This aligned with the district's agreement with the private La Grande Swim Club and would result in increased revenue.

SPENCE stated that the contract indicated the number of lanes authorized for the Swim Team to use during their swim time; however, if their enrollment indicated all of the reserved lanes were not needed, they had the option of reducing the number in writing and lowering their fees for that period. This provided increase in flexibility for the team.

Other changes include:

- Addition of Appendix B, which highlights swim meet guidelines
- Addition of fee for use of small pool during swim meets, if the temperature was lowered.
- Changes the period of the Agreement from five years to three years.

COUNCIL DISCUSSION

A brief discussion was held regarding responsible parties for providing insurance.

MOTION

The following motion was introduced by BROWN; BOZARTH providing the Second:

Motion: I move to authorize the City Manager to sign the agreement between the La Grande High School Swim Team and the City of La Grande, for the period 2015-16; 2016-17; 2017-18 swim seasons, a three (3) year contract.

COUNCIL DISCUSSION

None

VOTE

MSC. (unanimous)

STAFF COMMENTS

Norm PAULLUS gave a brief update regarding the 20th Street Project. Completion date was scheduled for December 21, 2016. He also updated the Council regarding the 2018 ODOT Upgrade Project to Adams Avenue.

Angelika BROOKS updated the Council on the 2016 City Council Election candidates; Position Number 1-Mayor, Steve Clements and John Bozarth; Position 2, Nicole Howard; Position Number 3, Corrine Dutto; and Position Number 4, Mary Ann Miesner and Blake Galbreath

CITY MANAGER COMMENTS

Robert STROPE, City Manager reminded the Council that an Executive Session would be held at 5:00 p.m. on March 14, 2016 for the OTEC Franchise Agreement. He noted that Councilor Brown would abstain from participating due to his employment with Avista and the potential conflict of interest, as the Franchise Agreement with Avista states that should OTEC's franchise fee be raised, Avista's would match. He noted that the City Hall was installed with a security system along with cameras.

CITY COUNCIL COMMENTS

LILLARD presented informational material regarding the B2H Project. STROPE stated that Norm Paullus was on the Committee for the B2H project and would report back to the Council. PAULLUS then gave an update regarding the Union County Citizen Group's work and recommendation in regards to the location of the line.

Mayor CLEMENTS' congratulated the Girls and Boys Swim Team and thanked the City of La Grande Police Department for escorting the team when they arrived back into town after their competition.

There being no further business to come before this Regular Session of the Council, CLEMENTS adjourned the meeting to the Urban Renewal Agency Regular Session at 6:47 p.m. The Council is scheduled to meet again in Regular Session on Wednesday, April 6, 2016, at 6:00 p.m., in the Council Chambers of City Hall, 1000 Adams Avenue, La Grande, Oregon.

Kayla M. Nichols
Assistant to the City Manager

Stephen E. Clements
Mayor

APPROVED: _____