

CITY of LA GRANDE
City Council Regular Session

August 5, 2015

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 Strope, *City Manager*
Angelika Brooks, *City Recorder*
Kayla Nichols, *Assistant to the City Manager*
Michael Boquist, *City Planner*
Brian Don, *Building Official*
Brian Harvey, *Police Chief*
Kim Hulse, *Finance Director*
Christine Jarski, *Economic Development Director*
Norm Paullus, *Director of Public Works*

**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: Provided by Councilor Lillard was a copy of Doyle Slater's Letter to the Editor from the La Grande Observer newspaper in relation to Agenda Item 7.b.

CONSENT AGENDA

- a. Consider: Approval of Regular Session Minutes;
*July 15, 2015***
- b. Consider: Approval of Regular Session Minutes;
*July 20, 2015***
- c. Consider: Renewal of Professional Services Agreement; *Doug Briney, Municipal Judge***

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

MOTION: I move that we accept the Consent Agenda as presented. **MSC.** (unanimous)

PUBLIC COMMENTS

None

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

a. Consider: Second Reading: *Ordinance Authorizing Building Official to Abate Dangerous Buildings*

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Brian DON, *Building Official*

DON stated that the City adopted Ordinance 2917 which in part provided authority to the Building Official to abate dangerous buildings using the International Conference of Building Officials Uniform Code for Abatement of Dangerous Buildings. The Building Official believed that the proposed Dangerous Building Code provided a better resource to address the ongoing problems in several areas of the City where dangerous buildings have been identified. The proposed ordinance provided for an abatement process to mitigate dangerous and uninhabitable buildings in the City of La Grande. The City Council was also being asked under a separate action to adopt an Ordinance that would replace Ordinance 2917, and acting on this Ordinance would prevent a lapse in coverage.

A First Reading by Title Only of the Proposed Ordinance was conducted during the July 15, 2015 Regular Session of the Council, and the Mayor announced that a Second Reading by Title Only was scheduled during the August 5, 2015 Regular Session. At the July 15, 2015 meeting, Councilor Lackey expressed concerns regarding the language in the Proposed Ordinance and subsequently provided a letter with his specific issues to the City Manager. A copy of the letter, a response from the City Manager and the proposed Ordinance were reviewed by the City Attorney and Building Official and were included 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. Some minor revisions to the Ordinance had been made based on the City Attorney's review.

DON stated that a Resolution with a recommended fee for Appeals of a Dangerous Building Order would be considered by the Council as a separate agenda item.

LACKEY thanked staff for reviewing his questions and corresponding answers to those questions.

PUBLIC COMMENT

None

COUNCIL DISCUSSION

None

MOTION

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

Motion: I move that the City of La Grande Dangerous Building Code be read for the Second Time by Title only, put to a Vote, and Adopted.

COUNCIL DISCUSSION

Mayor CLEMENTS thanked Councilor Lackey for his submittal of questions in relation to the proposed Ordinance.

VOTE

MSC: Unanimous.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, ESTABLISHING PROCEDURE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AND DECLARING AND EFFECTIVE DATE [3224]

VOTE

MSC: Unanimous.

b. Consider: Second Reading; Ordinance Adopting State Codes

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Brian DON, Building Official

DON stated that the City of La Grande adopted Ordinance Number 2917, Series 1997, to adopt the 1997 State of Oregon Specialty Codes, which were now outdated. Since then, the State of Oregon had adopted the ten (10) individual codes referenced in the proposed Ordinance. These codes, which govern new construction in the state, were modified independently on a frequent basis. In order to stay abreast of the most current codes, the proposed Ordinance would adopt all current codes of the State of Oregon, and any subsequent updates to those codes. The proposed Dangerous Building Ordinance, which the Council had reviewed and acted upon earlier this evening, referenced the codes which would be adopted by this proposed Ordinance. Adopting the proposed Ordinance in conjunction with the

proposed Dangerous Building Ordinance would prevent a lapse in coverage.

DON stated that a First Reading by Title Only of the Proposed Ordinance was conducted during the July 15, 2015 Regular Session of the Council and the Mayor announced that a Second Reading by Title Only was scheduled during the Council's August 5, 2015 Regular Session.

PUBLIC COMMENT

None

COUNCIL DISCUSSION

None

MOTION

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

Motion: I move that the proposed Ordinance adopting the City of La Grande Code be Read for the Second Time by Title Only, put to a vote, and adopted.

COUNCIL DISCUSSION

None

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, ADOPTING THE CURRENT AND EACH SUCCESSIVE STRUCTURAL; MECHANICAL; PLUMBING; ELECTRICAL; MANUFACTURED DWELLING INSTALLATION; ENERGY EFFICIENCY; OREGON REACH; OREGON SOLAR; AND FIRE CODE AS ADOPTED BY THE STATE OF OREGON; AND REPEALING ORDINANCE NUMBER 2917, SERIES 1997; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EFFECTIVE DATE [3225]

VOTE

MSC: Unanimous.

c. **Consider:** Second Reading; *Water and Sewer Franchise Fee Ordinance*

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Robert STROPE, City Manager

STROPE stated that the first reading of this Ordinance was conducted at the regular Session of the City Council on July 15, 2015, with no public testimony. On July 15, 2015, the City Council also passed Resolutions approving increases to

Water and Sewer rates which included approving franchise fees for both utilities at 7%.

STROPE noted that the City of La Grande made the decision to begin collecting franchise fees on water and sewer in 2003. The City imposes a franchise fee on all other utilities that use our rights-of-way and was treating the City's utilities in the same fashion. In June of 2010, the City Council passed a Resolution increasing the City's water and sewer franchise fee from 5% to 7% based on the recommendation of the Long Term Budget Solutions Advisory Committee. It was a common practice in Oregon to impose franchise fees on City services.

STROPE stated that questions raised regarding the actions in 2003 to initially begin collecting the franchise fees caused the Staff to ask the attorney who negotiated the Avista franchise agreement to review the City's imposition of the franchise fee and amount. Based on that review, the Staff prepared the proposed Ordinance establishing the franchise fees to replace the Resolution that set the fee at 7%, as an Ordinance was the more appropriate vehicle for such an action. The Ordinance also clarified the City's intent regarding the imposition of such fees in past years. Earlier this year the previous City Council did not adopt the Ordinance, but the need to rectify the situation remains unchanged.

STROPE stated that on a related note, the City had directed Springbrook to revise the City's utility bills to include the franchise fees as a separate entry on the monthly bills to make it more transparent.

In response to BOZARTH's question, STROPE stated that the estimated date for the franchise fee to be printed on the monthly water/sewer bills would be September 2015.

PUBLIC COMMENT

None

COUNCIL DISCUSSION

None

MOTION

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

Motion: I move that the proposed Ordinance establishing a franchise fee be read a Second Time by Title Only, put to a vote, and adopted.

COUNCIL DISCUSSION

None

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

AN ORDINANCE OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, PROVIDING FOR ASSESSMENT OF SEWER AND WATER FRANCHISE FEES; SUPERSEDING AND REPEALING ANY AND ALL ORDINANCES, RESOLUTIONS, AND/OR POLICIES IN CONFLICT HEREWITH; AND DECLARING AN EFFECTIVE DATE [3226]

VOTE

MSC: Unanimous.

NEW BUSINESS

- a.** **Consider:** First Reading; *Ordinance Prohibiting Pre-Sale of Marijuana Product*

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Mike BOQUIST, *City Planner*

BOQUIST stated that on June 30, 2015, the Governor signed into law, HB 3400 which modified portions of Measure 91; and Senate Bill 460, which allowed for the pre-sale of limited marijuana retail product from medical marijuana dispensaries beginning on October 1, 2015, unless the City passes an Ordinance that prohibits such pre-sale.

- **Definition:** “Limited marijuana retail product” means the seed of marijuana; the dried leaves and flowers of marijuana; and, a marijuana plant that is not flowering.”

BOQUIST noted that a Work Session of the City of La Grande City Council was held on July 27, 2015, to discuss Oregon House Bill 3400 and Oregon Senate Bill 460, and it was the consensus of the City Council to proceed with the advertising and consideration of an Ordinance to prohibit the “pre-sale” of limited marijuana retail product beginning on October 1, 2015. Because of the time sensitive nature of this decision, the proposed Ordinance included an emergency clause that would cause the Ordinance to become effective immediately upon its passage. Included in the staff report were copies of materials presented to the City Council during the July 15, 2015, City Council meeting and July 27, 2015, Work Session; 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. Some minor revisions to the Ordinance had been made based on the City Attorney’s review. Following the Council decision on this Ordinance, Staff requested that the Council entertain a discussion about the marijuana “opt out” options.

BOQUIST stated that from the discussion during the Council Work Session regarding Marijuana, it was the Police Chief's recommendation to the Council to refrain from allowing the pre-sale of recreational marijuana until the OLCC had made rules and regulations on recreational marijuana in place,

In response to Mayor **CLEMENTS** question, **STROPE** clarified that the action that was before the Council tonight only related to recreational marijuana presales at medical marijuana facilities that were operational in the City of La Grande at the present time. He also noted that the Opt Out Option was a different issue, and upon the Council's request, the City Manager would bring the Opt Out Option to the Council for consideration at a future Council Meeting.

PUBLIC COMMENT

Daniel POKORNEY, Nichole ROBERTS, Joan SMITH, Robin WORTMAN, Art RHODES, and Brent CLAPP spoke in favor of prohibiting the pre-sale of marijuana by medical marijuana facilities.

Levi EDVALSON, Jose MANUEL, Wilma REYNOLDS, and Rikki BARNES spoke in opposition of prohibiting the pre-sale of marijuana at medical marijuana facilities.

Joan SMITH, spoke again regarding the dangers she believed came from synthetic marijuana.

Levi EDVALSON, rebutted, offering comments regarding the synthetic marijuana industry versus the non-synthetic marijuana industry.

At the request of Mayor **CLEMENTS**, Chief **HARVEY** spoke in regards to the enforcement component of recreational marijuana.

In response to **LILLARD's** question, Chief **HARVEY** stated that enforcement for violations pertaining to the medical marijuana program would be enforced by the Oregon Health Authority.

COUNCIL DISCUSSION

None

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, PROHIBITING THE SALE OF LIMITED MARIJUANA RETAIL PRODUCT FROM MEDICAL MARIJUANA DISPENSARIES AS PROVIDED IN OREGON SENATE BILL 460, 2015 ACT; AND DECLARING AN EMERGENCY

Mayor CLEMENTS announced that the proposed Ordinance was scheduled to be read a Second Time by Title Only during the September 2, 2015 Regular Session of the Council, and considered for Adoption.

In response to BOQUIST's question, the Council requested that the City present a proposed Ordinance at the next Regular Session of the City Council on September 2, 2015 for consideration to opt out of marijuana sales entirely.

**b. Consider: Resolution; Authorizing an Increase
In Appropriations in the Fiscal Year 2015-16
Budget**

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Robert STROPE, City Manager

STROPE stated that during the Fiscal Year 2015 – 2016 Budget Hearings in April 2015, the Budget Committee approved the General Fund Budget with funding for an additional police officer and forwarded the Budget to the City Council for adoption. To fund the position, the Budget Committee reduced a transfer to the General Reserve Fund in the amount of \$200,000. During the City Council Budget Hearing in June 2015, a discussion regarding this action focused on the current shortfall in the Budget and the Council's fiduciary responsibilities. Ultimately the City Council adopted the FY 2015 – 2016 General Fund Budget without the funding for the additional police officer.

STROPE stated that during the July 15, 2015 City Council Regular Session, Councilor Bozarth revived the discussion of funding for an additional police officer. City Manager Strope pointed out that because the Council was aware of this requested transaction during the Budget Committee Hearing, a Supplemental Budget was not an option available to the City Council; however, the City Council could restore the funding by transferring funds from the General Fund's Operating Contingency to the Police Department by Resolution. The City Council voted to direct the City Manager to prepare such a Resolution for consideration at the August 5, 2015, Regular Session of the Council.

PUBLIC COMMENTS

Robin WORTMAN, testified that the City could not afford to have reduction in law enforcement and supported the increase in appropriations in the Fiscal Year 2015-2016 Budget.

Dwight DILL, County Mental Health Director, stated that he supported the increase in law enforcement for mental health

crises. In response to LACKEY's question, DILL stated that the Mental Health cases have substantially increased in the last few years.

Art RHODES, member of the City of La Grande Budget Committee, spoke in regards to the ten (10) to one (1) vote to approve the appropriations in Fiscal Year 2015-2016, for the funding of an additional Police Officer during the Budget Committee Hearings on April 27, 2015, and April 28, 2015; and he stated his concerns regarding the Council not upholding that vote at the June 3, 2015, Regular Session City Council Meeting. He noted that, although he realized that the Council was not required to adhere to the Budget Committee's recommendation, he did not see the point of the Budget Committee if the Council did not follow the recommendation of the Committee.

COUNCIL DISCUSSION

None

MOTION

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

Motion: I move that the Resolution Authorizing an Increase in Appropriations within the Fiscal Year 2015 – 2016, Budget be read by Title Only, voted on and passed.

COUNCIL DISCUSSION

LILLARD presented the Council with a written statement regarding community safety, mental health, and proper use of contingency funds, which further addressed his opposition to the increase in appropriations within the Fiscal Year 2015- 2016, Budget during the Budget Hearings in April.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, AUTHORIZING THE INCREASE IN APPROPRIATIONS WITHIN THE FISCAL YEAR 2015 – 2016, BUDGET [4706]

VOTE

MSC: FOUR of the Councilors present voted in the Affirmative; LILLARD, BROWN & CLEMENTS voting Against.

c. **Consider:** Resolution; Amending Building Fees Resolution

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Brian DON, Building Official

DON stated that earlier in the evening, the Council considered the adoption of an Ordinance establishing the procedure to abate dangerous buildings (Dangerous Building Ordinance). The Dangerous Building Ordinance allowed for appeals of the Building Officials Orders, Decisions and Determinations. The Building Official had recommended an Appeal Fee of \$250.00, which was included in the amended fee schedule attached to the proposed Resolution which repeals Resolution Number 4583, Series 2010. Resolution Number 4583 established a fee schedule and valuation system for building permits, plan reviews, and inspection service. The fee schedule itself was a nine-page document; only page eight, which included the Building Board of Appeals fee, was included with the proposed Resolution under review this evening given no other changes in fees were being proposed; 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.

PUBLIC COMMENT

None

COUNCIL DISCUSSION

None

MOTION

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

Motion: I move that the Resolution Repealing Resolution Number 4583, Series 2010, be Read by Title Only, put to a vote, and passed.

COUNCIL DISCUSSION

None

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, OREGON, ESTABLISHING A FEE SCHEDULE AND VALUATION SYSTEM TO FUND THE BUILDING DIVISION PERMIT, PLAN REVIEW, AND INSPECTIONS SERVICE CENTER; ESTABLISHING A BUILDING BOARD OF APPEALS FEE; REPEALING RESOLUTION NUMBER 4583, SERIES 2010; AND ALL OTHER RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH [4707]

VOTE

MSC. (Unanimous)

d. **Consider:** Appointing Citizens to Commissions;
Arts and Library Advisory Commissions

STAFF REPORT

Steve CLEMENTS, Mayor

MOTION

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

Motion: I move that Jeremy Clark be appointed to the Arts Commission for a three-year term, expiring December 31, 2017.

VOTE

MSC. (unanimous).

MOTION

The following Motion was introduced by CLEMENTS; ROCK providing the Second:

Motion: I move that Kathrine Hartman be appointed to the Arts Commission for the remainder of a three-year term, expiring December 31, 2016.

VOTE

MSC. (unanimous).

MOTION

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

Motion: I move that Crystal Michaels be appointed to the Arts Commission for the remainder of a three-year term, expiring December 31, 2015.

VOTE

MSC. (unanimous).

MOTION

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

Motion: I move that Diana Gleason be appointed to the Library Commission for the remainder of a four-year term, expiring December 31, 2016.

VOTE

MSC. (unanimous).

STAFF COMMENTS

None

CITY MANAGER COMMENTS

Robert Strobe, City Manager expressed condolences, on behalf of the City, to the family of Jonel Ricker on his passing.

A Request for Proposal for a new City Attorney had been sent out to all local law firms. At the present time Steve Joseph would serve as the interim City Attorney. Strobe also noted that on August 31, 2015, a Work Session for the Fiscal Committee had been scheduled. He also noted that tentatively on August 24, 2015, a Work Session was scheduled regarding the Noise Ordinance. Mayor CLEMENTS stated that he would not be available on August 24, 2015, for a Work Session.

CITY COUNCIL COMMENTS

Mayor CLEMENTS stated that he was missing two Council Evaluations for evaluation of the City Manager and requested a Work Session be scheduled in September to discuss the City Manager's Evaluation.

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 7:18 p.m. The Council is scheduled to meet again in Regular Session on Wednesday, September 2, 2015, 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: _____