

CITY of LA GRANDE
City Council Regular Session

January 6, 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*
John Lackey, *Councilor*
Troy Pointer, *Councilor*
Justin Rock, *Councilor*

COUNCILORS ABSENT EXCUSED:

Wayne Brown, *Councilor*

STAFF PRESENT

Robert Strobe, *City Manager*
Angelika Brooks, *City Recorder*
Christine Jarski, *Economic Development Director*
Norm Paullus, *Public Works Director*
Theresa Roberts, *Aquatic Superintendent*

**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: Councilor Lillard provided material regarding the effects legalization of marijuana has had on the Mexican drug cartels.

CONSENT AGENDA

- a. Consider: Approval of Regular Session Minutes;
*December 2, 2015***
- b. Consider: Approval of Liquor License Application;
*Full Off-Premises Sales (with fuel pumps),
Corporation, change of ownership, La Grande
Chevron Food Mart, Inc.***

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

MOTION

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

VOTE

MSC. Five of the Six Councilors present voted in favor; LILLARD abstained from voting due to his absence at the December 2, 2015 meeting.

PUBLIC COMMENTS

None

PUBLIC HEARINGS

a. Ordinance, Second Reading; *Right-of-way Vacation, Clinkenbeard, portions of Crook Avenue and N. Fir Street*

RULES OF ORDER

Mayor CLEMENTS opened the Public Hearing at 6:02 p.m. and stated that the City Recorder read the Rules of Order in their entirety on December 2, 2015.

DECLARATIONS

None

CHALLENGES

There were no challenges to the right of any Councilor to hear the matter.

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Robert STROPE, *City Manager*

STROPE stated that the Applicants, Laura Clinkenbeard and Lee Clinkenbeard, have requested the City of La Grande's consideration of the following described public right-of-way vacation, and as illustrated in Figure 1, as provided to the Council, 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;

- The North ten feet (10') of the Crook Avenue public right-of-way, except the West twenty feet (20') of said right-of-way from the East boundary of Cedar Street, and the South ten feet (10') of the Crook Avenue public right-of-way, lying between North Cedar Street and North First Street, adjacent to Block 26 and 27 of RIVERSIDE ADDITION TO La Grande, Union County, Oregon, according to the recorded plat of said Addition, except those portions adjacent to public alley rights-of-way; and,
- The West ten feet (10') and the East ten feet (10') of the First Street public right-of-way, lying between "Z" Avenue and Crook Avenue, adjacent to Blocks 20 and 26 of RIVERSIDE ADDITION to La Grande, Union County, Oregon, according to the recorded plat of said Addition.
- Also described as being adjacent to Tax Lots 6400, 6401, 6702, 6703, 6800, 6801, 6802, 6804, 6900, 6904, 7800, 7900 and 7901 in Township 3 South, Range 38 East, Section 6AA, City of La Grande, Union County, Oregon.

STROPE stated that since submittal of the application in August 2015, two amendments were added to address comments and concerns expressed by various agencies.

1. La Grande Public Works: The asphalt street surface of the North corner of the North Cedar Street and Crook Avenue intersection was partially located within the proposed vacation area. The approval of the vacation, as proposed, would result in a portion of the developed public street being located on private property. To resolve this conflict the proposed right-of-way vacation on the North side of Crook Avenue, along Block 27, was shortened by twenty feet (20').
2. La Grande Public Works, Avista Utilities and Oregon Trail Electric Cooperative have identified their utility main lines being located within the proposed vacation areas. None of these agencies object to the right-of-way vacation, provided an easement was established and maintained to protect their utility. This easement was addressed in Sections 8 and 9 of the proposed Vacation Ordinance.

The Planning Commission met and held a public hearing to consider this request on November 10, 2015. Other than the applicants, there was no public testimony submitted regarding this request. It was pointed out that the applicants have overwhelming support for this request and have received signatures of consent/support from over 93% of the affected property owners within the proposed vacation area. By unanimous vote, the Planning Commission found this request to meet all applicable City and State requirements, all potential conflicts have been adequately addressed and the Commission recommends approval to the City Council.

The City Council held a public hearing to consider this request during their Regular Session on December 2, 2015. There was no public testimony submitted regarding this request. The proposed Ordinance was read for the First Time by Title Only.

PUBLIC TESTIMONY

None

COUNCIL DISCUSSION

None

MOTION

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

Motion: I move that the proposed Ordinance vacating portions of Crook Avenue between Cedar Street and First

Street; and portions of First Street between "Z" Avenue and Crook Avenue, 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 for the Second Time by Title Only as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, VACATING PORTIONS OF CROOK AVENUE BETWEEN NORTH CEDAR STREET AND NORTH FIRST STREET; AND, PORTIONS OF NORTH FIRST STREET BETWEEN "Z" AVENUE AND CROOK AVENUE; AND DECLARING AN EFFECTIVE DATE [3230]

VOTE

MSC. (unanimous)

UNFINISHED BUSINESS

None

NEW BUSINESS

- a. Consider: Ordinance; *Frontier Communications Franchise***

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Robert STROPE, *City Manager*

STROPE stated that the proposed Ordinance, which was negotiated by City Manager Strope, was presented for reading by title only during the Council's Regular Session of January 6, 2016. This Ordinance was read at the December 9, 2015, Regular Session of the Council, but the required notice to allow for a reading *by title only* was not submitted to the Observer prior to the December meeting as required by City Charter and apologized for the oversight. Staff had submitted the required notice prior to this evening's Session, so the Ordinance may be read by title only this evening.

STROPE noted that Jeremy Green, an attorney with Bryant Lovlien & Jarvis P.C., in Bend, Oregon, developed the draft agreement and provided advice to Mr. Strope during the process. The proposed Agreement was a complete revision of the last Agreement, which brings the language up to date. There were no significant changes to the general provisions from the past agreement. The Franchise Fee remains at seven percent (7%). The previous agreement had expired and needed to be replaced. There have been no unresolved issues and Frontier Communications had been paying the

Franchise Fee on time and had been in compliance with the terms of the former agreement.

Frontier Communications had agreed to the terms of the agreement.

PUBLIC COMMENT

None

COUNCIL DISCUSSION

None

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

AN ORDINANCE GRANTING FRONTIER COMMUNICATIONS NORTHWEST INC., A WASHINGTON CORPORATION, THE RIGHT, PRIVILEGE, AND FRANCHISE TO OPERATE A TELEPHONE AND RELATED COMMUNICATIONS SYSTEM IN, UPON, ACROSS, ABOVE, OVER, AND/OR UNDER THE PUBLIC RIGHT-OF-WAYS WITHIN THE CITY OF LA GRANDE.

Mayor CLEMENTS announced that a Reading by Title Only of the proposed Ordinance and a Council vote will be scheduled during the Council's Regular Session on February 3, 2016.

**b. Consider: Resolution, Amending Resolution 4711;
Creating Advisory Commissions**

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Robert STROPE, *City Manager*

STROPE stated that the City Council last updated the Resolution regarding Advisory Committees and Commissions in October, 2015. At the December 2, 2015, Regular Session, the Council concurred that allowing residents of the City's Urban Growth Boundary (UGB) to serve on the City's Commissions might aid in filling vacancies on the Commissions. Resolution 4711 had language to allow residents in the UGB to serve on several Commissions; this amended Resolution expands that allowance to all City Commissions; the exception being the Budget Committee, which would include only residents of La Grande.

PUBLIC COMMENT

None

COUNCIL DISCUSSION

A brief Council discussion was held regarding terms, membership, and allowing Urban Growth Boundary Residents to serve on the Advisory Committees and Commissions.

MOTION

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

Motion: I move that the proposed Resolution amending Resolution Number 4711, Series 2015, creating Advisory Committees and Commissions within the City of La Grande, Oregon, 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, CREATING ADVISORY COMMISSIONS FOR THE CITY OF LA GRANDE, OREGON; ESTABLISHING MEMBERSHIP, TERMS OF OFFICE, POWERS AND DUTIES; REPEALING RESOLUTION NUMBER 4711, SERIES 2015, AND ALL OTHER RESOLUTIONS OR PORTIONS OF RESOLUTIONS IN CONFLICT HEREWITH AND DECLARING AN EFFECTIVE DATE [4714]

VOTE

MSC. (unanimous)

**c. Consider: Council Committee Assignments;
Calendar Year 2016**

Steve CLEMENTS, Mayor

Typically, Council assignments to Boards, Commissions and Committees established by other agencies or City partners do not require a Motion; but, rather, are based on Councilor preference, discussed and ratified by the full Council and announced by the Mayor during the Council's Regular Session in January of each year.

PROTOCOL: Councilors were provided with a list of Boards/Committees/Commissions to which Councilors are appointed as City Representatives, and were asked to prioritize their top three choices for Representation and their top three choices as Alternates. Their selections were forwarded to the Mayor prior to this evening's Session for determination of selection and adequate coverage.

Should multiple Councilors be interested in the representative or Alternate position for the same assignment, a discussion takes place during the Session to determine the actual Representative or Alternate.

The Council Committee Assignments were made as follows:

Chamber of Commerce Board of Directors
Representative: Troy Pointer
Alternate: John Lackey

City/UCEDC Joint Review Committee
Representative: Gary Lillard
Representative: John Lackey
Representative: Steve Clements

Council Audit Committee
Representative: Steve Clements
Representative: Gary Lillard
Representative: Justin Rock

Northeast Oregon Housing Authority Board of Directors
Representative: Troy Pointer
Alternate: Wayne Brown

Union County Airport Commission
Representative: Gary Lillard

Union County Commission on Children and Families
Representative: Steve Clements
Alternate: Gary Lillard

Union County Economic Development Corporation Board of Directors
Representative: John Bozarth

Union County Safe Community Coalition
Representative: John Bozarth
Alternate: Wayne Brown

Union County Senior Council
Representative: Troy Pointer
Alternate: Steve Clements

Union County Tourism Promotion Advisory Committee
Representative: Justin Rock
Alternate: John Bozarth

Whistle Free Zone Committee
Representative: Steve Clements
Alternate: Gary Lillard

COUNCIL DISCUSSION

A brief discussion was held between Mayor CLEMENTS and LACKEY regarding Lackey's appointments to the Advisory Commissions. LACKEY requested that he be appointed to the Audit Committee to which Mayor CLEMENTS stated that he would like Councilor Rock to sit on the committee, thereby allowing for others to experience the committee, as well.

c. Consider: Appointing Citizens to Various Committees/Commissions; Arts, Budget; Landmarks Library; Parking, Traffic Safety and Street Maintenance; Parks and Recreation Advisory Commissions; and Union County Economic Development Corporation;

Steve CLEMENTS, Mayor

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

Motion: I move that Krystle Michael be appointed to the Arts Commission, for a three-year term, which will expire December 31, 2018. MSC. (unanimous)

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

Motion: I move that Mat Barber, Corrine Dutto, and Art Rhodes be appointed to the Budget Committee, each for a three-year term which will expire December 31, 2018; and that David Moyal be appointed to the remainder of a three-year term which will expire on December 31, 2016. MSC. (unanimous)

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

Motion: I move that Kathryn Boula be appointed to the Landmarks Advisory Commission, for a three-year term which will expire on December 31, 2018. MSC. (unanimous)

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

Motion: I move that Joseph Nolan and Marilyn Herbst, be appointed to the Library Advisory Commission each for a four-year term which will expire December 31, 2019.

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

Motion: I move that Robert Mills, and Jennifer Williams, be appointed to the Parks and Recreation Advisory Commission, each for a three-year term which will expire on December 31, 2018. MSC. (unanimous)

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

Motion: I move that Joan Johnson be appointed to the Parking, Traffic Safety and Street Maintenance Advisory Commission, for a three-year term which will expire on December 31, 2018. MSC. (unanimous)

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

Motion: I move that the change be made in the representation to the Economic Development Board appointing Christine Jarski representative in lieu of the City Manager, for the remainder of a four-year term which will expire on January 31, 2018. MSC. (unanimous).

BOZARTH requested that Councilor Lackey be appointed to Union County Economic Development Corporation Board in lieu of BOZARTH, as previously discussed in the meeting.

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

Motion: I move that John Lackey be appointed to the Union County Economic Development Corporation Board of Directors, for a four-year term which will expire on January 31, 2019. MSC. (unanimous)

STAFF COMMENTS

None

CITY MANAGER COMMENTS

Robert STROPE, City Manager updated the Council regarding the Fire Chief Selection process and interviews.

STROPE gave an update regarding the material change to the roof of Market Family Foods; his intent was to deal with the change administratively to which the Council concurred.

STROPE discussed the proposed date changes for the upcoming Fiscal Committee Meetings:

- January 19, 2016, Joint Fiscal Committee and County Commission;
- January 20, 2016 Fiscal Committee Meeting;
- January 27, 2016, Fiscal Committee with Public Input;
- January 28, 2016, Fiscal Committee Recommendation Meeting;
- February 1, 2016 Council Retreat and;
- If needed February 2, 2016 for continuation of the Council Retreat.

STROPE noted that he would be sending the Council Retreat Topics and Agenda items to the Councilors the week of January 11, 2016.

CITY COUNCIL COMMENTS

Mayor CLEMENTS stated that the Councilors needed to respond to Strobe's request for Council Retreat Topics individually, and not as a group. He stated that he was informed that five of the seven councilors had created a list of agreed upon topics for the Council Retreat that was signed by all five of the Councilors, and he believed that to be a violation of State Law and he would be contacting the Department of Justice on January 7, 2016 to discuss the legalities of such a document. BOZARTH and LACKEY stated that the document was created to send to Strobe for the topics to be discussed at the Council Retreat and there was no vote, to which Mayor CLEMENTS stated that there are rules to public discussion amongst Councilors. STROPE stated that his intent was to continue with the process regarding the order ranking for the Council Retreat Agenda.

Mayor CLEMENTS stated that he had received a request from an Eastern Oregon University Professor to have a group of economic students perform an Audit of the City of La Grande Budget. Mayor CLEMENTS requested that the request be granted.

LILLARD stated that he was furious over the letter regarding Council retreat topics being signed by five Councilors, and felt it was an action which was divisive to the Council.

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There being no further business to come before this Regular Session of the Council, CLEMENTS adjourned the Regular Session of the Council at 6:52 p.m. The Council is scheduled to meet again in Regular Session on Wednesday, February 3, 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: _____