

LEBANON CITY COUNCIL
MINUTES
April 14, 2021

Council Present Council President Jason Bolen, Wayne Dykstra, Rebecca Grizzle, Gamael Nassar, Wayne Rieskamp and Michelle Steinhebel

Staff Present City Attorney Tré Kennedy, Interim City Manager Nancy Brewer, City Recorder Kim Scheafer, Police Chief Frank Stevenson, Engineering Services Director Ron Whitlatch, Library Director Kendra Antila, Community Development Director Kelly Hart and Systems Engineer Andy Roy

CALL TO ORDER Council President Bolen called the electronic meeting to order at 6:00 p.m. in the Santiam Travel Station. Staff attended using Zoom web conferencing due to the COVID-19 pandemic.

ROLL CALL Mayor Aziz was absent.

SWEARING-IN AND OATH OF OFFICE Gamael Nassar was sworn in as the Ward 2 City Councilor by City Recorder Scheafer.

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

AGENDA	Lebanon City Council Agenda – April 14, 2021
AGREEMENT	2021 Surface Transportation Fund Exchange Agreement – No. 34754
BID ADVERTISEMENT	River Road Reconstruction – Project No. 21703
BOARD MINUTES	Planning Commission – December 16, 2020
CONTRACT	Financial Audit Services Contract
COUNCIL MINUTES	March 10, 2021 Regular Session

PROCLAMATION / PRESENTATION / RECOGNITION

Proclamations – Council President Bolen read proclamations declaring April as Arbor Month, May as both Mental Health Awareness and Older Americans Month, and May 9-15 as National Police Week and May 15 as Peace Officers Memorial Day.

PUBLIC COMMENTS

Council President Bolen read an update from the Lebanon Downtown Association [found in the Council packet].

PUBLIC HEARING

1) Utility Rate Adjustments for Stormwater Drainage, Water and Wastewater

Council President Bolen opened the public hearing at 6:09 p.m.

Engineering Services Director Whitlatch provided an update on the utilities:

Water – There is still 29 years of roughly \$1.2 million debt service annually for the new water treatment plant. There are also multiple large and small lines that need to be replaced because they are undersized or have leaks.

Wastewater – Staff is continuing to repair/replace the worst of the substantially increasing number of failing sewer lines and laterals through the Sewer Lateral/Mainline Replacement Program. Since taking over operations of the wastewater treatment plant from Jacobs Engineering, there has been a large amount of capital maintenance performed due to lack of maintenance by Jacobs. The City is getting ready to do the Wastewater Master Plan update, which will be in parallel with the National Pollutant Discharge Elimination System permit that is likely to have more stringent regulations.

Storm Drainage – A majority of this fee goes to operations and maintenance. The hope is to have the updated Storm Drainage Master Plan done later this summer.

The Council was provided with a utilities rate analysis. In 2017, Lebanon was third highest among about 23 Oregon cities. Lebanon is now fifth highest, which is likely due to other communities having to do the same thing, as well as Lebanon staying on top of inflation through the inflationary increases. Staff's recommendation is a 3.1% rate adjustment for all three utilities. The increases are based on the Construction Cost Index (CCI) published by McGraw Hill, Inc. in the March 2021 Engineering News Record. Whitlatch believes that the 3.1% will likely not keep up with inflation.

There was a brief discussion about the last utility increases, which Whitlatch believes was in 2019 for wastewater and storm drainage; there were no adjustments last year. In response to a question about possibly delaying the adjustment, Whitlatch said that this is staff's recommendation; he gave an example of the consequence of delaying a wastewater increase. There was discussion about how helpful the Sewer Lateral/Mainline Replacement Program is and a brief discussion about impacts and requirements for new development.

Interim City Manager Brewer confirmed that the City offers a 10% reduction with state and federal program approval. Even though this information is provided on the bills, staff will come up with a different way of promoting the program. Responding to a question about the COVID utility assistance aid, Brewer said that there were not a lot of applicants. The Council understands that everyone has had a tough year but the City has to keep up with preventative maintenance; not doing so is negligent as stewards of public funds.

Council President Bolen closed the public hearing at 6:33 p.m. City Attorney Kennedy read the title of RESOLUTION NO. 2021-04. Councilor Grizzle moved, Councilor Steinhebel seconded, to APPROVE RESOLUTION NO. 2021-04, A RESOLUTION ADOPTING THE CITY OF LEBANON'S STORMWATER DRAINAGE UTILITY RATES. The motion passed unanimously.

Kennedy read the title of RESOLUTION NO. 2021-05. Councilor Grizzle moved, Councilor Rieskamp seconded, to APPROVE RESOLUTION NO. 2021-05, A RESOLUTION ADOPTING THE CITY OF LEBANON'S WATER RATES. The motion passed unanimously.

Kennedy read the title of RESOLUTION NO. 2021-06. Councilor Rieskamp moved, Councilor Steinhebel seconded, to APPROVE RESOLUTION NO. 2021-06, A RESOLUTION ADOPTING THE CITY OF LEBANON'S WASTEWATER RATES. The motion passed unanimously.

REGULAR SESSION

2) Library Card Policy Update

Library Director Antila presented the Library Advisory Committee's recommendation to approve new policies, including a card for non-resident students and an expanded patron privacy policy, along with minor amendments to existing policies. The non-resident limited-access student cards are for children ages 5 to 18 who reside within the Lebanon School District but outside City limits. She briefly went over some of the other amendments to the policy. Since the Council packet was published, a change was made that would allow the limited-access cards to check

out materials from consortium libraries. Due to the back-end work, it will be a couple of months before the cards become available.

Councilor Rieskamp moved, Councilor Dykstra seconded, to APPROVE THE ADDITIONS AND AMENDMENTS TO THE LEBANON PUBLIC LIBRARY POLICY MANUAL. The motion passed unanimously.

3) Operation of the Arts Commission as a City Function

Community Development Director Hart provided background on the Arts Commission and reported that there is currently lack of brain trust and staff support. She asked for Council discussion regarding the expectation of City staff's operation with the Arts Commission, how it will be funded, and putting first amendment policies and decision criteria in place. Staff's suggestions include 1) since the vast majority lies within and benefits the downtown area, move the Arts Commission within the Lebanon Downtown Association (LDA) with a City staff liaison for coordination; 2) similar to an ad hoc committee, transition the Arts Commission to a self-sustaining board; or 3) maintain it as a City commission.

Council felt that although the Arts Commission plays an important role and has done many great things, it is uncertain as to whether the City and its staff need to be the primary means of facilitation of the Arts Commission. There was a suggestion that the City support the Arts Commission as a part of the LDA.

There was Council consensus to see if the Lebanon Downtown Association would like to take over operation of the Arts Commission. Information will be brought back to Council at a later date.

4) City Grant Funding through Budget Process

Hart stated that the Boys & Girls Club, Meals on Wheels and Linn Shuttle received City grants for the current fiscal year. The Small Business Development Center (SBDC) was not funded because of budget cuts in anticipation of COVID-related revenue reduction. Due to the expected significant drop in the Transient Lodging Tax (TLT), the Lebanon Downtown Association (LDA) was also not provided funding. SBDC, Meals on Wheels and the LDA have requested funding for next fiscal year. SBDC will not be funded as a grant, but rather as a budgeted item in the Community Development Department budget. LDA is requesting City funding assistance of \$25,000 for the next fiscal year. Possible Council considerations were provided.

In response to a Council question, Hart said that Meals on Wheels operates out of the Senior Center, but this is not included in their grant. Finance Director Apken said that the Boys & Girls Club leases the old library building for \$1.00 per year. There was discussion about the recurring grants and equity among groups to apply for the grants.

There was Council consensus that the Lebanon Downtown Association would receive \$25,000 from the TLT next fiscal year. Meals on Wheels, Linn Shuttle and the Boys & Girls Club will be penciled in for the same amount of funding they previously received. Staff will bring back to Council policy language for non-profits to apply for grant funding in the 2022/23 fiscal year.

5) Award Construction Manager/General Contractor (CM/GC) Services – Westside Sewer Interceptor Phase V Project No. 18707

Whitlatch spoke about the Request for Proposals process for a CM/GC for the Westside Sewer Interceptor Phase V project. The initial phase of the contract is for pre-construction services which will include value engineering, final design recommendations and cost estimated to arrive at a Guaranteed Maximum Price (GMP). If the GMP can be negotiated to construct the project within the allocated budget, an amendment will be recommended for Council approval in June 2021. Staff requests that Council approve the Westside Sewer Interceptor Phase V Project CM/GC contract with Emery & Sons Construction Group, LLC for \$30,400.00.

Councilor Grizzle moved, Councilor Nassar seconded, to APPROVE THE WESTSIDE SEWER INTERCEPTOR PHASE V PROJECT CM/GC CONTRACT WITH EMERY & SONS CONSTRUCTION GROUP, LLC FOR \$30,400.00. The motion passed unanimously.

6) Award Filter Belt Press Procurement Contract Project No. 21702

Whitlatch requested Council approval to award the wastewater treatment plant filter belt press procurement contract to OR-TEC, Inc. for \$169,950.000.

Councilor Grizzle moved, Councilor Rieskamp seconded, to AWARD THE FILTER BELT PRESS PROCUREMENT CONTRACT TO OR-TEC, INC. FOR \$169,950,00. The motion passed unanimously.

7) Amending Lebanon Municipal Code Chapter 3.04 – Public Contracts

Brewer presented ordinance amendments to Lebanon Municipal Code Chapter 3.04 (Public Contracts) that incorporates changes in State law and which would make the process of procurement more efficient. These changes would help to develop policies regarding purchasing authority. As part of the budget document, Brewer would like to include planned purchases for the next fiscal year that are over \$150,000. This would authorize initiating bids without the need for separate Council approval.

Kennedy read the title of ORDINANCE BILL NO. 2021-06, ORDINANCE NO. 2962. *Councilor Rieskamp moved, Councilor Steinhebel seconded, to APPROVE ORDINANCE BILL NO. 2021-06, ORDINANCE NO. 2962, A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.04 OF THE LEBANON MUNICIPAL CODE PUBLIC CONTRACTS. The motion passed unanimously.*

8) Update on HB 2001 and Impacts to the City's Zoning Regulations

Hart reviewed HB 2001 which requires modification to the City's Development Code for accessory dwelling unit standards and additional accommodations for duplexes wherever single-family residential homes are permitted. The City mostly complies with HB 2001, other than parking standards and minimum lot size standards.

The Planning Commission was not interested in a construction excise tax on every building permit to develop a grant fund for affordable housing or to purchase property for affordable housing. They would like to further discuss modification to SDCs and the property tax exemption option for affordable housing. There was no direct consensus about the design standards for duplexes (attached or two single detached units). At this point, staff was directed to draft an ordinance to only allow for attached units to meet the requirements of the House Bill. Through the pending Comprehensive Plan update process, a further evaluation of different housing types that would be appropriate to accommodate in the overall greater decision-making process. The Planning Commission also proposed a five-foot rear setback reduction to 15 feet in exchange for providing additional parking above the minimum of one space per unit. The Code that will be presented to the Planning Commission incorporates those recommendations and Code clean up. The ordinance will be presented to the Planning Commission and then to the Council at the May meeting for implementation in June.

There was discussion about the State's law not requiring parking for accessory dwelling units and the problems it will likely cause.

9) Request from Swift Summit 200/100 to Waive or Reduce Fees for Cheadle Lake Park Use on August 14 and 15, 2021

Council President Bolen presented a request from Trevor Spangle, Swift Summit NW, LLC, that Council waive or significantly reduce fees for Cheadle Lake Park for their 200/100 bicycle race. They expect about 300 participants for this two-day event in August. Brewer added that the fee would be about \$600 per day; Mr. Spangle has said

that this should not be a problem next year.

Council consensus was to approve Swift Summit's request to waive fees for Cheadle Lake park use on August 14 and 15, 2021. Staff will work with them on being recognized as a sponsor for the in-kind donation.

10) City Manager's Report – Brewer provided updates:

- Brewer recognized Senior Center staff members Rebecca Wirfs and Suzy Parker for helping more than 600 community members get signed up for COVID vaccinations. Walmart and Safeway called Senior Center Director Oliver to thank them.
- Julie Tibbetts from the Library was recognized by the State Library Journal and the Oregon Young Adult Network for the Pandemic Stress Relief program she put together for teens.
- Staff is working with CPI/PEAK regarding turning the Peterson Butte tower over to them. They would take over operation of the equipment and the City would get discounted prices on connecting fiber optic lines.
- The Strawberry Festival group is working hard to make plans for this year's festival. Safety protocols will be followed, and they will have a zero-tolerance policy for people not wearing masks. Council President Bolen said that, from the Fire District's position, the festival is very well-run and is high on patron safety. His concern from the City's standpoint is the amount of people coming from other areas and making sure that everyone is following safety protocols. He added that Linn County does not currently have a strong vaccination rate.

ITEMS FROM COUNCIL

In response to a request for an update on Conversion Brewing using Strawberry Plaza, Brewer said that Mr. Cowart was notified that his agreement expires on April 15 and the big tent needed to be taken down.

Regarding a question about how much COVID funding the City would be receiving, Brewer said that the City anticipates receiving \$3.5 million. Staff is waiting for more information from the Treasury Department on what the funds can be used for. A list of possible uses for the funds will be brought to Council at a future date.

PRESS COMMENTS – *There were none.*

NEXT SCHEDULED COUNCIL MEETING(S)

- May 5, 2021 (12:00 PM) Electronic Budget Meeting (May 6 & 7, if needed)
- May 12, 2021 (6:00 PM) Electronic Regular Session

ADJOURNMENT Council President Bolen adjourned the meeting at 8:14 p.m.

[Minutes prepared by Donna Trippett]

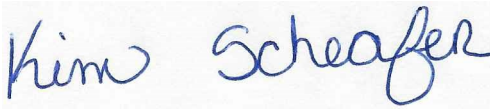
Minutes Approved by the Lebanon City Council on
this 12th day of May 2021.



Paul R. Aziz, Mayor

Jason Bolen, Council President

ATTESTED:



Kim Scheafer, MMC, City Recorder