CITY of LA GRANDE

City Council Regular Session

February 8, 2017

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
Corrine Dutto, Councilor
Nicole Howard, Councilor
Mary Ann Miesner, Councilor
Troy Pointer, Councilor
Justin Rock, Councilor

STAFF PRESENT
Robert Strope, City Manager
Angelika Brooks, City Recorder
Kayla Nichols, Assistant to the City Manager
Michael Boquist, City Planner
Christine Jarski, Economic Development Director
Stu Spence, Director of Parks and Recreation

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.

CONSENT AGENDA

a. Consider: Approval of Regular Session Minutes;
   January 4, 2017

b. Consider: Approval of Veterans’ Memorial Pool Agreements;
   1. Eastern Oregon University
   2. Grande Ronde Hospital
   3. La Grande Swim Club

c. Consider: Approval of MOU; Soroptimists’ Use of
   Riverside Pavilion

d. Consider: Approval of Liquor License Application;
   Eastern Oregon University/Sodexo 7.a.

e. Consider: Approval of Intergovernmental Agreement;
   Long-term Maintenance Agreement for La Grande/Island
   City Greenway

f. Consider: Intergovernmental Agreement;
   La Grande High School Tennis Courts 7.b.

LILLARD requested that Item “d”, Consider: Approval of
Liquor License Application; Eastern Oregon
University/Sodexo of the consent agenda be moved to Item
“a”, under new business and item “f”, **Consider: Intergovernmental Agreement; La Grande High School Tennis Courts** of the consent agenda be moved to Item “b”, under new business, as he had further questions regarding the topics.

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

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

**VOTE**: MSC. (unanimous)

**PUBLIC COMMENTS**:

Greg AMMER, spoke in regards to his concerns about the City hiring an Electrical Inspector to which, STROPE stated that he would be willing to meet with Mr. Ammer’s on a one-on-one basis to discuss his issues.

**PUBLIC HEARINGS**

**a. Consider: Ordinance; Utility Licensing**

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

**MOTION**: I moved that we remove the item from the table for further discussion.

**RULES OF ORDER**: Mayor CLEMENTS re-opened the Public Hearing at 6:09 p.m., and stated that this is a Legislative Hearing; and, the Rules of Order were Read in their Entirety during the Regular Session of November 9, 2016, December 14, 2016, and January 4, 2017 and the Rules of Order would not be read again; and the Public Comment portion of the Hearing was re-opened.

**VOTE**: MSC. (unanimous)

**STAFF REPORT**: Mayor CLEMENTS requested the Staff Report.

Robert STROPE, *City Manager*

STROPE stated that the proposed Ordinance establishing a license fee for utilities which were located within the City’s rights-of-way was Read for the First Time by Title Only during the November 9, 2016, Regular Session of the City Council, and for a second time during the December 14, 2016 Regular Session. Since the second reading, the City has made minor revisions to the proposed ordinance. The City has again shared this revised draft with the current franchise holders, including OTEC, on February 2, 2017. Staff will continue to work with OTEC on a Franchise Agreement.
STROPE noted that Staff had consulted legal counsel and, while not required, we will publish notice again that the City Council is conducting a public hearing on March 1, 2017, at the Regular Session of the Council with the intent to conduct a final reading and consider adoption of the Ordinance. At that time the Resolution setting fees would also be presented for consideration.

STROPE noted the minor changes to the draft since the last reading on January 4, 2017, they are as follows:

- Definition of “Gas Facilities” changed to remove the word “collectively” and revising to read “and/or” in two places.
- Section 10.6 changed to read “the applicable” as opposed to “that” license fee in the last sentence.
- Section 10.7 changed to read add clarification that amounts paid for franchise fees will be applied to amounts due under the Ordinance.
- Section 14.4, Removal of Unauthorized Facilities added “in writing” to the third sentence. Removed “of City” from the same sentence.
- Section 14.4.b. added “in writing” to the first sentence.
- Section 14.7 changed “any” to the “the” permit and changed “and excavation” to “activities.”
- Section 15 added “then” to the second to the last sentence.
- Section 17.1.d. added “in writing” and “(and endorsements).”
- Section 18.5 deleted “City.”
- There were also capitalization corrections in the document.

STROPE stated that he received requested edits from Charter Communications and he had not replied to Charter at the current time.

In response to Mayor CLEMENTS’ question, STROPE stated that the City was currently working with OTEC on a Franchise Agreement and they have requested that the Council delay action on the proposed Ordinance until that agreement was resolved.

In response to LILLARD’s question, STROPE clarified that the collection date would have to be changed.

PUBLIC COMMENT

None

OPPOSITION

Steve JOSEPH, stated that he had concerns regarding his belief that the protocol and transparency was being hindered, to which STROPE clarified that a redline version
with all the changes from the first reading were presented at the January 4, 2017, Regular Session meeting.

LILLARD stated that he believed that part of the delay was the fact that the Council and Staff had listened to the Utility providers and the public and the revisions were an example of listening to the input of the citizens.

Greg Ammer, spoke in regards to his concerns regarding the proposed Ordinance.

Steve VINCENT, Avista Utilities, spoke in regards to the fact that the City Manager had given Avista ample time to review and provide recommendations and suggestions to the City. In response to MIESNER’s question, VINCENT stated that he believed that the City was working with Avista in a collaborative manner.

None

None

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

MOTION: I moved that the proposed Ordinance establishing a Utility License fee be Read by Title Only and that the Public Hearing then be continued to the March 1, 2017, Regular Session.

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 A UTILITY LICENSE FOR UTILITY PROVIDERS WHICH HAVE UTILITIES LOCATED WITHIN THE CITY PUBLIC RIGHTS-OF-WAY; REQUIRING UTILITIES TO APPLY FOR AND OBTAIN A LICENSE FROM THE CITY; AND ESTABLISHING RATES FOR LICENSEES

Mayor CLEMENTS announced that the Public Hearing would be continued to March 1, 2017, at which time the Proposed Ordinance was scheduled to be read a Final Time by Title Only and considered for Adoption.

MSC. (unanimous)

None

Consider: Approval of Liquor License Application;
Eastern Oregon University/Sodexo

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Robert STROPE, City Manager

STROPE stated that Eastern Oregon University and Sodexo America, LLC, One University Boulevard, La Grande, OR 97850, had applied as a Corporation, Limited Liability Company, for EOU Hoke Center, New License for Limited On-Premises Sales, located at One University Boulevard, La Grande, OR 97850. Eastern Oregon University Hoke Center currently holds an OLCC License for this company at this location. They were applying for a new application to add Sodexo America LLC to their License.

Council discussion was held regarding the proximity of the alcohol to minors.

PUBLIC COMMENT

None

COUNCIL DISCUSSION

None

MOTION

The following Motion was introduced by HOWARD; MIESNER providing the Second:

MOTION: I move that the OLCC Liquor License Application for New License for Limited On-Premises Sales, Corporation, Limited Liability Company, for EOU Hoke Center, be approved and signed by the Mayor.

COUNCIL DISCUSSION

None

VOTE

MSC. (unanimous)

b. Consider: Intergovernmental Agreement; La Grande High School Tennis Courts

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Stu Spence, Director of Parks and Recreation

SPENCE stated that a local community group and the Track and Tennis Committee (TNT) had been working with the La Grande School District and City for a few months to determine ways to fund tennis court reconstruction at La Grande High School. After some discussion by staff and the Parks and Recreation Advisory Commission, it was recommended that the District and City enter into an Intergovernmental Agreement which would enable City staff and TNT volunteers to work towards grant funding only available to the City for outdoor recreation facilities. The School Board unanimously approved the proposed
agreement at their January 11, 2017, meeting. The next step was authorization by City Council.

LILLARD questioned the benefit to the City, to which SPENCE stated that the School District would continue to do daily maintenance, however entering into an Intergovernmental Agreement would allow the opportunity to apply for grants that the School District would not have access to without the City’s Park and Recreation Department.

A Council discussion was held regarding the long-term maintenance and the liability of the courts from the City perspective; and, the increase of grants that would be available for the Tennis Courts with the proposed Intergovernmental Agreement.

PUBLIC COMMENT

Robin MAILLE, spoke in regards to the current conditions of the School Districts Tennis Courts and the current fundraising efforts.

Michael MCQUEEN, spoke in favor of the proposal and commented on the match required.

COUNCIL DISCUSSION

None

MOTION

The following Motion was introduced by DUTTO; HOWARD providing the Second:

MOTION: I move that to authorize the City Manager to sign the Intergovernmental Agreement between the La Grande School District and the City of La Grande which would allow the City to access potential grant funding for the construction of new tennis courts at La Grande High School.

COUNCIL DISCUSSION

None

VOTE

MSC. (unanimous)

c. Consider: Resolution; Initiating Vacation proceedings And establishing a public hearing date, East “N” Avenue

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Mike BOQUIST, City Planner

BOQUIST stated that the request was to vacate ten feet (10’) of public right-of-way along the North side of East “N” Avenue, lying East of Hall Street. This vacation would result in the reduction of overall right-of-way width from sixty feet (60’) wide to fifty feet (50’) wide. This segment of East “N”
Avenue was a short dead-end street, and in 2015 the City approved the construction of a thirty-two foot (32') wide private street within the South Half of the right-of-way, which served four (4) duplex structures along its South boundary. The applicant of the Vacation Petition intends to continue this private street through his property to the North, looping back to Hall Street, for the purpose of serving a residential subdivision within his property. The right-of-way that is proposed to be vacated is surplus area that is no longer planned or needed for public purposes.

BOQUIST noted that the Applicant had received signatures of consent form 68.25% of the affected property owners of the proposed vacation area. State Law required 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 finds this request to be valid and accepts the Vacation Petition, the request would be referred to the Planning Commission for a Public Hearing and a recommendation during its March 14, 2017, Regular Session. This request would then be scheduled for consideration by the City Council during the April 5, 2017, and May 3, 2017, Regular Sessions.

PUBLIC COMMENT
None

COUNCIL DISCUSSION
None

MOTION
The following Motion was introduced by MIESNER; ROCK 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.

DECLARATIONS
POINTER stated that he had a conflict of interest and would not be participating in the discussion or voting.

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, UNION COUNTY, OREGON, ACCEPTING A PETITION FOR THE VACATION OF THE NORTH TEN FEET (10') OF EAST “N” AVENUE, LYING EAST OF HALL STREET; AND ESTABLISHING A PUBLIC HEARING DATE ON APRIL 5, 2017 [4741]
VOTE

MSC. SIX (6) of the Councilors presented voted in the affirmative; POINTER abstained from voting due to a conflict of interest.

d. Consider: Resolution; Request for Annexation

Steve CLEMENTS, Mayor

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Mike BOQUIST, City Planner

BOQUIST stated that the subject properties were located within the City of La Grande Urban Growth Boundary and the property owners had requested annexation into the City of La Grande in exchange for receiving City water and sewer services. The annexation request includes two (2) tracts of land which were currently all vacant and undeveloped. They are comprised of one (1) parcels and public street rights-of-way for the future development of 24th Street and East “K” Avenue.

BOQUIST noted that the property is contiguous to the City Limits and there are 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 are met, the legislative body (City Council) may “proclaim the annexation” by Resolution. This request includes a statement of consent from one (1) property owner which represents 100% of the land ownership. As the properties are currently vacant and undeveloped, there are no electors within the area to be annexed. This request meets the requirements of ORS 222.125.

PUBLIC COMMENT

None

COUNCIL DISCUSSION

A brief Council discussion was held regarding the current surrounding properties that were already annexed into the City.

MOTION

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

MOTION: I move that the proposed Resolution annexing property along East “L” Avenue and 24th Street, 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 the Proposed Resolution by Title Only 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, UNION COUNTY, OREGON; SPECIFICALLY, PROPERTY AT 2704 EAST “L” AVENUE; PORTIONS OF T3S, R38E, SECTION 9BD, TAX LOT 3401; AND, THE ADJACENT TWENTY-FOURTH STREET AND EAST “K” AVENUE PUBLIC RIGHTS-OF-WAY; AND REMOVING SAID TERRITORY FROM THE LA GRANDE RURAL FIRE PROTECTION DISTRICT [4742]

VOTE

MSC. (unanimous)

e. **Consider: Resolution; Recreation Liability Immunity**

**STAFF REPORT**

Mayor CLEMENTS requested the Staff Report.

Stu Spence, Director of Parks and Recreation

SPENCE stated that in 1995, the Public Use of Lands Act was enacted by the Legislative Assembly extending immunity from liability to landowners, both public and private, who make their lands available to the public free of charge in the event a person was injured while using the land for recreational purposes.

SPENCE noted that a 2016 Oregon Supreme Court decision, Johnson v. Gibson, undermined the immunity by ruling that when the Legislature passed the Public Lands Act it only immunized the actual landowner and did not extend the immunity to employees, agents, volunteers and the like who act on behalf of the landowners.

SPENCE stated that this Resolution provided the City of La Grande’s support of legislation promulgated to restore recreational immunity to landowners and their officers, employees, agents or volunteers who were acting within the scope of their employment or duties.

SPENCE noted that absent changes to restore this immunity, the City may be forced to make significant changes regarding the uses and access to our parks and other facilities.

**PUBLIC COMMENT**

None

**COUNCIL DISCUSSION**

None
MOTION

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

MOTION: I move that the proposed Resolution 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, UNION COUNTY, OREGON, RECOMMENDING RESTORING RECREATIONAL IMMUNITY RIGHTS [4743]

VOTE

MSC. (unanimous)

1. City Manager’s Top Priorities; Fiscal Year 2017-2018

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, January 30, 2017. During this Session, goals and priorities for Fiscal Year 2017-2018 were identified and discussed in preparation for developing the proposed Budget for the next Fiscal Year. Those goals and priorities were included in the summary of the Council Retreat 2017 Topics/Sequence; 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.

STROPE noted that as in previous years, the Council’s Goals were reflected as the City Manager’s Top Priorities. The City Manager’s Top Priorities are 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 recommendation 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, 2015.
- Urban Renewal Review Committee: Facilitate the Urban Renewal Committee’s Outreach efforts to share their finding regarding the positive impacts of Urban Renewal in the City of La Grande.
• Library Special District: Continue to explore the feasibility of creating a Library Special District to serve Union County.
• Quiet Zone: Develop a recommendation for City Council consideration regarding the creation of a whistle free zone in advance of the FY 2017-2018 Budget hearings.
• City Council Training: Continue to provide training opportunities for the City Councilors.

PUBLIC COMMENT

Lia SPIEGEL, spoke in regards to her support of the Quiet Zone. She indicated that the City would not have a higher level of liability if a Quiet Zone was created. She also discussed estimated costs to the City based on national averaged.

A Council discussion was held regarding the Quiet Zone, in particular safety issues.

Bridgette NAYLOR, spoke in support of the Quiet Zone and presented the Council with a document regarding the list of potential benefits of the Quiet Zone.

Nancy GROME STROPE clarified that the cost associated with safety improvements needed to include addressing impacts to adjacent properties. He also noted that minimum safety improvements for each crossing were identified during a site visit that included representatives from Union Pacific Railroad, and state and federal agencies.

COUNCIL DISCUSSION

None

MOTION

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

MOTION: I move that the City Council Goals/City Manager’s Top Priorities for Fiscal Year 2017-2018 as discussed during the Annual Council Retreat on January 30, 2017, be adopted as presented.

COUNCIL DISCUSSION

None

VOTE

MSC. (unanimous)
Steve CLEMENTS, Mayor

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

Motion: I move that Evie Stacey and Kelly McGilvery be appointed to the Arts Commission, each for a three-year term, which will expire December 31, 2019. MSC. (unanimous)

Ken BRUCE stated that he was withdrawing his application for the Budget Committee to allow new applicants the opportunity to be appointed to the Committee.

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

Motion: I move that David Moyal, Rod Sands, and David Felly be appointed to the Budget Committee, each for a three-year term which will expire December 31, 2019; and that Ashley O’Toole be appointed to the remainder of a three-year term which will expire on December 31, 2018. MSC. SIX (6) of the Councilors present voted in the affirmative; Howard abstained from voting due to a conflict of interest.

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

Motion: I move that Lia Spiegel be appointed to the Community Landscape and Forestry Commission, for a three-year term which will expire on December 31, 2019. MSC. (unanimous)

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

Motion: I move that Eric Laurence, and Leah Reece Over be appointed to the Landmarks Advisory Commission, for a three-year term which will expire on December 31, 2019; and that Cassie Hibbert be appointed to the remainder of a three-year term which will expire on December 31, 2017. MSC. (unanimous)

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

Motion: I move that Louise Squire and Barbara Minge, be appointed to the Library Advisory Commission each for a four-year term which will expire December 31, 2020.
MSC. (unanimous)

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

Motion: I move that Richard Heinemann and Michael Moran be appointed to the Parking, Traffic Safety and Street Maintenance Advisory Commission, each for a three-year term which will expire on December 31, 2019.

MSC. (unanimous)

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

Motion: I move that Meg Hawks be appointed to the Parks and Recreation Advisory Commission, for a three-year term which will expire on December 31, 2019. MSC. (unanimous)

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

Motion: I move that Dana Kurtz be appointed to the Planning Commission, for a four-year term which will expire on December 31, 2020. MSC. (unanimous)

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

Motion: I move that Carrie Brigotti be appointed to the Union County Economic Development Corporation Board of Directors, for a four-year term which will expire on January 31, 2020; and Bob Kavagnaugh be appointed for a remainder of a four-year term, which will expire on January 31, 2018. MSC. (unanimous)

STAFF COMMENTS

None

CITY MANAGER COMMENTS

Robert STROPE, City Manager informed the Council of the passing of Norm Paullus, Public Works Director wife Jule’ and to keep him and his family in their thoughts.

DUTTO stated she had a meeting scheduled with Eastern Oregon University to try and establish a relationship with the City and the University and that if any of the Councilors had input that they would like to share with her for her meeting she would take that information and present it at her meeting.

Mayor CLEMENTS stated that there was a flood warning for the area and the streets may be messy. He encouraged citizens to please remove ice snow from storm water drains.
Mayor CLEMENTS stated that the Walk for Warmth on Saturday, February 11, 2017, the funds collected during this event helps offset heating cost for low income housing.

Mayor CLEMENTS noted that he spoke with Commission Donna Beverage in regards to a Joint work session to discuss the Union County Economic Development Corporation with the County Commissioners and the Council prior to budget hearings. He requested that the City Manager setup that meeting, to which the City Manager agreed with the consent of the Council.

Mayor CLEMENTS proclaimed International Peace Year and International Peace Day.

LILLARD stated that the Audit Committee met with the City Auditor and would report the information to the Council at the next Regular Session on March 1, 2017.

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 7:24 p.m. Immediately following the Urban Renewal Meeting an Executive Session of the City Council and an Executive Session of the Urban Renewal Agency will be held. The Council is scheduled to meet again in Regular Session on Wednesday, March 1, 2017 at 6:00 p.m., in the Council Chambers of City Hall, 1000 Adams Avenue, La Grande, Oregon.

_________________________________________  _____________________________________________
Kayla M. Nichols                                      Steve E. Clements
Assistant to the City Manager                                             Mayor

APPROVED: ____________________________________