

**LEBANON CITY COUNCIL
MINUTES - DRAFT
December 13, 2023**

EXECUTIVE SESSION

Council Present Mayor Kenneth Jackola, Council President Michelle Steinhebel, Councilors Wayne Dykstra [via Zoom], Carl Mann, Jeremy Salvage, Kim Ulfers and Dave Workman

Staff Present City Attorney Kennedy, City Recorder Julie Fisher and Human Resources Director Angela Solesbee

Media Present Hans Boyle, Albany Democrat Herald

Mayor Jackola called the executive session to order at 3:30 p.m. in the Santiam Travel Station Board Room. City Attorney Kennedy read the executive session announcement – *Per ORS 192.660(2)(a) To consider the employment of a public officer, employee, staff member or individual agent. (City Manager).*

No Council decisions were made in Executive Session. Mayor Jackola adjourned the executive session at 5:45 p.m.

REGULAR SESSION

Staff Present City Attorney Tré Kennedy, Interim City Manager Ron Whitlatch, City Recorder Julie Fisher, Police Chief Frank Stevenson, Human Resources Director Angela Solesbee, Community Development Director Kelly Hart and Finance Director Brandon Neish

Media Present Hans Boyle, Albany Democrat Herald and Sarah Brown, Lebanon Express

Mayor Jackola called the regular session to order at 6:00 p.m. All Councilors were present. Councilor Wayne Dykstra attended via Zoom.

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

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| AGENDA | Lebanon City Council Agenda – December 13, 2023 |
| BOARD MINUTES | Planning Commission – October 18, 2023 |
| COUNCIL MINUTES | November 8, 2023 Regular & Executive Sessions |
| | November 17, 2023 Executive Session |
| DECLARATION | Arbor Day |

Public Comments

Adam Kirkpatrick, dentist, advocated for the retention of water fluoridation based on the large amount of scientific evidence attesting to both its efficacy and safety.

Responding to Councilor Steinhebel's question, Dr. Kirkpatrick said that he has about 2000-3000 patients.

Vanessa Hufnagel, representing many fellow Western University College of Osteopathic Medicine students spoke about the way the homeless are treated and said that a shelter, maintained in part by the City, would

benefit the community much more than a warming shelter.

Corbin Tolen, voiced apprehension regarding fluoride safety and spoke in favor of putting this issue on the ballot for public consideration. Regarding the citizen petition he initiated, he said that his focus turned to electing Council members who would raise the issue.

Presentation

Small Municipalities Advocacy Coalition (SMAC) Membership

Sean Tate, spoke about Small Municipalities Advocacy Coalition (SMAC), which gives small communities a voice at the state level.

Councilor Steinhebel asked Mr. Tate how their group is different from the League of Oregon Cities (LOC). Mr. Tate said that the biggest difference is the advocacy model. LOC hires lobbyists to do the work for their members. They do not have a rural specialist; communities with greater influence receive more attention. SMAC focuses on rural communities' needs and involves small municipalities in the dialogue.

In response to Councilor Steinhebel's comment that Lebanon's population is about 20,000, Mr. Tate said that they consider a rural community to be below 20,000 to 30,000.

Councilor Salvage asked how Lebanon would benefit from being a member. Mr. Tate said that he would not know until discussing Lebanon's strategic needs.

Public Hearing

1) Development Code Amendment to Address RV Parks and RVs as Caretaker Dwellings (DCA-23-01)

Mayor Jackola opened the public hearing at 6:36 p.m. There were no Councilor declarations of ex parte contact, bias or conflicts of interest and no objections to the notice sent out or to the jurisdiction of this body to hear and consider this case.

Community Development Director Hart presented staff's recommendation to adopt the proposed ordinance amending various chapters of the Lebanon Development Code regarding RV Parks and Recreational Vehicles as caretaker dwellings.

There being no comments regarding the application, the public hearing was closed at 6:39 p.m. City Attorney Kennedy read the title of ORDINANCE BILL NO. 2023-21, ORDINANCE NO. 3016. ***Councilor Salvage moved, Councilor Workman seconded, to APPROVE ORDINANCE BILL NO. 2023-21, ORDINANCE NO. 3016, A BILL FOR AN ORDINANCE AMENDING THE LEBANON DEVELOPMENT CODE REGARDING RV PARKS AND RVs AS CARETAKER DWELLINGS. The motion passed unanimously.***

Regular Session

2) Psilocybin Update

Community Development Director Hart provided an update addressing questions posed by the Council at the October work session.

3) Recreational Trails Grant Agreement

Interim City Manager Whitlatch requested approval to accept the Recreational Trails Grant for the West River Trail Extension Project and to appoint him as authorized signer on the agreement and all other documents related to the grant.

City Attorney Kennedy recommended that all City trails be marked with “for recreation purposes only” due to an Oregon Court of Appeals decision.

Councilor Workman moved, Councilor Steinhebel seconded, to ACCEPT THE RECREATIONAL TRAILS GRANT FOR THE WEST RIVER TRAIL EXTENSION PROJECT AND TO APPOINT INTERIM CITY MANAGER WHITLATCH AS AUTHORIZED SIGNER ON THE AGREEMENT AND ALL OTHER DOCUMENTS RELATED TO THE GRANT. The motion passed unanimously.

4) American Rescue Plan Act Funds

Finance Director Neish presented staff’s recommendation to assign the unallocated American Rescue Plan Act (ARPA) funds toward sewer infrastructure and to formally allocate \$75,000 to cybersecurity improvements.

Councilor Ullfers asked for more information about the pumps that need to be replaced. Interim City Manager Whitlatch said that the Westside Interceptor wet well influent pumps need to be replaced at a cost of about \$200,000.

Councilor Salvage moved, Councilor Steinhebel seconded, to AUTHORIZE \$75,000 OF ARPA FUNDS TO BE USED FOR CYBERSECURITY IMPROVEMENTS. The motion passed unanimously.

Councilor Salvage moved, Councilor Steinhebel seconded, to ASSIGN THE UNALLOCATED ARPA FUNDS TOWARDS SEWER INFRASTRUCTURE. The motion passed unanimously.

5) Fluoridation of Municipal Water Supply

Interim City Manager Whitlatch presented several possible options regarding fluoridation of the City’s water supply and requested Council direction.

Councilor Workman moved, Councilor Mann seconded, to AUTHORIZE THE CITY MANAGER TO PLACE AN ITEM ON THE NOVEMBER BALLOT TO REMOVE FLUORIDE FROM THE SURFACE WATER TREATMENT PROCESS.

Councilor Steinhebel stressed that there is an active open petition by Corbin Tolen, Lindsay Pehrson and Sabrina Mann and they have until May 17, 2024 to collect 1,952 signatures.

City Attorney Kennedy said that there will be a financial impact to referring an issue to the voters.

The motion passed with 4 yeas (Dykstra, Mann, Salvage, Workman) and 2 nays (Steinhebel, Ullfers).

6) Property Acquisition (1185 Airport Road)

Interim City Manager Whitlatch requested Council approval to purchase property at 1185 Airport Road and to appoint Interim City Manager Whitlatch as an authorized signer on all real estate and financial documents related to the sale. The Transportation System Plan identifies the 12th Street/Airport Road intersection as a possible location for a traffic signal or roundabout. This property is located at the northeast corner of the intersection.

Responding to Councilor Dykstra’s question, Interim City Manager Whitlatch said that it would cost about \$30,000-\$40,000 to demolish the building. Staff would likely recommend doing that sooner, rather than later.

Interim City Manager Whitlatch explained to Councilor Steinhebel that this will come out of transportation system funds.

Councilor Salvage moved, Councilor Ullfers seconded, to APPROVE THE PURCHASE OF 1185 AIRPORT ROAD AND APPOINT INTERIM CITY MANAGER RON WHITLATCH TO BE AN AUTHORIZED SIGNER ON ALL REAL ESTATE AND FINANCIAL DOCUMENTS RELATED TO 1185 AIRPORT ROAD. The motion passed unanimously.

7) Letter of Support – ENTEK

Interim City Manager Whitlatch presented ENTEK's request to support an exemption to an upcoming Environmental Protection Agency rulemaking under the Toxic Substances Control Act. They indicate that trichloroethylene is essential in its battery separator production.

Interim City Manager Whitlatch confirmed for City Attorney Kennedy that ENTEK meets industrial discharge permit limits.

Councilor Ulfers moved, Councilor Dykstra seconded, to HAVE THE MAYOR SIGN THE ENTEK SUPPORT LETTER. The motion passed unanimously.

8) City Manager's Report – Interim City Manager Whitlatch provided updates:

- The water treatment plant is struggling but continues to meet water quality standards. There would typically be about six inches of sediment in the basins over the course of a year. When cleaning the basins last week, there was about three feet of sediment that accumulated over the last 40-50 days.
- Mayor Jackola said that he was contacted about leasing the billboard outside of town for \$700/month. It could possibly be used to promote Lebanon. Councilor Ulfers suggested that this be done in conjunction with the Chamber of Commerce. Interim City Manager Whitlatch said that he will get more details and speak with the Chamber on ideas of how the billboard could be used.
- City Hall will be closed on December 22, 25 and January 1.

Items from Council

Councilor Steinhebel spoke about how the City of Portland is seeking to ban public drug use hoping that the state legislature will make changes to Measure 110 to give municipalities options. She would like to explore this as it may be something smaller cities can do.

Interim City Manager Whitlatch reported that the Governor has said that there is not much that can be done until the state legislature acts on it. Staff will monitor this and be ready with ordinances that may pave the pathway.

Public/Press Comments

Gamael Nassar said that the tourism brainstorming session came up with using a billboard as a simple way to promote tourism. He also said that landowners along Hwy. 20 may want to work with the City.

Hans Boyle, Albany Democrat Herald and Lebanon Express, asked for clarification between the fluoride options presented.

Nancy Randall, Santiam Excursions, and Rick Franklin, Rick Franklin Corporation, spoke about how much tourism they bring to town. Mr. Franklin said that they are outgrowing their Santiam Travel Station space and asked the Council to move their meetings.

Dr. Adam Kirkpatrick expressed his appreciation to the Council for everything that they do.

Next Scheduled Council Meeting

- January 10, 2024 Regular Session (6:00 p.m.)

Mayor Jackola temporarily adjourned the regular session and called for a 15-minute recess.

EXECUTIVE SESSION

Staff Present City Attorney Kennedy, Interim City Manager Ron Whitlatch, Police Chief Frank Stevenson, Public Works Director Jason Williams, Human Resource Director Angela Solesbee, and City Recorder Julie Fisher

Consultants Present Kerry Shepherd and Allison Rothgeb, Markowitz Herbold PC

Media Present Hans Boyle, Albany Democrat Herald and Sarah Brown Lebanon Express

Mayor Jackola called the executive session to order at 7:45 p.m. City Attorney Kennedy read the executive session announcement – *Per ORS 192.660(2)(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.*

No Council decisions were made in Executive Session. Mayor Jackola adjourned the executive session.

REGULAR SESSION

Mayor Jackola reconvened the regular session.

9) Retaining Legal Services

Councilor Steinhebel moved, Councilor Ullfers seconded, to RETAIN MARKOWITZ HERBOLD PC TO PURSUE LITIGATION REGARDING WATER QUALITY ISSUES RELATING TO THE SOUTH SANTIAM RIVER. The motion passed unanimously.

Mayor Jackola temporarily adjourned the regular session.

EXECUTIVE SESSION

Staff Present City Attorney Kennedy, Interim City Manager Ron Whitlatch, Police Chief Frank Stevenson, Public Works Director Jason Williams, Human Resource Director Angela Solesbee, and City Recorder Julie Fisher

Media Present Hans Boyle, Albany Democrat Herald and Sarah Brown Lebanon Express

Mayor Jackola called the executive session to order.

City Attorney Kennedy read the executive session announcement – *Per ORS 192.660(2)(i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing. (City Attorney).*

City Attorney Kennedy read the executive session announcement – *Per ORS 192.660(2)(a) To consider the employment of a public officer, employee, staff member or individual agent. (City Manager)*

No Council decisions were made in Executive Session. Mayor Jackola adjourned the executive session.

REGULAR SESSION

Mayor Jackola reconvened the regular session at 9:05 p.m.

10) City Manager Contract Authorization

Councilor Steinhebel moved, Councilor Mann seconded, to SUSPEND THE CITY MANAGER RECRUITMENT UNTIL JULY 2024. The motion passed with 5 yeas (Mann, Salvage, Steinhebel, Ullfers, Workman) and 1 nay (Dykstra).

The regular session was temporarily adjourned at 9:07 p.m.

EXECUTIVE SESSION

Staff Present City Attorney Kennedy, Interim City Manager Ron Whitlatch, Police Chief Frank Stevenson, Public Works Director Jason Williams, Human Resource Director Angela Solesbee, and City Recorder Julie Fisher

Mayor Jackola called the executive session to order at 9:08 p.m.

City Attorney Kennedy read the executive session announcement – *Per ORS 192.660(2)(d) To conduct deliberations with persons designed by the governing body to carry on labor negotiations.*

No Council decisions were made in Executive Session. Mayor Jackola adjourned the executive session.

ADJOURNMENT – The meeting was adjourned at 9:38 p.m.

[Minutes prepared by Donna Trippett, Deputy City Recorder]

Minutes Approved by the Lebanon City Council on this 13th day of December 2023.

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| Kenneth E. Jackola, Mayor | <input type="checkbox"/> |
| Michelle Steinhebel, Council President | <input type="checkbox"/> |

ATTESTED:

Julie Fisher, City Recorder