

LEBANON CITY COUNCIL
MINUTES
May 13, 2020

Council Present Mayor Paul Aziz, Councilors Jason Bolen, Robert Furlow, Rebecca Grizzle, Karin Stauder and Michelle Steinhebel

Staff Present City Attorney Tré Kennedy, Interim City Manager/Engineering Director Ron Whitlatch, City Recorder Kim Scheafer, Police Chief Frank Stevenson, Community Development Director Kelly Hart and Finance Director Matt Apken

CALL TO ORDER Mayor Aziz called the electronic meeting to order at 6:00 p.m. using Zoom web conferencing due to the COVID-19 pandemic.

ROLL CALL Councilor Rieskamp was absent.

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

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| AGENDA | Lebanon City Council Agenda – May 13, 2020 |
| AGREEMENT | 2020 ODOT Surface Transportation Fund Agreement |
| BOARD MINUTES | Planning Commission – February 19, 2020 |
| COUNCIL MINUTES | March 11, 2020 Regular Session and March 25, 2020 Regular & Work Sessions |
| EASEMENT | Mill Street Public Utility Easement |
| LIQUOR LICENSES | Annual Renewals |

PROCLAMATIONS

Mayor Aziz read the proclamations declaring May 10-16, 2020 as National Police Week/May 15, 2020 as Peace Officers Memorial Day; May 22, 2020 as American Legion Poppy Day; June 1-7, 2020 as Strawberry Festival; and May as Mental Health Awareness Month.

PUBLIC COMMENTS

Mayor Aziz read and said that the Councilors received a public comment from Shirley Bird, Family Assistance and Resource Center Group Executive Director. She asked the City to waive the conditional use permit fee for a homeless shelter during the pandemic as it would offer a safe alternative to this highly vulnerable population. They will be testing for COVID-19 in the Lebanon homeless population. She asked the City to put urgent prevention measures in place, make a plan for post-testing isolation, and provide a quarantine solution for any homeless that tests positive.

Community Development Director Hart indicated that temporary or emergency shelters are prohibited in the residential low-density zone. In all other residential zones, they are permissible through a conditional use permit, which costs \$1,500 and takes 2-3 months for the Planning Commission to review this discretionary request to determine whether the proposal meets the decision criteria. The decision would also be based on public comment. The permit runs with the land; no time limit can be placed on it, so this is not a temporary consideration.

Staff has reviewed Linn County Health and the Governor's office guidance documents regarding homelessness. If they are tested, awaiting results, or tested positive, the best option is to identify a location, such as a hotel room,

where they can be isolated and fully separated from the population. This would allow them to have their own sanitation facilities and place to shelter. Staff has not looked at the campsite proposal in depth, as they were identifying whether it would be a feasible and whether there are better options. Linn County is finalizing a contract for a hotel in the county that will be providing this service.

Police Chief Stevenson said that there are many issues with a campsite like this. Since it would be on private property, owners would need to go through an eviction process for those camping. There would also be sanitation and other issues and would require a lot of law enforcement resources to ensure safety. He wondered why Ms. Bird took this long into the pandemic to pursue this, other than having an agenda to get a homeless camp or shelter in Lebanon.

Councilor Stauder agreed with Stevenson and has concerns, especially with the private property/eviction and sanitation issues. If there is no way to limit the time, the Council would, in effect, be voting on a permanent camp. She feels that the City should let Linn County take the lead, instead of cities individually trying to create a system.

Councilor Bolen agreed with the concerns and stated that Linn County Health has been leading the way for local health communities so it would be prudent to follow their lead. There may also be potential impact on pedestrian and vehicular traffic. Councilors Steinhebel, Grizzle and Furlow agreed.

In response to Councilor Steinhebel's question, Mayor Aziz stated that Ms. Bird's organization does not have a number for the homeless population in Lebanon. Stevenson shared that the department has been distributing packages and providing assistance to those camping, but they have not found many. The homeless they spoke to are already sheltering in place. Many do not want assistance or to go anywhere. He does not believe a person testing positive can be forced.

Cassie Cruze, Lebanon Downtown Association Main Street Manager, shared that there has been an increase in volunteers for community cleanup and other events. There was more than \$37,000 in volunteer hours (up 66%) this year. The City's 2019 \$10,000 investment turned into \$39,709.25. With their First Fridays events, the number of downtown customers increased by 71%. The summer concert series will be canceled so they are looking into having winter concerts. The LebanonStrong.com fundraiser is going well. By the end of this month, they hope to roll out a virtual space walk to show vacant buildings downtown with a panel of contractors giving their insight on the buildings.

PUBLIC HEARING

1) Authorization for the City to Apply for the Community Development Block Grant (CDBG) for the DevNW Housing Rehab Program

Mayor Aziz opened the public hearing at 6:24 p.m.

Hart requested approval of a resolution that would authorize staff to submit the 2020 CDBG funding application and authorize the City Manager to sign the required documents and contract with DevNW as the sub-grantee.

Liza Newcomb, DevNW, said that they will be the sub-grantee for the program, but Linn County Housing Grant Program will oversee the grant. In addition to the \$400,000 rehabilitation loan program, there is \$100,000 in grants for homeowners in manufactured home parks. Brigetta Olson, DevNW Chief Operating Officer, read the public notice for the CDBG program.

Regarding public comments in favor of or in opposition to the request, City Recorder Scheafer confirmed for Mayor Aziz that no comments were received. The public hearing was closed at 6:30 p.m.

Ms. Newcomb agreed with Councilor Grizzle that there is no reason not to apply for the additional \$100,000 grant. She added that some people do not want to see them giving out grants to people in manufactured home parks because there is no financial return but keeping people safe in their homes is the return they want.

City Attorney Kennedy read the title of RESOLUTION NO. 2020-03. Councilor Grizzle moved, Councilor Stauder seconded, to APPROVE RESOLUTION NO. 2020-03, A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR THE 2020 COMMUNITY DEVELOPMENT BLOCK GRANT AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH DEVNW AS SUB-GRANTEE. Councilor Grizzle clarified that her motion includes applying for the full \$500,000 (\$400,000 loan plus \$100,000 grant). The motion passed unanimously.

REGULAR SESSION

2) Approval of City Attorney Contract

Mayor Aziz presented the proposed Morley Thomas Law LLC renewal contract, which was reviewed by him, Interim City Manager Whitlatch and City Attorney Kennedy.

Councilor Stauder said that she would like the City to continue with the contract because Kennedy does well for the City and is always available. Mayor Aziz agreed and said that he likes the addition of extra services.

Kennedy stated that his firm appreciates the contract and relationship they have with the City. He introduced and praised his staff.

Councilor Furlow moved, Councilor Steinhebel seconded, to APPROVE THE CONTRACT WITH MORLEY THOMAS LAW LLC FOR THE PERIOD OF MAY 14, 2020 THROUGH JUNE 30, 2023. The motion passed unanimously.

3) Approval of Addendum #1 to Tourism Services Agreement with the Lebanon Area Chamber of Commerce

Whitlatch requested approval of an addendum to the Chamber of Commerce Tourism Services Agreement. The current agreement provides the Chamber \$35,000 per year for operations and \$50,000 to administer the tourism grant fund. Due to COVID-19, transient lodging taxes will likely decrease 80%-90%. The addendum modifies the current contract to use funds for tourism grants to cover operating expenses over the next two quarters.

As Chamber Director, Councilor Grizzle stated that a new amendment may need to come back in September after seeing how the economy is opening up.

In response to Councilor Bolen's question, Whitlatch stated that he does not believe that this will be retroactive. Councilor Grizzle said that, as far as the Chamber is concerned, they do not consider this to be retroactive but in September, they would like to consider building some of the grant funds back up because the need will be even greater next year. Councilor Bolen asked if how these funds are being appropriated is legal. Kennedy said that the City is not legally obligated to use them for grants. The City chooses how it is used for tourism, so he does not see this as a problem. Apken agreed and added the City has quite a bit of flexibility in using transient room tax funds.

Councilor Stauder moved, Councilor Furlow seconded, to APPROVE ADDENDUM #1 TO THE TOURISM SERVICES AGREEMENT WITH THE LEBANON AREA CHAMBER OF COMMERCE. As Chamber Director, Councilor Grizzle recused herself from voting. The motion passed unanimously.

4) City Manager's Report – Whitlatch provided updates:

- Policies and procedures for each building are being put together with the hope that the City will move into Phase 1 of the State's reopening. Some staff will be telecommuting. In line with the State, the emergency declaration will likely be extended to July 6. This allows the City to flex schedules and provides the ability to apply for any funds.
- Hart shared that Economic Development Catalyst Rodgers has been looking for funding opportunities to help struggling businesses. There is a good chance of moving forward with some opportunities that have very low City buy-in with a pretty significant return. The City would not have to administer the program causing additional staff time, nor be involved in making the decision as to who gets funding. This could be a great funding source for the local community. Councilor Grizzle added that Rodgers has been great about aggressively finding and sharing information with the Chamber.

ITEMS FROM COUNCIL

Mayor Aziz shared that the Governor will be holding a 10:00 a.m. press conference on Thursday to announce the counties that will be reopening.

He expressed his condolences – Randy Peterson, Soup Kitchen Director, passed away suddenly.

Councilor Bolen thanked Stevenson and his staff for their handling of the cruise-in event. They did a really good job of addressing some concerns with participants, while protecting everyone's First Amendment rights and rights to protest peacefully.

Stevenson stated that staff did their best to deal with the situation appropriately, while trying to protect everyone's rights. As follow-up, they tried to identify many of the participants to let them know that some of the activities witnessed are not going to be allowed. Hearing that there will be ongoing weekend events caused them some concern so they wanted to communicate with the group and partnering agencies. The hope is that this does not happen again. If it does, he hopes that it is done in a peaceful, respectful and legal way so they do not have to step in. He commended his sergeants and officers with the way they dealt with the situation.

Mayor Aziz said that, in his statement, he was not telling people not to assemble. The biggest problem was when it turned into a possibly dangerous or illegal situation.

PUBLIC/PRESS COMMENTS – *There were none.*

NEXT SCHEDULED COUNCIL MEETING(S) – June 10, 2020 Regular Session (6:00 p.m.)

The Council convened into executive session at 7:00 p.m.

EXECUTIVE SESSION – *Per ORS 192.660(2)(a) To consider the employment of a public officer, employee, staff member or individual agent.*

REGULAR SESSION

The Council reconvened into open session at 7:53 p.m.

5) City Manager Recruitment Process

Councilor Steinhebel moved, Councilor Bolen seconded, that Council voted to bring the top two city manager candidates for in-person interviews at the end of June, if Linn County enters Phase 2 of the Oregon reopening process.

Councilor Grizzle felt that the stipulation about entering Phase 2 is too constricting. She believes that there are work-arounds and that the Council can come to a good decision or at least move forward without waiting for Phase 2.

Councilor Stauder agreed and said that she would like the option, at the end of June, to see what this looks like and how it can be done. Accommodations may need to be made, such as splitting the group in two to do in-person interviews.

Councilor Steinhebel stated that we do not get to set the timeline in a pandemic. This is one situation where it is probably worth putting a pause. Councilor Furlow agreed.

Councilor Bolen agreed with the Phase 2 wording because it is an important decision and would give greater flexibility to carry out the process as it would normally. Phase 2 would also allow for a larger gathering that could involve all the appropriate staff and members of the public who want to participate, at the appropriate time.

There was clarification that this step is to eliminate candidates and choose the top candidates to move forward with. Council and staff can meet the candidates in person, since it is difficult to make that determination over a Zoom call. This step does not include public involvement.

Kennedy stated that he does not interpret the motion to say that nothing, including discussion and modifying the process, can be done until Phase 2. Councilor Stauder said that if this is the case, then she totally agrees.

Councilor Steinhebel said that this can be addressed again if the City is not in Phase 2 by the end of June. She also has a problem hiring somebody for that high of a salary while the City is furloughing Senior Center and Library employees.

Councilor Furlow called for the question; Councilor Bolen seconded. The motion passed unanimously.

The motion that Council voted to bring the top two city manager candidates for in-person interviews at the end of June, if Linn County enters Phase 2 of the Oregon reopening process passed with 3 yeas (Bolen, Furlow, Steinhebel) and 2 nays (Grizzle, Stauder).

Whitlatch stated that staff will try to schedule the interviews for June 22 and 23 and plan for a Council meeting on June 24.

ADJOURNMENT – Mayor Aziz adjourned the meeting at 8:15 p.m.

[Minutes prepared by Donna Trippett]

Minutes Approved by the Lebanon City Council on this 10th day of June 2020.



Paul R. Aziz, Mayor
Jason Bolen, Council President

ATTESTED:


Kim Scheafer, MMC, City Recorder