

LEBANON CITY COUNCIL
MINUTES
June 10, 2020

Council Present Mayor Paul Aziz, Councilors Jason Bolen, Robert Furlow, Rebecca Grizzle, Wayne Rieskamp, 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, Finance Director Matt Apken and Community Development Director Kelly Hart

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 All Councilors were present.

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

AGENDA

APPOINTMENTS

Lebanon City Council Agenda – June 10, 2020

Arts Commission – Cassie Cruze & Jenni Grove (reappointments)

Budget Committee – Josh Port & Lance Caddy (reappointments)

Library Advisory Committee – Russell Fish (appointment)

Planning Commission – David McClain & Josh Port (reappointments)

Senior & Disabled Services Advisory Committee – Marlene Flyer, Sherry Liest & Harriet Voss (reappointments) and Lori McNulty (appointment)

Trees & Trails Advisory Committee – Jan Diamantine (reappointment)

COUNCIL MINUTES

May 13, 2020 Regular Session

DEED

Old Mill Trail Quitclaim Deed

EASEMENT

Mazama Avenue Public Access & Utilities Easement

LIQUOR LICENSE

Growler Café (Off-Premises Sales)

PROCLAMATIONS

Mayor Aziz read the proclamation declaring July as Fireworks Safety Awareness Month. He shared that there will be a fireworks display at Cheadle Lake.

PUBLIC COMMENTS

Mayor Aziz read the public comment [available in Archives] received by the Mayor and Council from Lance Caddy regarding his concerns about the COVID-19 exaggerated response. Mr. Caddy asked Council to pass a resolution declaring Lebanon to be a sanctuary city from the Governor's executive orders and that local and county enforcement will not prosecute businesses which stay open.

After some discussion, the Council agreed not to consider declaring Lebanon a sanctuary city at this time. Mayor Aziz added that if the Council, as a whole changed their mind, they can make a decision at that time. Home rules have been overridden by state law.

Mayor Aziz read a Lebanon Downtown Association update from Yvette Meyer [available in Archives]. There was a great turnout (including out-of-area viewers) for their first virtual space walk on June 4. The next building space walk will be the Courtney Block building at 6:00 p.m. on June 18. A donation match of \$5,000 was pledged to the LDA's Give-5 to Elevate Downtown by an anonymous donor. As a contribution towards the continuation of events and programs, they are asking the community to rally around downtown by becoming a monthly \$5 donor. With the COVID-19 hardship, LDA understands cancellation of funding for the Main Street Manager position. Board members are committed to keeping the Main Street America designation but to do so, they must have a minimum part-time manager, so they are intensifying their fundraising efforts.

Mayor Aziz said that he would like to see the City return to receiving enough funding to support tourism and downtown.

PUBLIC HEARINGS

1) State Revenue Sharing

Mayor Aziz opened the public hearing at 6:12 p.m.

Finance Director Apken requested approval of a resolution certifying that the City is eligible to receive revenue sharing funds and approval of an ordinance declaring election to receive the state revenue. The approved budget for 2020-21 has budgeted revenue of \$200,000 in the General Fund. It is based on a budget estimate provided by the League of Oregon Cities.

City Recorder Scheafer confirmed for Mayor Aziz that no public comments were received. *The public hearing was closed at 6:13 p.m.*

*City Attorney Kennedy read the title of RESOLUTION NO. 2020-09. **Councilor Grizzle moved, Councilor Rieskamp seconded, to APPROVE RESOLUTION NO. 2020-09, A RESOLUTION CERTIFYING THE CITY OF LEBANON PROVIDES MUNICIPAL SERVICES FOR ELIGIBILITY IN RECEIVING STATE SHARED REVENUE PAYMENTS. The motion passed unanimously.***

Kennedy read the title of ORDINANCE BILL NO. 2020-06, ORDINANCE NO. 2946. **Councilor Grizzle moved, Councilor Stauder seconded, to APPROVE ORDINANCE BILL NO. 2020-06, ORDINANCE NO. 2946, A BILL FOR AN ORDINANCE DECLARING THE CITY OF LEBANON'S ELECTION TO RECEIVE STATE REVENUES. The motion passed unanimously.**

2) Adoption of FY 2020-21 Approved Budget

Apken presented resolutions to adopt the City of Lebanon FY 2020-21 budget and making appropriations and to levy taxes for the City's FY 2020-21 budget. There were no changes to the budget since the Budget Committee approved the budget. Due to the current situation, staff may come back and make some adjustments, but it will be done through the normal public process.

Hearing no questions of staff, Mayor Aziz opened the Public Hearing at 6:16 p.m. Scheafer confirmed for Mayor Aziz that no public comments were received. The public hearing was closed at 6:17 p.m.

Kennedy read the title of RESOLUTION NO. 2020-10. **Councilor Furlow moved, Councilor Rieskamp seconded, to APPROVE RESOLUTION NO. 2020-10, A RESOLUTION ADOPTING THE CITY OF LEBANON'S BUDGET AND MAKING APPROPRIATIONS FOR FISCAL YEAR 2020-21. The motion passed unanimously.**

Kennedy read the title of RESOLUTION NO. 2020-11. **Councilor Grizzle moved, Councilor Furlow seconded, to APPROVE RESOLUTION NO. 2020-11, A RESOLUTION LEVYING TAXES FOR THE CITY OF LEBANON'S**

BUDGET FOR FISCAL YEAR 2020-21. The motion passed unanimously.

Mayor Aziz temporarily adjourned as the Lebanon City Council and convened as the Urban Renewal Agency.

3) Adoption of FY 2020-21 Urban Renewal District Approved Budget

Apken stated that there were no changes to the Lebanon Urban Renewal Agency budget since the Budget Committee approved the budget for \$5,886,185.

Hearing no questions of staff, Mayor Aziz opened the Public Hearing at 6:19 p.m. Scheafer confirmed for Mayor Aziz that no public comments were received. The public hearing was closed at 6:20 p.m.

Kennedy read the title of RESOLUTION NO. 2020-12. **Councilor Grizzle moved, Councilor Rieskamp seconded, to APPROVE RESOLUTION NO. 2020-12, A RESOLUTION ADOPTING THE LEBANON URBAN RENEWAL AGENCY BUDGET AND MAKING APPROPRIATIONS FOR FISCAL YEAR 2020-21. The motion passed unanimously.**

Kennedy read the title of RESOLUTION NO. 2020-13. **Councilor Furlow moved, Councilor Stauder seconded, to APPROVE RESOLUTION NO. 2020-13, A RESOLUTION LEVYING TAXES FOR THE LEBANON URBAN RENEWAL AGENCY'S BUDGET FOR FISCAL YEAR 2020-21. The motion passed unanimously.**

Mayor Aziz adjourned as the Lebanon Urban Renewal Agency and reconvened as the Lebanon City Council.

REGULAR SESSION

4) FY 2019-20 Budget Appropriation Transfer and Closing Funds

Apken requested Council approval of a resolution transferring appropriation and closing unnecessary funds due to a change in health insurance plans and personnel changes since the original budget was put together. There were also unanticipated outside legal fees, in addition to expenses to create the Mill Race Urban Renewal Plan. This resolution would also close five funds as of June 30, 2020.

Kennedy read the title of RESOLUTION NO. 2020-14. **Councilor Steinhebel moved, Councilor Furlow seconded, to APPROVE RESOLUTION NO. 2020-14, A RESOLUTION AUTHORIZING A TRANSFER IN BUDGET APPROPRIATIONS AND DECLARING FUNDS UNNECESSARY AND ABOLISHING THEM FOR THE CITY OF LEBANON 2019-20 BUDGET. The motion passed unanimously.**

5) Approval of Teamsters Union Memorandum of Understanding

Due to the COVID-19 situation, Police Chief Stevenson asked for approval to enter into a one-year extension to the current Teamsters Collective Bargaining Agreement. Barring the exceptions detailed in the MOU (including Article 4 and implementation of a 2% wage increase effective July 1, 2020), all articles will remain the same through June 30, 2021. The plan is to start negotiations in late 2020 as the pandemic calms down.

Councilor Grizzle moved, Councilor Rieskamp seconded, to APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE TEAMSTERS UNION FOR A ONE-YEAR EXTENSION TO THE EXISTING CONTRACT. The motion passed unanimously.

6) Approval of Lebanon Municipal Code 8.10 Noise Regulations Amendment

Kennedy presented an amendment to LMC 8.10 regarding noise regulations, eliminating the requirement of sound measuring devices in determining violations under the ordinance and further clarifying and streamlining the

process. There are specific changes relating to the subjectivity or requirements for noise violations in residential areas, as opposed to commercial, business or industrial areas. The ordinance modification was requested by the Police Department as it would give officers more flexibility, while still providing sufficient information and standards to prosecute the code violation.

Mayor Aziz asked whether noise from outside City limits, but that impacts residents of the City, can be addressed. Kennedy stated that it can technically be addressed but the City has only pursued it in a couple of situations.

Councilor Stauder thanked Kennedy and his staff for their work on this amendment. It will give homeowners and officers more flexibility and tools. Kennedy commended Jeff Clayson as he did a large part of the amendment.

Kennedy read the title of ORDINANCE BILL NO. 2020-07, ORDINANCE NO. 2947. ***Councilor Stauder moved, Councilor Grizzle seconded, to APPROVE ORDINANCE BILL NO. 2020-06, ORDINANCE NO. 2946, A BILL FOR AN ORDINANCE AMENDING 08.10 OF THE LEBANON MUNICIPAL CODE RELATING TO NOISE. The motion passed unanimously.***

7) Approval to Apply for the Recreational Trails Program Grant – Old Mill Trail

Interim City Manager/Engineering Director Whitlatch asked for approval to apply for the 2020 Recreational Trail Program Grant for funding to assist with construction of the Old Mill Trail, which is a new trail section from the City parking lot on Mountain River Drive to Gill's Landing RV Park. The City received confirmation that they are in line to receive one grant for the trail. Almost 80% of the funding for this \$1 million trail has been from private donation. This grant would help to offset anything missed in the cost estimate.

Councilor Grizzle thanked City staff, Build Lebanon Trails and the Heatherington Foundation and said that she is excited for this section of trail to be complete.

Kennedy read the title of RESOLUTION NO. 2020-15. ***Councilor Stauder moved, Councilor Rieskamp seconded, to APPROVE RESOLUTION NO. 2020-15, A RESOLUTION AUTHORIZING THE CITY OF LEBANON TO APPLY FOR THE 2020 RECREATIONAL TRAILS PROGRAM GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR THE OLD MILL TRAIL. The motion passed unanimously.***

Mayor Aziz temporarily adjourned as the Lebanon City Council and convened as the Urban Renewal Agency.

8) Mill Race Urban Renewal District

Community Development Director Hart presented consideration of a new Mill Race Urban Renewal District, as discussed in the March Council work session. Consultant Elaine Howard explained that this process requires concurrent removal of property from the NW Lebanon URD. The single-development urban renewal area would be 51.45 acres. As designed, the plan meets the requirements of the economic development agreement on that property. The time frame (to fiscal year end 2028) and maximum indebtedness (\$9,652,364) are also tied to stipulations in the agreement. The two projects in the plan is to provide developer incentives (rebate of property taxes paid tied to the agreement) and administration (to reimburse both for the development of the plan and for ongoing administration of it).

There are no impacts to property taxpayers. Impacts to the taxing districts are anticipated to be less than the full maximum indebtedness, will occur as development occurs, and will not impact bonds or local option levies. She spoke about the plan process where removal of the property from the NW URD will occur at the August Council meeting.

Councilor Furlow moved, Councilor Grizzle seconded, to APPROVE MOVING FORWARD WITH THE CREATION OF A MILL RACE URBAN RENEWAL DISTRICT. The motion passed unanimously.

Mayor Aziz adjourned as the Lebanon Urban Renewal Agency and reconvened as the Lebanon City Council.

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

- The City is under Phase 2 of reopening Oregon. Senior Center Director Oliver is speaking with other senior service agencies about their models to help guide Lebanon's Senior Center reopening. The Library opens with limited hours next week. City Hall is open to the public Tuesday through Thursday and by appointment only. Staff has been putting more forms online to avoid as much in-person interaction as possible and to speed up the process. He recommends continuing with these adjustments but would like to hear if Councilors receive complaints about City Hall not being open enough hours.
- Stevenson said that a Black Lives Matter protest will be held on Sunday from 1:00-6:00 p.m. It will be a march from Century Park to Academy Square followed by an assembly at the gazebo. The Department is working with organizers of the event. No problems are expected, but they are prepared if any arise. Councilor Rieskamp asked if there will be outside speakers. Stevenson stated that this is a well-organized event; the plan is to have six to seven speakers, a moment of silence and a prayer.
- Whitlatch spoke about going back to in-person Planning Commission meetings. The Mayor and Council agreed to have in-person Council meetings starting in July. Councilor Furlow asked for the ability to call in since he needs to isolate.
- Whitlatch will be out of the office on Friday and possibly half a day on Thursday but he will be around.
- Mayor Aziz said the Governor's office will be issuing guidance on when park play structures can open. Whitlatch said that the structures have been signed multiple times, but people keep taking them down.

ITEMS FROM COUNCIL

Stevenson spoke about the Police Department's use of force policy and training. They are regularly trained on de-escalation practices. Body cameras have been in use since 2012. Dash cam videos are used in all patrol cars. Use of force by law enforcement personnel is a matter of critical concern, not only for citizens but also for law enforcement. Any use of force is reviewed by the on-duty supervisor, in addition to a three-pronged review by administration to ensure that unreasonable force was not used. Other agencies, the Department of Justice, or district attorneys may evaluate and assist Lebanon with investigations. He stressed that when the police oath is broken, they will no longer be with the department. He offered to share the policy and the numbers of uses of force (which are included in the City Manager report each fiscal year) and said that they are always open to suggestions on how to be better.

The Mayor and Council thanked Stevenson and his staff for their honesty and respect when dealing with the public. They also expressed their trust in Stevenson and confidence that if this was to happen, necessary measures would be taken and the situation handled to the extent that the public deserves.

Councilor Stauder added that the Pacific Northwest operates under the rules of the Ninth Circuit Court, which is more limiting than other places in the country. Every officer in Oregon goes through training at the Police Academy that includes many hours of emotional intelligence, implicit bias and community competency that is specific to different groups. Officers also learn how to treat different types of people with kindness and respect.

Municipal Court Judge Waite said that his interactions with LPD officers are always positive. They treat people in court with respect, which makes for a fair and just experience for them.

PUBLIC/PRESS COMMENTS – *There were none.*

NEXT SCHEDULED COUNCIL MEETING(S) – June 24, 2020 Executive Session (8:00 a.m.-12:00 p.m.) and Regular Session (12:00 p.m.)

The Council convened into Executive Session at 7:14 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 8:10 p.m.

ADJOURNMENT – Mayor Aziz adjourned the meeting at 8:10 p.m.

[Minutes prepared by Donna Trippett]

Minutes Approved by the Lebanon City Council on this 8th day of July 2020.



Paul R. Aziz, Mayor
Jason Bolen, Council President

ATTESTED:



Kim Scheafer, MMC, City Recorder