

A regular meeting of the Astoria Common Council was held at the above place at the hour of 7:00 pm.

Councilors Present: Brownson, Rocka, Herman, West, and Mayor Jones.

Councilors Excused: None

Staff Present: City Manager Estes, Parks and Recreation Director Dart-Mclean, Community Development Director Leatherman, Planner Fryer, Finance Director Brooks, Fire Chief Crutchfield, Police Chief Spalding, Public Works Director Harrington, Library Director Pearson, and City Attorney Henningsgaard. The meeting was live streamed and recorded, and will be transcribed by ABC Transcription Services, Inc.

PRESENTATIONS

Item 3(a): Wade Matthews 20 Year Anniversary

Chief Crutchfield recognized Wade Matthews for 20 years of service with the City, noting his professional background and accomplishments.

Item 3(b): COVID-19 Community Development Block Grant Update

Earlier this summer City Council authorized submittal of two Community Development Block Grants (CDBG) for County -wide COVID-19 assistance. The City of Astoria is partnering with Columbia Pacific Economic Development District (Col-Pac) on both applications. The City has been notified that the application for personal protective equipment (PPE) has been approved with grant agreements coming to Council soon. The other grant for low income business assistance is on hold until the end of November as other small business assistance funds have been received from Business Oregon. Clatsop Economic Development Resources (CEDR) and Col- Pac have been working on securing business assistance grant funds for Clatsop County with great success. Mary McArthur of Col-Pac and Kevin Leahy of CEDR will be presenting on the business assistance grant funds received to date and how a community development block grant could possibly address future county-wide needs.

City Manager Estes said grant agreements and intergovernmental agreements (IGAs) would be presented to the Council at their next meetings.

Mary McArthur, Col-Pac, gave provided a brief overview on the grant funding available for small businesses and how the grants funds would be distributed.

Kevin Leahy, CEDR, updated the Council on the small business grant funds that had already been awarded and grant funds that were still available. He noted eligibility requirements, spending limitations, and efforts to eliminate some of the restrictions. He and Ms. McArthur answered clarifying questions from Councilors about the grant program. They encouraged the City to submit a letter of support for removing restrictions on funding limits.

REPORTS OF COUNCILORS

Item 4(a): Councilor Herman congratulated Mr. Matthews for all of his work for the City, which she appreciated.

Item 4(b): Councilor Brownson reported that Peter Pan had reopened and was busy. The Oregon Community Foundation, the Meyer Memorial Trust and the Ford Family Foundation would be raising funds and distributing funds to families in need. Ten new cases of COVID-19 had been reported he expected more infections over Labor Day if people do not take precautions.

Item 4(c): Councilor West encouraged people to give to the Oregon Community Foundation. She volunteers for the foundation and they serve rural areas. She had been helping with dislocated livestock. Many groups throughout the state have mobilized to help with housing animals, finding the owners, and shipping feed. She attended the Oregon Department of Forestry's meeting to discuss their draft habitat conservation plan. The department's website includes a copy of the draft and a place for the public to submit input. She serves on a social media panel for the League of Oregon Cities conference and her presentation would be recorded tomorrow.

Item 4(d): Councilor Rocka reported that he was shocked to see 20 more coronavirus cases over the weekend. He reminded everyone to wear masks. He reported that Leroy Adolfson who helped create the Uniontown Association and maintained the Doughboy monument had passed away. He spoke with the Astoria Postmaster about mailing election ballots and recommended ballots be mailed at least three to five days prior to November 3rd. The ballots would be processed in Portland. He attended a training as an election observer where representatives from both major parties watched the opening and verification of the counting of ballots by the County Election Department.

Item 4(e): Mayor Jones had no reports.

CHANGES TO AGENDA

No changes.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) Draft Minutes for Historic Landmarks Commission
- 6(b) Draft Minutes for Astoria Planning Commission
- 6(c) August 2020 Draft Parks Advisory Board Meeting Minutes

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Herman, to approve the Consent Calendar. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

REGULAR AGENDA ITEMS

Item 7(a): Public Hearing and First Reading of Amendment A19-01 an Ordinance to allow Columbarium (internment of ashes) at Places of Worship

Grace Episcopal Church parishioners addressed the City Council on September 3, 2019 to formally request that the city modify the codes to allow Grace Church to construct a Columbarium for the respectful internment of ashes on church grounds. At the meeting, the City Council directed staff to draft an ordinance separating bodies from ashes and permitting the internment of ashes within Astoria city limits. On August 25, 2020, the Planning Commission recommended that the City Council adopt the proposed amendments.

If the draft code meets Council's expectations, it would be in order for Council to hold a public hearing and conduct a first reading of the ordinance for Columbarium Development Code amendments. If the Council holds a first reading of the ordinance, the proposed amendment would be scheduled for consideration of a second reading and adoption at the October 5, 2020 Council meeting.

Mayor Jones asked if anyone objected to the jurisdiction of the City Council to hear this matter at this time. There were no objections. He asked if any Councilor had a conflict of interest or ex parte contact to declare. There were none. He opened the public hearing at 7:34 pm, explained the procedures governing the conduct of public hearings to the audience and advised that handouts of the substantive review criteria were available from Staff.

Planner Fryer presented the Staff report via PowerPoint.

Councilor Brownson said he generally supported the ordinance. However, he was concerned about limiting columbarium to places of worship because nonsectarian places would be excluded.

Mayor Jones stated nothing was preventing other types of organizations from submitting a proposal like the church did. Expanding the allowed locations now would delay the ordinance, so he suggested the Council move forward with the ordinance as written.

Councilor Rocka said he believed allowing columbarium in other places would open a can of worms. A beer aficionado could have ashes placed in a pub, so there must be limits. Also, the City would be establishing a columbarium at the cemetery, which would alleviate some of the nonsectarian concerns.

Mayor Jones called for testimony in favor of the ordinance.

Reverend Betty McWhorter 1304 NW Meadows Drive, McMinnville, said she had been at Grace Episcopal Church in Astoria for over a year. She thanked the Planning Commission and Planner Fryer for all the work they did on the ordinance. The church has wanted to offer a columbarium for over 40 years. This was the sixth church she had served and all five of her previous churches had columbarium and memorial gardens on site.

Reverend Van Nostran said the Presbyterian Church had no interest at that time in erecting a columbarium, but he supported Rev. McWhorter. When he first came to town, the Presbyterians told him that for 40 years they had been talking about making their sanctuary and fellowship hall accessible with handicap ramps. The City was very helpful with that and he knew what it was like to come into a new congregation with a 40-year desire.

Mayor Jones called for testimony opposed or impartial to the ordinance. Seeing none, he called for closing comments from Staff.

Planner Fryer thanked Rev. McWhorter for sharing ideas, plans, and information about columbarium to Staff.

Mayor Jones closed the public hearing at 7:50 pm [48:34] and called for Council discussion.

Councilor Herman said she believed the ordinance was overdue and she knew there would be a lot of interest in the community. Clatsop County has the highest cremation rate in the state and this will be a lovely way to inter loved ones.

Councilor West said this is a beautiful way to honor those who have passed. She assumed a lot of people would prefer to rest or visit a late loved one in a place of worship rather than a cemetery.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor West, to hold a first reading of the ordinance to allow columbarium at places of worship. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Director Brooks conducted the first reading of the ordinance.

Item 7(b): Discussion and Direction Regarding Temporary COVID-19 Policies Regarding Water Service Shut Offs

Staff is seeking direction regarding past due tenant accounts which continue to accumulate charges due to COVID-19 emergency policy enacted to maintain health and safety of residents. Currently the City is not applying late charges or shutting off water for past due accounts. Property owners are responsible for the charges unpaid by tenants and clarity regarding the responsibility of these charges is required as eviction processes are forestalled by Federal and State action and property owners are unable to collect rent and continue incurring additional charges in unpaid tenant utility consumption. Staff is seeking Council discussion and guidance regarding the temporary policy to determine whether adjustments to the temporary policy and clarify owner liability related for balances incurred during the pandemic.

Director Brooks said the City could not utilize revenue replacement offered by the CARES Act Relief Fund. Staff has been tracking utility bills closely. More accounts are past due, but the amounts are not tremendously high.

However, there are accounts that are more than 120 days overdue. Staff is working with tenants to get payments caught up and has good success with offering payment plans. Recently, Staff increased the communications being sent out encouraging past due account holders to call the City. Shutting off service is a last resort. Staff has been in contact with the property owner who contacted the City, but not the tenant. This situation began before COVID-19, but the property owner has not been able to take normal actions because of COVID-19.

Mayor Jones stated the Council supported not shutting off services and working out payment plans with those who have demonstrated a need. However, this costs money so it is essential for the City to receive utility payments. People who have not demonstrated any need are taking advantage of the City's policy. The Governor has made it impossible for landlords to evict during COVID-19. However, this particular tenant was already being evicted before COVID-19 started and there is no evidence of any COVID-19 related hardship. The Council should look closely at the policy and ensure that there is a way of ascertaining whether an individual has a hardship. The Council should also consider allowing shut offs when hardships are not a factor.

The property owner said he started the eviction process in March and his court date has been changed four times. He does not go to court until October 4th. He had told the water department he would pay the bill per the usual policy, but if the City is not going to turn the water off, he should not have to pay beyond the normal cut off time. The Governor told tenants they did not have to pay rent but did nothing to protect the landlords. The tenants owed him \$15,000 and he would never get that money.

Mayor Jones asked if shutting off the water while tenants were living in the apartment would violate Codes.

City Manager Estes explained that usually, in non-COVID times, when the City shuts off water, the tenants are quick to remedy the situation. However, if the tenants do not get their water service restored, that is a Code violation and the building official must force an eviction.

City Attorney Henningsgaard added that this problem is not unique to Astoria. Many other cities in Oregon have adopted a policy of not shutting off water and most of the problems are occurring in those cities. There are several issues with turning off water service, including potential liabilities for the landlord. He believed in situations like this, a case by case evaluation is the best action for the City to take, rather than adopting a blanket rule.

Councilor Herman said she was concerned that longer the water bills go unpaid, the less likely the tenant will be able to pay. This means the landlord will be stuck with the bills. In many cases, landlords are small property owners who do not necessarily own dozens of properties. Landlords cannot afford to be stuck with those bills. She agreed these bills should be handled on a case by case basis. Landlords have been left out. Rent payments are a landlord's income.

City Attorney Henningsgaard noted that once the rent moratorium expires, the tenants will have an enormous rent bill that will come due on top of the water bills. If the water bills continue to grow larger, he anticipated several issues in the future. Some tenants will simply disappear.

Councilor Brownson recommended the water pressure be turned down to trickle so the toilet can fill but no showers could be taken. The tenants will use less water and it will be more difficult for them to continue living there.

Councilor Rocka asked how many people were not paying their water bills.

Director Brooks said Staff had been pretty successful at getting most people to pay. Normally, there are three or four accounts a month that are near being shut off but currently, there are 30 or 40 accounts not being paid and 15 to 20 are close to being shut off.

Councilor Rocka understood that the landlord could not evict a tenant for any reason right now.

City Attorney Henningsgaard clarified that only no cause evictions and evictions for non-payment of rent are prohibited. Most leases stated that utility payments are considered rent, which allows a landlord to file for

eviction quicker when those payments are not made. Leases that require the tenant to pay their own utility bills are breached when those bills are not paid, allowing the landlord to evict as well. Evictions for criminal conduct are also allowed right now. However, the landlords must get a court date first and then arrange for the Sheriff's office to do the eviction process. With COVID-19, the timeline for getting all of that done has expanded, making evictions very difficult.

Councilor Rocka asked what remedy a landlord has when tenants decided to stop paying before COVID-19.

City Attorney Henningsgaard stated there is no remedy and the landlord must wait until the rent moratorium expires. The landlord could attempt to collect under whatever provisions the legislature provides.

Councilor Rocka said if the landlord cannot evict and the City cannot turn off the water, that puts the landlord in a position of having to pay a bill he has no control over. Such a burden should not fall on the landlords. Everyone could pay a little to ride out the problem until it is over. Culturally, landlords are considered evil but that is often not true in reality.

Councilor Brownson added that landlords know what the rules and risks are. When a broken water line goes unnoticed for a week, the landlord is responsible even if the tenant saw it and said nothing. Cannon Beach does not allow tenants to pay the water bills and Astoria requires the landlord to agree to allowing a tenant to pay the bill. In this case, tenants were taking advantage of the situation. He was ready to do whatever was necessary, but believed turning the water pressure down was the best solution.

Director Harrington explained that the water meter is locked when water is turned off and it is very easy to turn the water back on with the crescent wrench. There was no way to lock the meter in a position that would leave the water on with reduced pressure.

Councilor Brownson suggested the water pressure be lower at the regulator. However, the regulator is less intuitive to mess with.

Director Harrington said in this case, the water would have already been turned off had it not been for the City's COVID related policy. That would have allowed the property owner to proceed with the normal eviction process. In other cases, people are working with the City to get their water bills paid and he did not believe this particular tenant would do the same.

Councilor West agreed the overdue accounts should be handled on a case by case basis. She knows people who have had trouble paying their water bill due to COVID-19 and the second they reached out to the City, the problem is solved because the effort is there. However, in this case the tenant has made no effort. As a landlord of commercial property, she was able to apply for mortgage abatement for three months and compromised with her tenants. However, if a landlord does not have enough money coming in, they cannot make mortgage payments or pay water bills. She believed the water should be turned off in this case.

Councilor Brownson reminded that shutting off the water resulted in health and safety Code violations, which would cause further problems for landlord. He did not want to further jeopardize the landlord.

City Attorney Henningsgaard responded that his advice to the landlord would be to talk to an attorney about requesting the water to be turned off. There may be legal issues between the landlord and tenant if water is shut off.

City Manager Estes understood that the Council was interested in handling unpaid water bills on a case by case basis. Any waiver to City Codes must be made by the Council.

City Attorney Henningsgaard explained that the Council could give Staff the authority to waive the water charges. Otherwise, each case would need to be brought before the Council to approve Staff's decision.

Director Brooks said if Staff is directed to turn off the water, she needed clarity because the City is responsible for enforcing Code violations. She also noted that Staff had not been hanging final notice cards, which she

believed should be part of this process. Turning off the water without giving the tenants any prior notice or deadline to make the account right should be considered.

City Manager Estes recommended that he, Director Brooks, and City Attorney Henningsgaard work on a water shut off policy to present to the Council at a future meeting.

Mayor Jones stated it was never the Council's intent to have a policy indicating the City would never cut off water service again. The intent of the policy was to allow Staff to work with water customers as they dealt with the economic impacts of COVID-19. When people are not willing to work with Staff and there is no indication of a pandemic related hardship, the City should proceed with normal procedures.

Director Brooks and City Attorney Henningsgaard confirmed for City Manager Estes they were comfortable proceeding with that direction.

City Council Action: Motion made by Mayor Jones, seconded by Councilor Brownson, to authorize Staff to proceed with warnings and water shut offs in cases where water customers have not been willing to communicate and/or work with Staff to make payment arrangements or otherwise indicate a hardship. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 7(c): A Resolution to Reaffirm the City of Astoria's Commitment to be a Community Welcoming Diversity and Embracing Equity and Inclusion

Recently, Councilor Rocka brought forward the importance of reaffirming the City of Astoria's commitment to welcoming and celebrating diversity, equity and inclusion in the community. The Mayor has added a Diversity, Equity and Inclusion Resolution which is a combination of several past resolutions approved by the Astoria City Council.

It is recommended that Council consider adopting the Resolution to reaffirm the City of Astoria's commitment to be a community welcoming diversity and embracing equity and inclusion.

Mayor Jones said Councilors Rocka and West had requested either an update to previous resolutions or a new one. The City already has resolutions on record supporting the LGBTQ+ community, the Hispanic community, and an inclusivity resolution. This resolution is a combination of multiple resolutions conveying that this community wants everyone to feel welcome, respected, and included.

Councilor Rocka stated the resolution was an excellent example of all of the elements from the other resolutions. It is important for the City to emphasize common humanity and make people feel welcome no matter where they come from.

Councilor West said she believed it was important and impactful to make a statement about the City's dedication to things that are taken for granted. She wanted a similar resolution to be passed by the County.

Mayor Jones read the resolution aloud.

Councilor West believed the word "citizens" was limiting.

Councilor Herman agreed.

Councilor Rocka stated the header contained the word "citizens" and should be changed to "people."

Mayor Jones suggested the word "citizens" be removed instead of replaced. All of the Councilors agreed.

City Council Action: Motion made by Councilor Rocka, seconded by Councilor West to adopt the resolution reaffirming the City of Astoria's commitment to be a community welcoming diversity and embracing equity and inclusion, as amended. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Councilor Herman thanked Councilors Rocka and West for proposing the resolution.

Councilor Brownson said it was sad that the City needed to make such a statement.

Councilor West thanked Mayor Jones and Councilor Rocka for working on the resolution.

Councilor Rocka thanked Staff and Mayor Jones for synthesizing the best of the previous resolutions.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)

There was none.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:41 pm.

ATTEST:



Finance Director

APPROVED:



City Manager