



MINUTES
City Council Meeting
Monday, February 1, 2021 6:00 PM

COUNCIL PRESENT: Stan Pulliam, Mayor, Jeremy Pietzold, Council President, Laurie Smallwood, Councilor, Richard Sheldon, Councilor, Kathleen Walker, Councilor, Carl Exner, Councilor, Don Hokanson, Councilor, Khrys Jones, Chamber Director, and Phil Schneider, Fire Chief

COUNCIL ABSENT:

STAFF PRESENT: Jordan Wheeler, City Manager, Jeff Aprati, City Recorder, Tyler Deems, Deputy City Manager / Finance Director, Ernie Roberts, Police Chief, David Snider, Economic Development Manager, David Doughman, City Attorney, Mike Walker, Public Works Director, and Greg Brewster, IT/SandyNet Director

MEDIA PRESENT: Sandy Post

1. MEETING FORMAT NOTE

The City Council conducted this meeting electronically using the Zoom video conference platform. A video recording of the meeting is available on the City's YouTube channel: https://www.youtube.com/channel/UCbYEclgC6VW_mV2UJGyvYfg

2. CITY COUNCIL WORK SESSION - 6:00 PM

2.1. Sandy Arts Commission Next Steps

Staff Report - 0368

The **Deputy City Manager** summarized the staff report, seeking direction from the Council on the future of the Arts Commission.

Councilor Hokanson asked for clarity on the differences between advisory committees and commissions. The **Deputy City Manager** stated that the difference largely involves the authority to make decisions rather than only recommendations. **Mayor Pulliam** stated that the decision to make the body a commission was related to a desire to provide a dedicated budget.

Councilor Exner stated that the Commission sought Council approval for major expenses. He noted that the Commission was also formed with the intention that the body would receive donations and would be responsible for

maintaining art assets, therefore requiring increased authority.

Mayor Pulliam asked about the amount of staff time the body requires. The **Deputy City Manager** responded that it varies, but at times the amount of time required has been large.

The **Deputy City Manager** sought clarity on the level of authority the body should have in the future, regardless of its status as a committee or commission.

Councilor Exner stated one of the significant challenges the body has faced has been the lack of a specific dedicated department to interface with, as the Planning Commission has with the Development Services Department.

Councilor Walker suggested that the Community Services Department could be a better fit to support the Arts Commission. She expressed concern with the other high priorities requiring the City's attention and suggested the possibility of pausing the Arts Commission until more bandwidth is available. She stated the body should be an advisory committee rather than a commission. She suggested the membership should consist primarily of city residents, and that it may be advisable to include members who are not artists as well. She suggested ensuring that members are not allowed to receive grants.

Mayor Pulliam concurred that having enough staff time and resources to properly support this body at this time is concerning. He agreed on the importance of focusing membership on city residents, though he noted the difficulty of recruiting new members.

Council President Pietzold asked how other cities approach supporting arts committees. The **City Manager** responded that Lake Oswego's arts program is administered through an arts foundation non-profit, though other cities employ a wide variety of approaches. Regarding staff capacity, he noted that the Community Services Department would likely be tasked with supporting an Aquatics Center committee in the near future.

Councilor Smallwood emphasized the importance of an active body pursuing arts in the community, and underlined potential synergies with other City initiatives, including recreation and the Community Campus.

Councilor Exner stated that the outgoing commissioners perceived a lack of support from the City. He also stressed that the commission's

accomplishments related to arts inventories and maintenance should be continued. He agreed that arts should be incorporated into the City's work generally, and agreed with the idea of leveraging the Community Services Department.

Councilor Hokanson proposed a three month pause in filling the positions because of the large number of competing priorities. He noted that the intention of the body originally was to focus on more than the visual arts. He agreed on incorporating arts into other major projects like the Pleasant Street plan. He suggested incorporating arts into a celebration of Sandy's history.

Councilor Sheldon agreed that the City has many competing priorities, but asked what waiting would accomplish. He proposed constituting the body as an advisory board rather than a commission for accountability reasons. He advocated for moving forward with the recruitment process.

Council President Pietzold agreed that an advisory board would be preferable. He suggested that proceeding with the recruitment and setup process will result in a 'pause' period regardless, and noted the upcoming budget process.

Councilor Exner suggested that converting the body from a commission to a board would lend itself to a 'pause' period. He stressed the importance of proactively incorporating art into the city's other planning efforts, and of maintaining the institutional memory of the commission and the arts inventory and maintenance programs. The **Deputy City Manager** confirmed this would be done.

Councilor Walker agreed on the importance of incorporating art into other efforts, including the Parks Master Plan. She underlined the time commitment involved with staffing a board. She suggested dedicating funding to complete an Arts Master Plan.

Council President Pietzold stated that the majority of members of the arts board should be city residents.

The consensus of the Council was to transition the arts body to an advisory board with the majority of members being city residents, and to relaunch the group after the budgeting process is complete. Staff noted that Title 18 of the municipal code would need to be repealed as part of the process of converting the commission to a board.

2.2. Proposed Changes to Title 13 of the Sandy Municipal Code

Staff Report - 0367

The **City Manager** stated that the proposed changes would modernize the code and allow the City to perform needed work on laterals as part of the wastewater improvement project.

Councilor Exner raised the topic of **Councilor Walker** being married to the **Public Works Director**, and asked for a statement from the **City Attorney** for the record. The **City Attorney** stated that no conflict of interest exists in this case because no actual or potential personal financial effect is involved.

The **Public Works Director** summarized the staff report, and noted that many of the relevant code language was written decades ago. He stated the primary impetus for revising the code is to address inflow and infiltration on private property, which is a significant driver of flows in the system. He stated this is also an opportunity to update antiquated language and ensure the code reflects modern practices. He noted no public comment on the changes has been received.

Councilor Hokanson asked several questions about the proposed code changes, listed below:

13.04.060 Leaks-Excavation by public works superintendent.

Question: This section is deleted – why?

Question: References to City, city, Building Official, Public Works Director, City Engineer, etc. are not consistent in the document.

13.12.010 Application for sewer connection or repair.

Question: Can the City legally deny utility service to a legal lot of record, a development site with an approved land use application or an existing, conforming use inside the City?

13.12.040 Pipe specifications.

Question: The references to pipe materials and dimensions remain but the references to pipe grades and alignment are deleted – why?

13.12.070 Excavations.

Question: References to compaction practices in this section are deleted – why?

13.12.090 Separate connections.

Question: Proposed revision states that existing party sewers “may” be allowed – shouldn’t this be a “shall”?

13.14.020 Abatement Plans, Corrections and Actions Taken.

Question: Ten days does not seem like a reasonable time frame for a property owner to correct an inflow or infiltration issue.

Question: There is nothing about pumped sewers (sizing, head, pressure, flow rates, etc.) in the existing or proposed code.

Further questions were raised by **Councilor Exner**:

13.04.090 Plumber-Prohibited actions.

Question: This language prevents a plumber or homeowner from turning the water on or off at the meter.

13.04.045 Changes in service.

Question: This could have been a problem during the economic downturn when there were dwellings that were vacant for more than 12 months.

The **Public Works Director** stated that staff responses to these questions and concerns will be provided at an upcoming Council meeting.

3. CITY COUNCIL REGULAR MEETING - 7:00 PM

4. Pledge of Allegiance

5. Roll Call

6. Changes to the Agenda

7. Public Comment

Greg Becker, 14585 Bluff Rd: the Public Safety Fee generates approximately \$20,000 per month. Wants to know how the money is being used. Stated there was no response to this question being asked a month ago. Asked whether the fee will cease or be reduced in the future; suggested that will not happen. Referred to the gas tax as better because it approved by voters. Asked when citizens will see value from the fee.

8. Consent Agenda

8.1. City Council Minutes

Moved by Carl Exner, seconded by Jeremy Pietzold

Adopt the consent agenda.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,
Richard Sheldon, Kathleen Walker, Carl Exner, and Don
Hokanson

9. Old Business

9.1. Letter to Governor: COVID-19 Restrictions

15 - 16

Staff Report - 0369

The **City Manager** stated that two letter options were developed by **Councilors Smallwood, Walker, and Hokanson**. Input from the Council's January 19th meeting formed the substance of the letter draft.

Councilor Walker drew attention to the first paragraph on the second page of the letter, stating that Option A focuses more on what people are allowed to do in their private residences. She stated that broadly speaking, she can accept either letter option; she is opposed to a request to fully lift restrictions on family gatherings, but could support a request to 'ease' restrictions.

Councilor Hokanson stated support for including language about loosening restrictions on family gatherings; in the interest of compromise, he suggested amending Option A to call for 'easing' of restrictions on such gatherings, rather than lifting them entirely. He also stressed the importance of stating clearly at the beginning of the letter what the Council is requesting of the Governor, and recommended repeating some of the conclusion language in the first portion.

Mayor Pulliam asked whether the Council agreed with the proposed changes suggested by **Councilor Hokanson**. The Council indicated their agreement.

Councilor Smallwood indicated that forwarding two options for the Council's consideration was her idea.

Councilor Walker indicated her support for Option A, given the edits suggested by **Councilor Hokanson**.

Councilor Exner expressed support for Option A.

The **City Recorder** asked for clarification on how to reiterate the specific request of the Governor near the beginning of the letter. **Councilor Hokanson** suggested that the portion of the first paragraph on the second page that begins with "In areas currently identified" could be repeated near the beginning of the letter. The Council discussed whether this repeated language should be placed before or after the opening paragraph. The consensus of the Council was to include it after the opening paragraph.

A revised copy of the letter, reflecting the amendments approved by the Council, is attached to these minutes for reference.

Moved by Don Hokanson, seconded by Laurie Smallwood

Approve 'Option A,' amended to reiterate summary language after the opening paragraph and reword language in the fifth paragraph to call for 'easing' of restrictions on family gatherings.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,
Richard Sheldon, Kathleen Walker, Carl Exner, and Don
Hokanson

[Council COVID letter - as amended and approved](#)

9.2. **Public Hearing: Proposed Building Fee Increases**

Staff Report - 0359

Staff Report

The **Deputy City Manager** noted that the building fee increases were originally proposed along with the general fee schedule update discussed in late 2020. The Council's policy has been to approve gradual fee increases to keep up with the cost of providing services, rather than wait multiple and enact large fee increases all at once. The City has solicited public feedback and adhered to the state's required 45 day notice period.

Public Testimony

(none)

Council Discussion

Councilor Exner agreed on the approach of regular, gradual fee increases.

Council President Pietzold concurred.

Councilor Sheldon concurred, and noted that growth should pay for itself.

Councilor Hokanson asked whether fee increases are anticipated to be annual. The **Deputy City Manager** stated that fees are anticipated to be reevaluated on an annual basis.

Moved by Kathleen Walker, seconded by Richard Sheldon

Close the public hearing.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,
Richard Sheldon, Kathleen Walker, Carl Exner, and Don
Hokanson

Moved by Carl Exner, seconded by Laurie Smallwood

Adopt Resolution 2021-01.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,
Richard Sheldon, Kathleen Walker, Carl Exner, and Don
Hokanson

10. Report from the City Manager

The **City Manager** reiterated comments from a previous meeting that the Public Safety Fee has been used to hire two new police officers, who have passed the academy. The lieutenant position has also been filled. He thanked the Council for their participation in the goal setting and facility tour processes. He noted that some additional goal setting discussion beyond February 13 may be needed. **Mayor Pulliam** stated that a tour of Fern Hill would be useful. The **City Manager** stated that work on the formal WIFIA application has begun. He noted that the latest alignment of the 362nd and Bell project is available. He also asked the Council for direction regarding the SandyNet Advisory Board, and whether it should be structured in a more formal manner with established bylaws, seats, and terms. **Council President Pietzold** explained the context of why the board was previously paused, and agreed that the board should be restarted and operated within the same framework as the City's other advisory bodies. **Councilor Hokanson** asked about Chapter 2.22 of the municipal code. The **City Recorder** stated that chapter was rescinded in 2018, and the stray reference should be removed from the website. **Councilor Walker** agreed on the importance of restarting the board, and suggested the Council could establish

basic direction and priorities for the board. **Councilor Exner** concurred on the board's importance. **Council President Pietzold** emphasized the importance of securing available federal funding.

11. Committee /Council Reports

Councilor Sheldon stated there should be a specific time during meetings dedicated to addressing comments from the public.

Councilor Exner referred to the recent City Day at the Capitol, stating that Senate President Courtney suggested that local elected officials should attend meetings with legislative committees and other state policy making bodies to have conversations on pending issues to shape policy-making. He agreed on the need to have processes to respond to public comments. He asked about the status of the pedestrian improvements on Ten Eyck and Vista. Staff responded that the project is progressing. He noted that local watershed councils are interested in the wastewater improvement project and could provide assistance if needed. He noted that one member of the Arts Commission currently remains; he would be invited to reapply to the re-formed Board.

Councilor Walker expressed appreciation for the recent goal setting and facilities tour. She expressed concern about the amount of time left to form specific goals, given the need to focus and prioritize. She concurred that it could be effective for the Council to testify on state policy as a group. She agreed on the importance of responding to public comments in a timely manner.

Councilor Smallwood noted large piles of garbage that require the attention of Code Enforcement. She also noted the presence of an abandoned RV in the Safeway parking lot, which is concerning given that another abandoned vehicle was recently set on fire. **Mayor Pulliam** asked about the options available to address abandoned vehicles on private property. **Councilor Sheldon** agreed that addressing these issues is important, noting that the County has a chronic nuisance ordinance. He suggested a work session to explore possible solutions. **Chief Roberts** stated he is aware of the issue and will address it soon.

Council President Pietzold agreed that abandoned vehicles are an increasing problem, including just outside the city limits. **Chief Roberts** stated that in many cases, vehicle owners secure the permission of property owners to park their vehicles, which complicates the matter. **Council President Pietzold** indicated that OBAC is reviewing proposed legislation affecting state broadband policy, including preemption issues. He agreed that more time may be needed for the goal setting process, and expressed appreciation for the facilities tour. He suggested a tour of the water system. He noted the upcoming Economic Development Committee meeting.

Councilor Hokanson agreed on the usefulness of the facilities tour. He expressed his disappointment regarding the storage of assets in the aquatic center, including inflatables. He thanked staff for assisting with the letter to the Governor, and encouraged the Mayor to proactively promote the message. He emphasized the importance of forming a new Aquatic Center committee.

Mayor Pulliam noted that Senator Thompson is working on possible measures to address the abandoned vehicle issue. He stated that the 2021 Sandy Mountain Festival is being cancelled due to uncertainty related to COVID-19. He expressed appreciation for the goal setting process, and stated a desire to tour the Fernhill facility. He stated that committee liaison assignments will be forthcoming soon.

12. Staff updates

12.1. [Monthly Reports](#)

13. Adjourn

14. URBAN RENEWAL BOARD MEETING

14.1. SURA Grant Review Board Membership and Appointments

Staff Report - 0370

The **City Manager** stated that because grant applications have been received over the \$50,000 threshold, there is a need for review by the Grant Review Board. He noted that the Grant Review Board itself lacks substantial structure, and the SURA Board could take this opportunity to revisit the review process itself. The **Economic Development Manager** summarized the staff report.

Councilor Walker sought confirmation on the grant review process, and on the origin of the authority granted to the Grant Review Board. She suggested that the SURA Board should be the body reviewing and approving grants for accountability reasons, and expressed concern that not all eligible businesses were made aware of the grant opportunity. She stressed the importance of fairness and transparency in the process, and proposed a single review period in which all applications could be evaluated in a competitive process.

Council President Pietzold stated that the original intention of creating a Grant Review Board was to remove the need for the SURA Board to process relatively small grants, particularly under the Facade Grant program. He noted the budget provides a spending limit; **Mayor Pulliam** agreed.

Councilor Smallwood emphasized the need for moving forward with disbursing funds quickly.

Chief Schneider inquired about the details of the \$50,000 review threshold. Staff provided clarification.

Councilor Hokanson inquired about the source of the Grant Review Board's authority. The **City Manager** stated that the authority was delegated when the SURA Board adopted the grant review criteria. This mirrored the existing approach created originally for the Facade Grant program. **Councilor Hokanson** asked for a copy of the document delegating the authority.

Councilor Exner agreed on the need to move forward quickly, potentially approving the first grant this evening.

Councilor Sheldon noted that no details about the grant application for Sandy Family Restaurant are before the Board at this time. He stated that \$50,000 is a large amount of money to not be under the SURA Board's direct purview. He asked about the details of the grant application process, and stressed the need to advertise the grant opportunity. The **Economic Development Manager** stated he has reached out to individual businesses proactively. **Councilor Sheldon** emphasized the importance of ensuring all eligible businesses are informed of the opportunity.

Council President Pietzold stated that the approach for urban renewal grant applications for many years has been to keep application processes simple and easy to use.

Councilor Smallwood emphasized that urban renewal funds not drawn from the regular city budget. The **City Attorney** explained the details and legal constraints of tax increment financing.

Councilor Walker asked about funding being redirected to the Fire District to make them whole; **Chief Schneider** provided details on the arrangement, and the City Attorney explained the legal limits placed on these funds.

Councilor Walker referred to her experience with tax increment financing. She asked staff to confirm the details of the existing grant applications; the first is for Ria's / Sandy Family Restaurant for a total project cost of \$57,125, though there is a change order in consideration that would add about \$13,000 additional dollars. The second, yet to be finalized, is for Boring Brewing.

Councilor Walker raised concerns about the amount of funding that will be

available for later applicants under a first come first served approach, and stressed the need to reach out to all eligible businesses about the opportunity without delay.

Director Jones stated that the Chamber of Commerce has assisted with publicizing the grant opportunity with local businesses.

The **City Manager** noted that the program was advertised in the December city newsletter as well as the Sandy Post.

Councilor Exner suggested that these big-picture issues would have been better handled at a regular meeting, and stated that the board needs to act decisively to move the program forward. The **Economic Development Manager** stated the most urgent issue is to appoint new members of the Grant Review Board, including a Planning Commission member and an at-large member. **Mayor Pulliam** stated his expectation had been that the Board would approve applications while the work to update the review process was still underway. **Councilor Walker** noted that no applications are currently in front of the Board.

Council President Pietzold clarified the cost-sharing parameters of the grant program. He suggested that a great deal of advertisement has already occurred. He suggested that the SURA Board could reform the review process if it desires.

Mayor Pulliam suggested that Commissioner Mayton and Mr. Ernie Brache could be good choices for the Grant Review Board.

Councilor Hokanson suggested that multiple aspects of the grant program are being administered in too casual of a manner, and with insufficient transparency. He asked why some of these program administration details were not addressed on December 21st. He suggested that the Program Guidelines document be revised to specify that grant applications would be reviewed by the SURA Board directly and to remove the 'first come first served' language.

Councilor Sheldon agreed on the need to move forward with the program. **Mayor Pulliam** suggested holding a special meeting of the SURA Board in the near future to make application approval decisions. **Councilor Walker** stated that staff should ensure that every eligible businesses is notified of the grant opportunity.

Councilor Hokanson and **Exner** agreed on the suggestion to review applications directly as the SURA Board.

Councilor Walker stressed that a deadline for further grant applications should be established so all other applications can be considered and compared at the same time.

****The Board voted to remove Section XI of the Program Guidelines at this point - motion below****

Councilor Sheldon agreed on the need to establish specific grant deadlines, but stated support for moving forward with the two existing applications.

Councilor Walker suggested that a new round of grant applications should be reviewed by the Board on March 1, and indicated that it should not be necessary to secure formal bids beforehand; cost estimates should be sufficient.

Councilor Smallwood asked whether March 1 is a reasonable deadline for applicants. **Councilor Walker** suggested it could be possible to hold another round of applications in the future if necessary.

Mayor Pulliam emphasized the extreme importance of moving quickly to assist businesses.

Council President Pietzold referred to the efficiencies possible by using the City's preferred designer.

Councilor Walker reiterated that cost estimates should be sufficient, rather than contracted bids.

Councilor Sheldon stated support for moving forward with the existing applications, and establishing a revised process with deadlines for all future applications.

The Board agreed to hold a special meeting on February 3rd at 6:00 p.m to review the application from Sandy Family Restaurant.

Moved by Don Hokanson, seconded by Khrys Jones

Edit Sections VIII and XI of the Permanent Outdoor Covered Structures Guidelines to specify that the SURA Board will review applications and make

award decisions directly.

CARRIED. 9-0

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,
Richard Sheldon, Kathleen Walker, Carl Exner, Don
Hokanson, Khrys Jones, and Phil Schneider

Moved by Kathleen Walker, seconded by Richard Sheldon

***Establish a deadline of February 25, 2021 for a new round of covered
structure grant applications, other than those already received from Ria's Bar
and Boring Brewing. Applications received by this deadline will be reviewed
by the SURA Board on March 1, 2021.***

CARRIED. 8-1

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,
Richard Sheldon, Kathleen Walker, Don Hokanson,
Khrys Jones, and Phil Schneider

Nays: Carl Exner



Mayor, Stan Pulliam



City Recorder, Jeff Aprati

February 1, 2021

The Honorable Kate Brown
Governor of Oregon
State Capitol
Salem, OR 97310

Dear Governor Brown,

The Sandy City Council appreciates that COVID-19 represents a significant danger, particularly to the most vulnerable among us. This is an unprecedented public health emergency that warrants an unprecedented response from government, the business community, and individuals alike. We also believe that the rule of law is of paramount importance, and we respect all lawful directives issued by the State, whether statutes passed by the Legislature or emergency orders issued by the Executive and upheld by the Judiciary.

However, in areas currently identified as Extreme Risk, which includes Sandy, we believe it is possible for businesses to reopen in a safe manner using methods such as mask requirements, reduced occupancies, proper sanitation, and advanced air filtration / air exchange technology. We also believe that restrictions on family gatherings can be similarly eased while employing proper safety measures and precautions.

We recognize that the COVID-19 restrictions issued with the intent of saving lives have also created significant burdens on local communities. Our locally-owned small businesses, which are the economic lifeblood of our town, are facing significant and inequitable strain, particularly compared to the large corporations able to fall back on financial reserves to weather the storm. Restaurants and gyms in particular continue to face enormous economic hardship, notwithstanding the recent modifications allowing limited indoor activities other than dining.

In addition, while the current restrictions seem to have been driven chiefly by physical health considerations, many residents of Sandy are suffering from months of isolation, employment loss, and disruption to their daily lives. Activities known to ease psychological distress, such as those provided by gym facilities, have been heavily curtailed during this period. The inability of extended families to gather and interact has also contributed to considerable emotional pain. The pandemic response measures and associated effectiveness metrics should account for these impacts in a more holistic manner, incorporating the physical, emotional, social, and mental health needs of community members.

During the past year, our City has taken multiple measures to alleviate the unintended negative consequences of the COVID-19 restrictions, including providing relief grants to local businesses, instituting a financing program for new outdoor seating structures, and providing additional WiFi hotspots through our municipal broadband utility, SandyNet. Our local



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businesses have also gone to great lengths and incurred significant expense to ensure the safety of their patrons. These measures are reflective of our community's desire to find innovative solutions to the challenges presented by this pandemic.

We urge you to modify the pandemic response approach to allow for similarly innovative strategies that can bolster communities while protecting public health in an equitable manner. In areas currently identified as Extreme Risk, which includes Sandy, we believe it is possible for businesses to reopen in a safe manner using methods such as mask requirements, reduced occupancies, proper sanitation, and advanced air filtration / air exchange technology. We also believe that restrictions on family gatherings can be similarly eased while employing proper safety measures and precautions.

Rather than a one-size-fits-all approach, addressing this crisis with innovation and creativity, along with State-directed grants for struggling small businesses, would protect public health while ensuring that communities remain dynamic and vital now and when the pandemic concludes.

We appreciate your consideration of our request and we thank you for your leadership during this emergency.

Sincerely,

Mayor Stan Pulliam

Council President Jeremy Pietzold

Councilor Laurie Smallwood

Councilor Richard Sheldon

Councilor Kathleen Walker

Councilor Carl Exner

Councilor Don Hokanson