



MINUTES
City Council Meeting
Monday, January 3, 2022 7:00 PM

COUNCIL PRESENT: Stan Pulliam, Mayor; Jeremy Pietzold, Council President; Laurie Smallwood, Councilor; Richard Sheldon, Councilor; Kathleen Walker, Councilor; Carl Exner, Councilor; and Don Hokanson, Councilor

COUNCIL ABSENT:

STAFF PRESENT: Jordan Wheeler, City Manager; Jeff Aprati, City Recorder; Tyler Deems, Deputy City Manager / Finance Director; Angie Welty, Human Resources Director; Chris Crean, City Attorney; Ernie Roberts, Police Chief; and Mike Walker, Public Works Director

MEDIA PRESENT: Sandy Post

1. Pledge of Allegiance

2. Roll Call

3. Changes to the Agenda

4. Public Comment
(none)

5. Response to Previous Public Comments

6. Consent Agenda

The **Mayor** moved the Personnel Policy Update from the Consent Agenda to New Business to allow staff time to amend the proposed language to address comments raised by **Councilor Sheldon** regarding military leave.

6.1. City Council Minutes

- December 6, 2021
- December 13, 2021

6.2. Sandy Transit ADA Policy Update

Staff Report - 0478

6.3. **Update of Standard Procedures for City Boards**

Staff Report - 0523

Moved by Carl Exner, seconded by Richard Sheldon

Adopt the Consent Agenda as amended.

CARRIED. 7-0

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

7. New Business

7.1. **Scope of Review for Deer Meadows Subdivision Appeal**

7 - 8

Note: the applicant's attorney submitted a letter to the Council relevant to this agenda item. The letter is attached to these minutes for reference.

The **City Manager** provided introductory remarks, and **Chris Crean (BEH)** summarized the memorandum included in the agenda packet. The Council expressed agreement with **Mr. Crean's** statements. The Council agreed to attach the applicant's attorney's letter to the meeting minutes, per **Councilor Hokanson's** request.

Moved by Kathleen Walker, seconded by Richard Sheldon

Hold a "de novo" hearing for the Deer Meadows appeal on January 18, 2022.

CARRIED. 7-0

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

[Letter to Council from applicant's attorney](#)

7.2. **Covered Structures Round 2 (General Fund) Application Review**

Staff Report - 0527

The **Economic Development Manager** summarized the staff report, which was included in the agenda packet. He also presented slides (included in the packet) showing the proposed locations of the covered structures.

Council discussion ensued on the following topics:

General Discussion

- Concern regarding recommitting general revenue replacement ARPA dollars to fund covered structures
- Support for using ARPA funds for the covered structures program
- Importance of treating all businesses fairly
- Whether to commit a portion of the second tranche of ARPA funds to reimburse the General Fund for these expenses
- Importance of delivering immediate relief for businesses, rather than waiting for August

Smoky Hearth

- Support for funding this project

Wippersnappers

- Business impacts due to COVID-19
- Extent to which it is essentially a gym for children
- Concern about parents' desire to sit outside
- Ability of the business to use the structure to adapt in the event of a future lockdown
- Possible parking impacts on neighboring businesses
- Impacts on the adjacent sidewalk
- Considerations regarding the business' choice to locate in the industrial area
- Possible future zone changes in the area

Moved by Richard Sheldon, seconded by Carl Exner

Approve the Covered Structures grant application from Smoky Hearth, and approve the Covered Structures grant application from Wippersnappers Kid's Play Place, to be paid for with the City's second tranche of ARPA funding.

CARRIED. 6-1

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

Nays: Don Hokanson

7.3. **362nd / Bell Street Extension Project Update**

Staff Report - 0526

The **Public Works Director** summarized the staff report, which was included in the agenda packet.

The Council discussed staff expectations regarding hazardous materials concerns, and any potential for complications. It was also noted that the land use approval can follow the more streamlined Type II process. The Council expressed its appreciation for the expedited project timeline.

7.4. **Personnel Policy Update**

Staff Report - 0522

The **Deputy City Manager** summarized the staff report, which was included in the agenda packet. He noted that staff had added statutorily required language regarding military leave, and thanked **Councilor Sheldon** for raising the oversight.

The added language read as follows:

"Further, eligible employees called for initial active duty for training and for all periods of annual active duty for training as a member of the National Guard, National Guard Reserve or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, may be entitled to leave with pay for all regular workdays that fall within a period not to exceed 15 calendar days in any federal training year. Weekend drill obligations are not considered "federal active duty" for training under this policy; other requirements apply. Please contact the HR Director for more information and to make arrangements for this paid leave."

Moved by Richard Sheldon, seconded by Carl Exner

Adopt the Personnel Policy Update.

CARRIED. 7-0

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

7.5. **Temporary Structures and Code Compliance**

Councilor Hokanson requested that staff provide information on municipal code requirements regarding temporary structures in the city, and why these

requirements are not being uniformly enforced. The Council concurred with his request. The **City Manager** agreed to return to the Council with the requested information at a subsequent meeting.

8. Report from the City Manager

- Council goal setting is anticipated for February; staff will organize an electronic scheduling poll to select a date
- Thanks to staff who responded during the winter storm
- A hiring announcement for the Public Works Director position will be announced soon
- The next Council meeting will be on Tuesday January 18th

9. Committee /Council Reports

Councilor Hokanson

- Explanation for his vote on the covered structure program; remarks on the importance of equality for businesses, rather than picking winners and losers

Councilor Exner

- Sandy Watershed Council decision to disband
- Original city incorporation ballot found by Historical Society
- Note that additional solid waste pickup will be allowed in coming days because of the winter weather

Councilor Walker

- Request that department reports are updated regularly
- Importance of employee appreciation
- Concern with long-standing code violation issues, and the need to employ a carrot and stick to address them
- Appreciation for public works staff

Councilor Sheldon

- Appreciation for essential workers
- Appreciation that the Senior Center has reopened on a limited basis

Councilor Smallwood

- Importance of considering increases in staffing (code enforcement as a possible example)
- Importance of employee appreciation

Council President Pietzold

- Importance of employee appreciation
- Advantages of meeting in-person
- Upcoming Fire District town hall meeting
- Upcoming robotics tournament
- Concern regarding large trucks on Dubarko Rd.

Mayor Pulliam

- Upcoming Fire District town hall meeting
- Sandy Watershed Council decision to disband
- Importance of employee appreciation
- Importance of improving the downtown and the impact of outdoor lighting
- Progress on 362nd / Bell project is positive

10. Staff updates

10.1. [Monthly Reports](#)

11. Adjourn



Mayor, Stan Pulliam



City Recorder, Jeff Aprati



January 3, 2022

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VIA E-MAIL

Mr. Stan Pulliam, Mayor
Sandy City Council
Sandy City Hall
39250 Pioneer Boulevard
Sandy, OR 97055

RE: Sandy City Council January 3, 2022 Meeting Agenda Item 8.1; Deer Meadows
Appeal Hearing Scope of Review

Dear Mayor Pulliam and Sandy City Council Members:

This office represents the Applicant in the above-referenced matter. This letter addresses the City Council's consideration of the scope of the appeal hearing.

The City Council may consider this letter because it is argument only and contains no new evidence. City Attorney David Doughman confirmed that the Applicant may submit this letter.

The Applicant requests that the City Council hold an "on the record" appeal hearing as anticipated by Sandy Development Code ("SDC") 17.28.30 for the following reasons:

First, the "good cause" standard in SDC 17.28.30 is not a clear and objective procedural standard and is prohibited by ORS 197.307(4).

Second, while the Applicant generally agrees with the City Attorney's comments in his December 21, 2021 memorandum, the Applicant does not agree that these comments rise to "good cause" in this Application because the evidentiary record is not complex and even if it were, the comments do not show good cause where no application-specific reason for holding a *de novo* hearing has been provided.

Third, a *de novo* hearing prejudices the Applicant's substantial rights to a full and fair hearing by violating ORS 197.307(4).

Finally, ORS 197.522 allows the Applicant to modify the application or to offer a condition of approval, so a *de novo* hearing is unnecessary for the purpose of addressing relevant clear and objective approval criteria.

Thank you for considering the Applicant's arguments.

Mr. Stan Pulliam, Mayor
January 3, 2022
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Very truly yours,



Michael C. Robinson

MCR:jmhi

cc: Mr. Dave Vandehey (*via email*)
Mr. Alex Reverman (*via email*)
Mr. Carey Sheldon (*via email*)
Mr. Tracy Brown (*via email*)
Mr. Ray Moore (*via email*)
Mr. Mike Ard (*via email*)
Mr. Tyler Henderson (*via email*)
Mr. Garrett Stephenson (*via email*)
Ms. Erin Forbes (*via email*)
Mr. Kelly O'Neill, Jr. (*via email*)
Mr. David Doughman (*via email*)
Mr. Chris Crean (*via email*)

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