



MINUTES
City Council Meeting
Monday, October 3, 2022 6:30 p.m.

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: (none)

STAFF PRESENT: Jordan Wheeler, City Manager; Jeff Aprati, City Recorder; Jenny Coker, Public Works Director; Tyler Deems, Deputy City Manager; Ernie Roberts, Police Chief; and Angie Welty, Human Resources Director

MEDIA PRESENT: (none)

1. CITY COUNCIL WORK SESSION - 6:30 PM

1.1. 2023 Legislative Priorities

Staff Report - 0618

The **City Manager** summarized the staff report, which was included in the agenda packet.

Council discussion ensued on the following topics:

- Need to reach out to newly elected representatives shortly after the November election
- Advantages of being focused and targeted in our requests
 - Opportunities for one large ask and several interrelated smaller asks
- Importance of asking for water and wastewater funding; impact of passing the proposed moratorium
- Urgency of making progress on the water project
 - The recent public safety power shutoff revealed opportunities for system investment
 - Alder Creek reservoir project planning is expected to begin soon
 - Sandercock Reservoir also needs improvement
- Relative size of wastewater versus water needs
- Significance of public communications for the drinking water project

- Discussions regarding retaining government relations assistance
 - Advantages of working with a smaller firm
 - Importance of having someone advocating for the city on the ground
 - Council consensus on reaching out to deVries Strategies

2. CITY COUNCIL REGULAR MEETING - 7:00 PM

3. Pledge of Allegiance

4. Roll Call

5. Changes to the Agenda

6. Public Comment

- Hollis MacLean Wenzel: expressed support for the medicinal value of psilocybin and urged others to support its authorization. Stated that she is an experienced mental health practitioner; appreciates the reluctance of some but pointed out that its classification as a Schedule 1 drug occurred 50 years ago; stated that there is little potential for abuse and many stand to benefit.
- Juan Luna: stated he received an email from the Deputy City Manager but that no one has sufficiently addressed his concerns. Stated the City's food cart ordinance is discriminatory, and that he should be able to conduct an event on private property. Stated that his business was harmed.
- Dave Carter: expressed concerns regarding traffic on Vista Loop Drive and urged the City to cut brush to establish a shoulder for pedestrian access

7. Response to Previous Public Comments

In response to Mr. Luna's comments, the **City Manager** stated that the City's letter to Mr. Luna was recently returned as undeliverable but that he was sent an email as well, and that City staff empathizes with his frustration but has a duty to enforce the municipal code.

8. Consent Agenda

8.1. **City Council Minutes**
September 19, 2022

Moved by Carl Exner, seconded by Kathleen Walker

Adopt the Consent Agenda

CARRIED. 7-0

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

9. Resolutions

9.1. PUBLIC HEARING: Temporary Moratorium on Developments with New Sewer Connections

Resolution 2022-24

Staff Report - 0617

Abstentions

(none)

Conflicts of Interest

(none)

Staff Report

The **City Manager** summarized the staff report, which was included in the agenda packet along with presentation slides.

Public Testimony

- Jim Raze: hearing was publicized with little notice; not enough communication has occurred; it is unethical to take permit dollars and then not allow a sewer connection; large increases in SDCs have been imposed; moratorium extensions will be needed
- Sarah Higgins: not enough communication has occurred; moratorium would have a serious human impact on families and the greater community; property owners acted in good faith and relied on the City's promises
- Evan Cobb: Mr. Even followed the City's procedures and requests; the City took their money and will get paid regardless; Cedar Creek Heights being built is important for many families; the City should fix the wastewater problems and let homes be constructed at the same time.
- Kristina Molina: would like to know when these problems started; only found out about the hearing on Facebook; not enough was known

publicly about the severity of the problems; her subdivision was just approved this year; made a public records request and was told it would take time, and was this hearing to be postponed; a large amount of money is invested in current development projects; was told staff could not discuss these issues due to a gag order; families would be affected by a moratorium.

- David Carter: HB 2001 will result in additional connections; who will pay to increase capacity to account for it?
- Julie Stephens: the public was very well aware of the wastewater system challenges; supports the proposed resolution; commends the City of its work to fix the system; is glad the City is deliberately studying its options and making the wisest choices possible.
- Mac Even: has been working with City staff regularly and no indication was given that a moratorium was possible; learned about the hearing on Facebook; had been assured that things would be okay and feels misled by lies of omission; concerned that a moratorium will be extended multiple times; could be financially ruined; wants to discuss matters with the City Manager
- Janet Davis: supports the resolution which is needed as soon as possible; people should be encouraged to reduce demand on the system; appreciates the work being done by the Public Works staff.
- Travis Decker: the situation is a public relations disaster but has to be done; more communication and public discussion is needed
- Judy Ricks: client needs to sell property and would suffer substantially from a moratorium; feels blindsided; client's family has given much to the community over the years.
- Chris Anderson: this is a public relations mess; the resolution is not clear enough in stating who would be affected.

Staff Recap and Recommendation

- The City needed to avoid a sudden rush of land use applications; all legal requirements for noticing were met
- The City is negotiating for a 120 ERU allocation for land use rights vested before today

- The City is under confidential negotiations with the federal Environmental Protection Agency
- Details were provided on the land use approval process should the moratorium be approved
- Details were provided on the upcoming wastewater system stress test and the potential for additional sewer connections in the future
- Empathy was expressed for confusion and frustration among the public
- A large amount of money is being invested to make the needed improvements to the wastewater system

Council Discussion

- Decades of issues have brought the City to this point
- Serious enforcement actions are pending against the City that have the potential to bankrupt the City; negotiations are occurring in this context
- A great deal of public discussion has occurred on the wastewater system's serious needs; fee increases occurred, articles have appeared in the press, the involvement of the EPA was known
- The moratorium would not remove vested rights
 - Staff believes that currently vested rights include less than 120 ERUs that would be ready to proceed in the near future
 - Staff anticipates that additional system capacity will be generated after more improvements are made and a stress test is performed
- Frustration was expressed regarding the City's legal inability to discuss the details of ongoing enforcement negotiations; property owners are encouraged to contact staff for further information about their options
- Staff need to exercise the maximum amount of transparency possible
- Appreciation that the City has an engineer as Public Works Director
- Appreciation that systemic deficiencies are now being addressed by staff and Council, and that modern asset management strategies are being employed
- The Council is committed to fixing the system's problems
- Acknowledgement of the gravity of this decision, but that the EPA escalation tied the City's hands and no other options are available. The City is moving as fast as possible to rectify the long-standing problems.

Moved by Laurie Smallwood, seconded by Don Hokanson

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 Don Hokanson, seconded by Laurie Smallwood

***Adopt Resolution 2022-24, approving a moratorium on development
pursuant to OFS 197.505 to 197.540 based on limited sanitary sewer capacity***

CARRIED. 7-0

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

10. Old Business

10.1. Sandy Clean Waters Update

The **Public Works Director** summarized the staff report and delivered a slide presentation on the status and future of the Sandy Clean Waters project. Both the report and the slides were included in the agenda packet.

Council discussion ensued on the following issues:

- The NPDES approval process and the scope of the EPA's review; clarification that it will be a long iterative process that will involve multiple changes and a rigorous examination of the science
- The degree to which anticipated growth has been accounted for in the facilities plan
- Explanation of the 3-Basin Rule and the fact that Tickle Creek is mass load limited and an alternate discharge location is needed
- Discussion of contractor costs
- Discussion of the public's interest in the NPDES permit process and opportunities for input

11. Report from the City Manager

- LOC annual conference logistics
- Update on culvert work on the 362nd Avenue / Bell Street extension
- Thanks for a successful Future Fest
- Suggestion for a Council tour of water system facilities

12. Committee /Council Reports

Councilor Hokanson

(none)

Councilor Exner

- A Bee City USA sign was installed
- Reminder not to mow grass in ditches
- ODOT street barricades should be removed
- Concern regarding traffic safety around the sidewalk construction near Vista Loop Dr.

Councilor Walker

- Recap of Library Advisory Board meeting; discussion included new building facilities in Hoodland
- Discussion occurred at Future Fest regarding the possibility of establishing a city-wide 25 mph speed limit in residential areas

Councilor Sheldon

(none)

Councilor Smallwood

- Thanks to staff for coordinating the successful Future Fest event

Council President Pietzold

- Recap of recent Economic Development Advisory Board meeting
- Suggestion to explore opportunities for childcare policy initiatives

Mayor Pulliam

- Thanks to staff for their work on Sandy Clean Waters and for coordinating the successful Future Fest event

13. Staff updates

13.1. [Monthly Reports](#)

14. Adjourn

15. CITY COUNCIL EXECUTIVE SESSION

The City Council will meet in executive session pursuant to ORS 192.660(2)(d)



Mayor, Stan Pulliam

A handwritten signature in black ink, appearing to read "Jeff Aprati". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

City Recorder, Jeff Aprati