



MINUTES
City Council Meeting
Tuesday, September 8, 2020 6:00 PM

COUNCIL PRESENT: Stan Pulliam, Mayor, Jeremy Pietzold, Council President, John Hamblin, Councilor, Laurie Smallwood, Councilor, Jan Lee, Councilor, Carl Exner, Councilor, and Bethany Shultz, Councilor

COUNCIL ABSENT:

STAFF PRESENT: Jordan Wheeler, City Manager, Mike Walker, Public Works Director, Tyler Deems, Finance Director, Jeff Aprati, City Recorder, Angie Welty, HR Manager, Kelly O'Neill, Development Services Director, and Greg Brewster, IT/SandyNet Director, Lieutenant Sean Lundry

MEDIA PRESENT: Sandy Post

1. MEETING FORMAT NOTE

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

2. URBAN RENEWAL BOARD MEETING - 6:00 PM

Note: Chief Schneider and Executive Director Jones were absent from the Urban Renewal Board meeting.

2.1. Growing Together Mural - Public Input Results

Staff Report - 0318

The **Finance Director** presented the public input regarding the proposed "Growing Together" mural gathered through email, social media, and two listening sessions hosted by the Arts Commission:

Listening Sessions - 8/06/2020 and 8/12/2020

2 comments in favor

14 comments in opposition

Emails Received - 5/21/2020 – 8/21/2020

10 emails in favor
40 emails in opposition

Facebook Comment Thread – Sandy Community Information – 7/6/2020 – 8/6/2020

10 comments in favor from 10 individuals
140 comments in opposition from 113 individuals

In light of the public input, staff recommended the Urban Renewal Board choose one of the following alternatives:

Option 1: Confirm the \$11,000 contribution to the mural project.

Option 2: Withdrawal the \$11,000 contribution to the mural project.

Option 3: Suspend authorization of the \$11,000 contribution, pending the Arts Commission's development of an Arts Master Plan that prioritizes needed arts investments in the city and that includes a robust public involvement process to shape the future of art in Sandy.

Councilor Exner asked whether Option 3 would include a commitment of urban renewal dollars to fund an Arts Master Plan. He stated that sufficient dollars should be dedicated to support a robust planning effort. The **Finance Director** stated that because the plan would apply to the city as a whole, urban renewal dollars could not be the only source of funding.

Councilor Lee expressed her support for Option 3, as it would provide strategic direction rather than piecemeal funding of projects. She also expressed support for adding additional commission members from within the city limits.

Mayor Pulliam praised the efforts of the property owner and the volunteers who serve on the Arts Commission. He expressed hesitancy at proceeding without a strategic plan for arts in the city and without specific provisions within the municipal code regulating murals. He stated he would like to see the project remain alive for possible future implementation once such measures are in place.

Councilor Exner noted that nearly \$8,000 was raised by Ms. Hawley for the project, and that the mural could potentially be funded privately with the only City involvement being Sign Code approval. He also stated his personal support of the Growing Together concept and his appreciation for the property owner.

Mayor Pulliam acknowledged that there is meaningful support in the community for the project, and that it could potentially proceed in a private capacity.

Councilor Shultz stated her support for the mural project, but indicated she is open to Option 3. She noted that proceeding with this project would not preclude other art in the community that some may find more appealing.

Council President Pietzold noted that a public process was undertaken, and questioned how many of the unsupportive comments were from non-city residents. He stated regret for the personal nature of some of the comments, and noted the misunderstanding by some of the spending restrictions on urban renewal funds. He noted that art is subjective, but stated his openness to Option 3.

Councilor Smallwood expressed support for the master planning concept, but agreed that art is subjective. She expressed frustration that a public process was undertaken, but the project was stalled after the fact by criticism begun by a single individual.

Councilor Lee offered a motion to adopt Option 3.

Councilor Exner asked whether Option 3 could include dedicated City support for the master planning effort. **Councilor Lee** agreed that such support should be provided.

Councilor Hamblin seconded the motion. He expressed his support for the mural, but noted the need for additional public process.

Moved by Jan Lee, seconded by John Hamblin

Suspend authorization of the Urban Renewal Board's \$11,000 contribution to the Growing Together mural project, pending the development of an Arts Master Plan that prioritizes needed arts investments in the city and that includes a robust public involvement process to shape the future of art in Sandy. Development of the Arts Master Plan is to be supported by the City with necessary resources.

CARRIED. 6-0

Ayes: Stan Pulliam, Jeremy Pietzold, John Hamblin, Jan Lee,
Carl Exner, and Bethany Shultz

Absent: Laurie Smallwood

3. CITY COUNCIL WORK SESSION - 6:30 PM

3.1. Wastewater System Improvements and Discharge Alternatives Update

Staff Report - 0320

Project team members from Murraysmith presented an update on the wastewater discharge alternatives study and other components of the City's major wastewater system improvement project. Their presentation slides were included in the agenda packet.

Councilor Exner expressed concern that the possible Sandy River outflow site near Revenue Bridge could prove problematic given the public popularity of the site. The **City Manager** noted that some preliminary feasibility analysis was necessary before a formal public outreach program is initiated.

Councilor Exner also noted that local watershed councils have expressed interest in being involved in this analytical work, and encouraged staff to reach out. He also asked why outflow to Roslyn Lake could not occur during winter months. Murraysmith staff responded that the anticipated rainfall during winter, if combined with outflow, would overwhelm the capacity of the lake given the area of property the team envisions being able to secure through an agreement with Trackers Earth.

Mayor Pulliam praised the efforts and creativity of the project team, and commended the positive progress. He also stressed the importance of working to secure State financial support for the project.

4. CITY COUNCIL REGULAR MEETING - 7:00 PM

5. Pledge of Allegiance

6. Roll Call

7. Changes to the Agenda

8. Consent Agenda

8.1. City Council Minutes - 08/03/2020

8.2. Amendment to Intergovernmental Agreement for Hwy 26 Pedestrian Project

Staff Report - 0314

Moved by Bethany Shultz, seconded by John Hamblin

Staff Report - 0314

Adopt the Consent Agenda.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, John Hamblin, Laurie Smallwood, Jan Lee, Carl Exner, and Bethany Shultz

9. Public Comment

- 9.1. Nicole O'Neill, 17724 Van Tassel: (NOTE: Ms. O'Neill read the following comments aloud, and also submitted a written letter for the record) 11 - 12

"Three times in the past two years irate community members have threatened my family. Each time council members and the city manager have expressed support and concern for my husband, Planning and Building Director Kelly O'Neill, but no concrete action has ever been taken. City leadership has not followed up with these community members or put in place any policies or procedures to address members of the public who cross the line and threaten or harass city staff. Written and verbal expressions of support are appreciated, but they are not sufficient. Concrete action must be taken to protect all staff, especially members of the building and planning department. One incident is scary. Three incidents is a pattern that needs to be addressed. Sandy is one of the fastest growing cities in Oregon, and as we are all aware, our community is experiencing growing pains. Tension between developers and current property owners is the highest it has been in the ten years we have lived in Sandy. I think everyone hoped that tensions would ease after the Bailey Meadows decision. Sadly that was not the case, and political rhetoric about corruption and property rights is putting planning staff, especially code enforcement and building officials, at increasing risk. City leadership cannot prevent community members from making threatening or harassing statements, but city leadership can control how the city responds to those statements once they are made. Right now, there is no response, which sends the community the message that this kind of behavior is acceptable and allowed. Council needs to direct the city manager to put in place policies and safety plans that protect all staff members, especially building and planning staff out in the field. I don't think city leadership has fully considered the implications of what happened last week. One community member threatened my husband and a developer with gun violence. Then a neighboring community member confronted Kelly when he was out in the field. No one from the city's leadership team has followed up with the community members who threatened and confronted staff, but building department staff has to continue to go back to this location. I will repeat that. Building department staff is being asked to return, unaided,

to a place where they have been threatened with guns, and confronted by angry neighbors. Clearly, this is a volatile, dangerous situation. Under no circumstances should any city staff members be going out to this property alone. This needs to be taken very seriously by city leadership, and immediate steps need to be taken to better protect staff both now, and the next time these kinds of threats and confrontations happen. I know that council cares deeply about the safety and well-being of city staff. I know that council would be heartbroken if anything were to happen to any staff members, either on or off the job. Unfortunately we are now in an environment where good intentions are no longer enough. Development is not going to stop, and the political environment is tense and growing tenser. It is time to demonstrate your concern and caring by directing the city manager to put in place policies and safety plans that protect all staff members, especially my husband, the planning director as well as the city's code enforcement and building officials. Thank you for your time."

Rich Sheldon: the final order issued for the Bailey Meadows development states that tree protection fences need to extend one foot for every inch in tree diameter. He stated the fencing being installed is insufficient, and asked why the City is not enforcing its own code and final order. He stated that threats of gun violence are unacceptable, but noted that individuals are angry and frustrated at the lack of satisfactory explanation from city staff. He stated that the developers should not be allowed to continue their work until this matter is resolved.

Kathleen Walker, 15920 SE Bluff: the Bailey Meadows developers began cutting trees early in the morning immediately preceding the neighborhood meeting, which was a poor way to begin the conversation. She stated that no rationale was given for why provisions of the final order were not being implemented/enforced, and that the level of trust is low. She stated that the City's push to be developer friendly is coming at the expense of the residents.

Brandon Emery, 37356 Rachael Dr: the high winds over the past 24 hours highlight the importance of protecting trees near construction sites. He stated that requirements related to tree protection fencing and signage that are required by the code are not being followed at the Bailey Meadows site. He stated that city staff are claiming discretion regarding final order implementation, and he disagreed that such discretion exists.

[Letter from Nicole O'Neill - 9.8.2020](#)

10. Resolutions

10.1. Resolution 2020-23

Jurisdiction Transfer of Highway 211

Staff Report - 0311

The **City Manager** stated that the City and the Oregon Department of Transportation (ODOT) have negotiated an agreement to transfer the jurisdictional control of the portion of highway 211 that is within the city's limits (mile post 4.40 to 5.94). He noted that transferring the jurisdiction from ODOT to the City of Sandy would give the City direct control and maintenance responsibility in order to plan and construct future pedestrian and safety improvements, as well as enable the city to manage projects under our rules and processes such as the intersection with the new Gunderson Road. In consideration of the maintenance and ADA improvement needs, ODOT will pay the city \$500,000. The transfer agreement also includes the commitment that ODOT will upgrade the traffic signal systems on Highway 26 at the Bluff Road, Strauss Ave, Shelley Sve, Meing Ave, and Ten Eyck/Wolf Road.

Councilor Exner asked whether the City would be able to adjust the speed limit on this portion of the highway. The **City Manager** responded that there would still be a required process to follow including traffic studies. There may be an opportunity to extend the 45 mph zone, but additional traffic calming measures would also likely be necessary. **Councilor Exner** emphasized that the City should be able to exercise its jurisdiction over the road.

Moved by Laurie Smallwood, seconded by Jeremy Pietzold

Approve Resolution 2020-23.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, John Hamblin, Laurie Smallwood, Jan Lee, Carl Exner, and Bethany Shultz

11. New Business

11.1. Intergovernmental Agreement for Transportation System Plan (TSP)

Staff Report - 0316

The **City Manager** noted that updating the City's Transportation System Plan (TSP) is a Council goal, and that approving this intergovernmental agreement would allow the City to move forward with the project and secure funds from ODOT under the Transportation Growth Management grant program. The TSP update will take roughly one year from the notice to proceed. The public involvement process includes forming a community advisory committee,

creating a public involvement plan, holding tabling events and community meetings, and City Council workshops and meetings.

Moved by Jeremy Pietzold, seconded by Laurie Smallwood

Authorize the City Manager to sign the intergovernmental agreement with the Oregon Department of Transportation for the update of the City's Transportation System Plan.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, John Hamblin, Laurie Smallwood, Jan Lee, Carl Exner, and Bethany Shultz

12. Report from the City Manager

The **City Manager** stated that the Public Works Department will accept woody storm debris from residents to facilitate the cleanup from the recent storm. He noted that the City received a sustainability award from the Pacific Northwest Clean Water Association in recognition of the wastewater recycling program. He shared the Development Services Department's plans to allow temporary outdoor uses (in tent-like structures) to facilitate ongoing business operations during the colder months consistent with COVID-19 physical distancing requirements, noting that other cities like Bend are also taking such actions. He also referred to the draft code of conduct for boards and commissions that staff have been developing, noting that it will be brought up for Council action in the near future. **Councilor Smallwood** stated that she supports specific language in the code preventing board members from reporting false information to the public or misrepresenting the City's actions. **Mayor Pulliam** concurred, noting that city officials represent the community and must treat each other with decorum and respect. He expressed concern that some board members may have recently been involved in actions that fell short of such standards.

13. Committee /Council Reports

Councilor Shultz: recently took part in a town hall with Anna Williams and shared recent developments from Sandy including the recent parking code changes and childcare incentive program. She asked staff whether employee safety plans are in place, with respect to the concerns raised by Ms. O'Neill during public comment. The **City Manager** stated that the issue is being worked on internally, and that credible threats would be handled through law enforcement channels. **Councilor Shultz** emphasized the importance of employee safety, and the City Manager concurred. **Councilor Smallwood** asked about the legality of surreptitiously recording private conversations, and stated more clarity is needed. **Mayor Pulliam** suggested that additional precautions may be appropriate given the currently charged environment. The **City Manager** mentioned the ongoing work seeking to enhance security at City Hall.

Councilor Exner: stressed the importance of coming together and supporting each other as a community given the recent challenges. He stated he met with the Police Chief recently; he noted the extreme workload the officers have been under lately and expressed his appreciation for their efforts. He called for calm and respectful dialogue when discussing difficult issues. He noted the upcoming Arts Commission meeting on September 16th. He stated that the intersection of Hwy 26 and Wolf/Ten Eyck is in need of traffic improvement.

Councilor Lee: she is meeting monthly with the group working on the climate resiliency project, sharing ideas and strategies. She expressed concern that the Code Enforcement Officer was recently mistreated by certain advisory board members.

Councilor Hamblin: concurred with **Councilor Lee** and agreed that the City should be proactive in mitigating conflict and protecting employees. He commended City staff, as well as Sandy Fire, the Sheriff's Office, and members of the community for supporting each other after the recent storm.

Councilor Smallwood: met recently with AntFarm staff and will encourage them to brief the Council in the future on their efforts to assist local residents who have been affected by COVID-19. She noted the upcoming Parks Board meeting on September 9th.

Council President Pietzold: OBAC is conducting a survey concerning broadband in local communities. He stated that the storm highlighted the advantages of undergrounding the city's fiber infrastructure. He praised the Public Works program to assist in cleaning up woody debris. He commended the Associate Planner's recent informational video explaining the Bull Run Terrace subdivision application process.

Mayor Pulliam: praised the City's progress on the wastewater system improvements, including the potential Roslyn Lake wetland. He also noted the importance of the Hwy 211 jurisdictional transfer for the future quality of life in the city. He stated that recent comments by Council candidate Kathleen Walker concerning the Council's policies on growth are inaccurate, saying that the Council has been focused on supporting commercial growth to create jobs in the community, not residential growth. He stated that the absence of such efforts to grow local small business would eventually result in more big box stores instead, like Walmart. He noted that the Council has also taken action to create additional controls over the annexation process. He noted that the New York Times recently profiled Sandy. He thanked local firefighters for their efforts, and noted the recent article in the Hoodview News featuring **Councilor Smallwood**. **Councilor Lee** asked the group to confirm that the intention of the Council when amending its growth policy in January 2019 was to

facilitate commercial growth, not residential growth. The Council confirmed that this was the case.

14. Adjourn

15. CITY COUNCIL EXECUTIVE SESSION

The Sandy City Council met in executive session pursuant to ORS 192.660(2)(e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.



Mayor, Stan Pulliam



City Recorder, Jeff Aprati

Pubic comments given to Sandy City Council on 9/8/2020 by Nicole O'Neill of 17724 Van Tassel Ave.

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