



MINUTES
City Council Meeting
Monday, November 19, 2018 City Hall- Council Chambers,
39250 Pioneer Blvd., Sandy, Oregon 97055 7:00 PM

COUNCIL PRESENT: Jeremy Pietzold, Council President, John Hamblin, Councilor, Jan Lee, Councilor, Carl Exner, Councilor, Sarah McIntyre, Library Director, Ernie Roberts, Police Chief , and Angie Welty, HR Manager

COUNCIL ABSENT:

STAFF PRESENT: Karey Milne, Recorder Clerk and Kim Yamashita, City Manager

MAYOR ELECT: Stan Pulliam

MEDIA PRESENT: Brittany Allen

1. Pledge of Allegiance

2. Roll Call

3. Changes to the Agenda

4. Public Comment

4.1.

Merla Lewis - 17970 Loundree Drive, Sandy OR, she would like to inform the Council and the Citizens of Sandy of maleficence. She reviewed e-mails and correspondence with city staff regarding a tree removal at her property located at 17970 Loundree Drive.

She handed out documents for council review (you will find attached).

3402 001

5 - 17

5. Ordinances

5.1. Amending Sandy Municipal Code 8.35.010

Staff Report - 0065

City Manager, Kim Yamashita, On September 4, 2018 the United States of Appeals for the Ninth Circuit Court rendered an opinion on a case called Martin et al v. City of Boise. This was a Civil Rights case regarding an City of

Boise Ordinance regarding camping in public right of way. The plaintiff asserted that the ordinance violated the Eighth Amendment's prohibition on cruel and unusual punishment. The courts findings in this mater was evaluated by staff and our legal counsel. Recommendations for amending our "Camping Prohibited" code (8.35.010) were made and the code revisions are brought before council for review and approval. Recommendation is for council to approve

the changes amending section 8.35.010 by "Make a motion to approve ordinance 2018-30, an ordinance amending section 8.35.010 of the Sandy Municipal Code as shown in exhibit A.

Council had some questions and discussion for staff.

Moved by Jan Lee, seconded by Scott Horsfall

Motion to approve the 1st reading of Ordinance No. 2018-30 Amending the SMC 8.35.010

CARRIED.

Moved by Scott Horsfall, seconded by Carl Exner

Motion for a Second Reading of Ordinance 2018-30 Amending SMC 8.35.010

CARRIED.

Staff Report - 0065

Approve the changes amending section 8.35.010 by "Make a motion to approve ordinance 2018-30, an ordinance amending section 8.35.010 of the Sandy Municipal Code as shown in exhibit A.

CARRIED.

6. New Business

6.1. Council Rules - Updates

Staff Report - 0071

City Manager, Kim Yamashita, Council met several months ago in workshop to discuss and update the Council Rules. As you may recall there were some areas where the rules contradicted themselves and or did not clarify expectations. In another area staff needed clarification on roles and

responsibilities. After that workshop, staff went back and made the edits and corrections as discussed. The updates need to be ratified by council.

Council had some discussion and questions for staff, they have decided to leave as is and hold a workshop in the new year with the new council.

Moved by Carl Exner, seconded by Jeremy Pietzold

Motion to table and review at the beginning at the new year

CARRIED.

7. Report from the City Manager

7.1.

City Manager, Kim Yamashita, stated that the youth council has now been created as a club through the Oregon Trail School District, this should help resolve the public meeting issue.

The natural hazards mitigation plan has to be updated every five years, it is done and we have a deadline so this will need to be approved. She will e-mail that to council in advanced for review.

8. Committee Reports

None

9. Council Reports

Councilor, Pietzold, while he was out running, he did notice several areas of sidewalks are broken up along Highway 26. He believes Zayo is doing the work, he wants to be sure they make the repairs and get them back to a normal state when they are finished with their work.

He also asked why we are unable to use the Sandy Community Campus gym for basketball. City Manager, Kim Yamashita stated it is due to the city has taken ownership, things are not grandfathered in and there are things and items that would need to be done before occupancy of that building, there is a lot of expense to that which is a bigger conversation.

Councilor Horsfall, has had community members ask about the color of the water in Meinig Park. Councilor Exner stated it is due to the iron in the water coming down through the culverts.

Councilor Lee, had community members ask her about the Welcome to Sandy signs and why there are not the new logo.

City Manager, Kim Yamashita stated that staff is currently working on those signs.

Councilor Exner, appreciates staffs work on the lights on the street trees and loves this time of year, he is also looking forward to the tree lighting.

Mayor King, Holiday Tree lighting will be held December 7th, the VFW will be holding a Thanksgiving dinner.

10. Staff updates

10.1. Monthly Reports

11. Adjourn

12. Executive Session

13. Re-open Public Meeting

Re-open at 8:04PM

13.1.

Council made the decision to extend an offer of City Manager to Jordan Wheeler.

Moved by Carl Exner, seconded by Jeremy Pietzold

Motion to extend and offer to Jordan Wheeler for the position of the City Manager

CARRIED.

Mayor, William King

City Recorder, Karey Milne



Merla Lewis <merlajo58@gmail.com>

17970 Loundree Drive - Tree removal

1 message

Emily Meharg <emeharg@ci.sandy.or.us>
To: merlajo58@gmail.com
Cc: Kelly O'Neill <koneill@ci.sandy.or.us>

Wed, Jun 13, 2018 at 10:25 AM

Dear Merla,

On June 12, 2018, the City of Sandy was informed of potential tree removal on your property at 17970 Loundree Drive. As this property is adjacent to Meinig Park and contains hillsides that are 25 percent slope or greater, we need to ensure that park trees are protected and that the hillside is not disturbed. Please respond with additional information regarding the potential removal of trees and your proposed plan to protect the park trees and hillside. If you are proposing significant tree removal on a 25 percent or greater slope, you will need to submit for a Type II Design Review detailing a mitigation plan prepared by a design professional specializing in hillside stabilization and restoration per Chapter 17.56 of the Sandy Development Code. If you are not planning to remove any trees, please respond to let us know.

Thank you,
Emily

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Merla Lewis <merlajo58@gmail.com>

Fwd: Illegal tree falling on Loundree Drive

1 message

Alder Creek Tree Service <aldercreektreeservice@gmail.com>
To: merlajo58@gmail.com

Mon, Oct 1, 2018 at 12:

Copy of letter from this weekend.

DeaVena Fleming
Office Manager/Secretary
Alder Creek Tree Service, LLC.
21977 SE HWY 224
Damascus, OR 97089
Office: 503-558-1127
Phil's cell: 503-348-9053

www.aldercreektreeservice.com

----- Forwarded message -----

From: **Kelly O'Neill Jr.** <koneill@ci.sandy.or.us>
Date: Sat, Sep 29, 2018 at 11:14 AM
Subject: Illegal tree falling on Loundree Drive
To: <aldercreektreeservice@gmail.com>
Cc: Ernie Roberts <eroberts@ci.sandy.or.us>, Kim Yamashita <kyamashita@ci.sandy.or.us>, Ryan Wood <rwood@ci.sandy.or.us>, Kevin Anderson <kanderson@ci.sandy.or.us>, Mike Walker <mwalker@ci.sandy.or.us>, Dal Willcox <dwillcox@ci.sandy.or.us>

Phil,

I just observed the aftermath of an illegal tree falling on Loundree Drive in Sandy OR (see pictures). The tree was of substantial size and if fallen incorrectly could not have only done damage to infrastructure in the right-of-way, but to private property as well. One of your workers told me that is why Alder Creek Tree Service, LLC has insurance. I am happy to hear you are insured, but that does not change the fact that an incorrect tree falling on a tree of that size in an urbanized area like Loundree Drive could have lead to serious injuries or death. This tree should have been removed using a crane or other method to lower pieces of the tree.

I do not take this illegal action lightly and will be recommending a citation is issued for your negligence on this tree removal, for not obtaining the necessary permits from the City of Sandy to use the right-of-way, and for requiring valuable resources such as police and on-call public works employees having to react to a situation that should have been avoided.

I have CC'd the Police Chief, Public Works Director, and City Manager.

Talk soon. -Kelly

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2 attachments



20180929_103938.jpg
6780K



20180929_103943.jpg
7073K

Merla Lewis <tremulous@comcast.net>

10/1/2018 2:53 PM

Fwd: 17970 Loundree Drive - Tree removal

To koneill@gmail.com

Dear Kelly O'Neill,

On June 13, 2018, I received the attached letter from the City of Sandy. It was wonderfully informative and I read it carefully. Since I had no plans for "significant tree removal on a 25 percent or greater slope" I did not submit a proposed plan to the city. I removed one dead, beetle infested tree, on a less than 2% slope (see attached photos). Earlier this past summer I informed Mrs. King (wife of Bill King) of my plan to remove this tree. Mrs. King told me she was amazed at how quickly the tree had died.

On October 29, 2018, Alder Creek Tree Services arrived at my residence to remove the tree. After the tree was felled, Mr. King said to my husband, Ray Lewis, and to the whole crew, "I am going to shut this down, I am calling the police." In addition, Mrs. King said to Loa, a crew member, "If that tree would've hit our property I would have killed you." Since the tree was already safely down, calling the police and making life threatening remarks was blatantly inappropriate. Making intimidating threats and requiring the police to waste their time should not be allowed.

Especially from the city's own Mayor and his wife.

Sincerely,

Merla Lewis

From: **Emily Meharg** <emeharg@ci.sandy.or.us>
Date: Wed, Jun 13, 2018 at 10:25 AM
To: <merlajo58@gmail.com>
Cc: Kelly O'Neill <koneill@ci.sandy.or.us>

Dear Merla,

On June 12, 2018, the City of Sandy was informed of potential tree removal on your property at 17970 Loundree Drive. As this property is adjacent to Meinig Park and contains hillsides that are 25 percent slope or greater, we need to ensure that park trees are protected and that the hillside is not disturbed. Please respond with additional information regarding the potential removal of trees and your proposed plan to protect the park trees and hillside. If you are proposing significant tree removal on a 25 percent or greater slope, you will need to submit for a Type II Design Review detailing a mitigation plan prepared by a design professional specializing in hillside stabilization and restoration per Chapter 17.56 of the Sandy Development Code. If you are not planning to remove any trees, please respond to let us know.

Thank you,
Emily

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- beetle infested tree.JPG (9 MB)
- slope.JPG (8 MB)







WHERE INNOVATION MEETS ELEVATION

39250 Pioneer Blvd
Sandy, OR 97055
503-668-5533

October 31, 2018

Alder Creek Tree Services, LLC
Phil Henneman
21977 SE OR-224
Damascus, Oregon 97089

Mr. Henneman,

On Saturday, September 29th, 2018, several of your employees were working on a job site on Loundree Street in Sandy. A tree was dropped on to the City street causing not only a life safety issue, but alarm of neighbors and damage to city infrastructure. Police Case #18-1350.

Police, Public Works and the Planning Department all responded to this illegal activity. A subsequent investigation revealed that Alder Creek Tree Services, LLC is not have a valid Sandy Business License. Additionally, Alder Creek Tree Services , LLC is not paying the required Transit tax.

Attached you will find an invoice for the cost associated with personnel and equipment response to the scene on Saturday the 29th, the date of the illegal tree felling. Remittance is due in 30 days from receipt.

You are hereby cited into Sandy Municipal Court by way of the attached criminal citations for not having a Business License and for violation of Payment of Transit Tax

Sincerely,

Kim E. Yamashita

Kim E. Yamashita, City Manager



39250 Pioneer Blvd
 Sandy, OR 97055
 Phone: 503.668.5533
 Fax 503.668.8714

INVOICE

Billed To:
 Alder Creek Tree Service
 2197 SE Hwy 224
 Damascus, OR 97089

DATE: 11/6/2018
INVOICE #: INV00338
DUE DATE: 11/26/2018
TOTAL DUE: 6,006.00

CUSTOMER ACCOUNT # : 064

ITEM DESCRIPTION	UNITS	PRICE	AMOUNT
City Manager Staff Time	1.00	66.00	66.00
Planning Director Staff Time	1.00	66.00	66.00
Street Repairs and Staff Time	1.00	419.50	419.50
Sewer Repairs and Staff Time	1.00	4,589.50	4,589.50
Video Inspection of Sewer line for damage	1.00	865.00	865.00
TOTAL THIS INVOICE			6,006.00

For questions, Please call 503.668.2922 or e-mail ar@ci.sandy.or.us

REMIT TO:

City of Sandy
 39250 Pioneer Blvd.
 Sandy, Oregon 97055

Name: Last: HENNEMAN
First: PHILLIP MI:
Address: 21977 SE OR 224
City: DAMASCUS State: OR Zip: 97089 Passenger:
Sex: Race: DOB: Hgt.: Wgt.: Hair:
Eyes: Lic. Exp.: Juv.: Lic. Class: Emp. to Drive:

TIME/PLACE
At the following time and place in the above-mentioned state and county:
On or About Date/Time: 11/01/2018 10:24 AM
At or Near City
WOLF DR./KIMBERLY CT

SANDY
NB: SB: EB: WB:
Highway: Premise Open to Public: Other:

VEHICLE Involving the following:
Year: Make: Model:
Color: Type:
Regs/Vin/ID#: State:
Accident: Prop. Damage: Injury: Endanger Other:
Com1 Veh: Haz Mat: Driver Not Reg. Owner:
Other: Com1 Pass:


OFFENSE(S) Did then and there commit the following offense(s):
HWY Work Zone: School Zone: VBR: Safety Corridor:
Radar: Pace: Laser: Other:
Alleged Speed: Designated Speed: Posted Llimit:

Offense #: 5.05.160
Warning: FAIL TO FILE TAX REPORT AND REMIT TAXES DUE
Presumptive Fine1: \$440.00
Intentional: Knowing: Reckless:
Criminal Negligence: No Culpable Mental State:

Offense #: 5.04.100
Warning: (SANDY) BUSINESS LICENSE REQUIRED
Presumptive Fine2: \$100.00
Intentional: Knowing: Reckless:
Criminal Negligence: No Culpable Mental State:

Offense #:
Warning:
Presumptive Fine3:
Intentional: Knowing: Reckless:
Criminal Negligence: No Culpable Mental State:

OTHER
ALDER CREEK TREE SERVICE LLC
Expl.: TRANSIT TAX/NO BUSINESS LIC

SIGNATURE
I certify under ORS 153.045 and 153.990 and under other applicable law and under penalties for false swearing, do swear/affirm that I have sufficient grounds to and do believe that the above-mentioned defendant/person committed the above offense(s) and I have served the defendant/person with this complaint.
Signature of Officer: 
Officer name 1: ROBERTS, E. Officer ID: 33969
Officer name 2: Officer ID:
Agency Name: SANDY PD
Issue Date: 11/01/2018

YOUR COURT APPEARANCE DATE, TIME AND LOCATION ARE
12/10/2018 01:00 PM
Location: SANDY MUNICIPAL COURT
39250 PIONEER BLVD
SANDY OR 97055
503-826-1939

A COMPLAINT WILL BE FILED AGAINST YOU IN THE COURT SHOWN ON THE FRONT OF THIS CITATION. READ CAREFULLY

If the front of this citation shows you are charged with a:
A. CRIME, YOU MUST APPEAR at the court on the day and time written on the front

Merla Lewis <tremulous@comcast.net>

11/8/2018 2:39 PM

October 19 phone conversation

To jwantowski@cityofsandy.com

Dear Jayme,

On October 19, 2018, at approximately 1PM I spoke with you about why the city had painted marks in front of my driveway. I asked if the city was planning to dig. You said you would call and get back to me. You did call back letting me know that Kevin had come out and did a tv line down the sewer to make sure everything was working properly. I asked you if everything was working properly, and you replied with a yes. I am sending you this to confirm per our conversation on October 19, 2018 your statement that everything was working properly.

Sincerely,
Merla Lewis
17970 Loundree Dr
Sandy, Or 97055

--

Merla Lewis <tremulous@comcast.net>

11/9/2018 11:47 AM

Fwd: 17970 Loundree sewer lateral

To tremulous@comcast.net

From: Mike Walker <mwalker@ci.sandy.or.us>

Date: November 8, 2018 at 4:24:51 PM PST

To: tremulous@comcast.net

Cc: Jayme Wantowski <jwantowski@ci.sandy.or.us>, Kevin Anderson <kanderson@ci.sandy.or.us>

Subject: 17970 Loundree sewer lateral

Ms. Lewis:

Jayme Wantowski forwarded your message to me. After the tree in your front yard was felled onto the street surface in late September we inspected all the sewer lines in the cul-de-sac with a video camera on October 19th.

It appears that about 15 feet of the line serving your property was damaged by the tree. There is a sag in the line starting near the driveway and extending northeast across the cul-de-sac.

While you may not have noticed any change in your sewer service we feel this section of line will need to be replaced. We estimate the cost to be between \$4,500 and \$6,000.

We have added this cost to the invoice we will be sending the tree service.

Please let me know if you have any questions.

--

Mike Walker

Director of Public Works

City of Sandy

39250 Pioneer Blvd.

Sandy, OR 97055

503-489-2162 V

503-668-8714 F

www.ci.sandy.or.us

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Matt n' Mel's Sewer Scoping

18006 Gimley Court
Lake Oswego, OR 97034
(503)324-0423

Video Sewer Line Report

Client Name: Merla Lewis
Property Address: 17970 Loundree Dr Sandy
Date: 11/12/2018
Access Point: Standard Clean Out
Main Waste Line Size: 4", 6"
Main Waste Line Type: abs to pvc
Line functioning at time of inspection: Yes

Party Line: No

If Party Line, location of wye or tee (perform locate and mark line if required):

Specific Areas of Concern (describe locations where possible):

Corrosion in line:
Deterioration of line:
Separation at line transition:
Settlement of line: Minor settlement at bottom of drop but does not look to be affecting the flow
Joint Separation in line:
Offset of misalignment of line:
Cracked or broken line:
Collapsed line:
Hole in line:
Leak in line:
Minor root intrusion:
Major root intrusion:
Obstruction or blockage:
Other:

Following repairs to line recommended: none

Recommended replacement of line: No

Party line possibly requiring replacement of neighbor's line as well: No

Site conditions, surface and subsurface features, and limitations of metal detector and/or other equipment present By signing below I agree that the liability of Matt 'n Mel's Sewer Scoping Services, Inc. (MMSS) is specifically and unequivocally limited as follows:

* Refunds shall not exceed the amount charged for the sewer scoping service(s) provided.

* MMSS shall not be responsible in any way for damages other than that portion of the sewer line where access is obtained by MMSS to that portion of the sewer line which is owned and maintained by the applicable municipality, city or sewer district.

* MMSS shall not be responsible for any sewer line conditions caused by natural conditions including root intrusion, debris intrusion, freezing, thawing, heaving, or separating.

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