



MINUTES
City Council Meeting
Monday, March 1, 2021 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, Shelley Denison, Associate Planner, David Doughman, City Attorney, Tyler Deems, Deputy City Manager / Finance Director, Kelly O'Neill, Development Services Director, and Ernie Roberts, Police Chief

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. Pledge of Allegiance

3. Roll Call

4. Changes to the Agenda

Councilor Exner asked to be recognized first during the public hearing for The Views. **Mayor Pulliam** agreed.

5. Public Comment

(none)

6. Response to Previous Public Comments

The **City Manager** noted the suggestion at the previous meeting regarding suspending SAM fares during weather emergencies. He suggested the Transit Advisory Board could take up the topic and make a recommendation to the Council.

7. Consent Agenda

7.1. **City Council Minutes - February 16, 2021**

Moved by Richard Sheldon, seconded by Jeremy Pietzold

Approve the Consent Agenda.

CARRIED. 7-0

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

8. Old Business

8.1. Contract for Construction Manager / General Contractor Services

Staff Report - 0379

The **City Manager** noted the significance of this step in the wastewater improvement project. The **Public Works Director** summarized the staff report, and responded to a Council inquiry concerning the Guaranteed Maximum Price system.

Moved by Don Hokanson, seconded by Carl Exner

Staff Report - 0379

Authorize the City Manager to enter into a Construction Manager/General Contractor agreement with Slayden Constructors, Inc. for the Wastewater Treatment Plant Condition Assessment Improvements project subject to City Attorney review of the contract.

CARRIED. 7-0

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

8.2. PUBLIC HEARING (continued): The Views

Staff Report - 0382

Note: this hearing was continued from February 16, 2021. After receiving public testimony that evening, the record was closed for new evidence. At this March 1st meeting, the hearing resumed with Council questions for staff and the applicant.

New Ex Parte Contact: none

Staff Recap:

The **Associate Planner** summarized the updated staff report; presentation slides were included in the agenda packet. The City Attorney reiterated the importance of disclosing ex parte contact, and noted that there was a public comment received after the deadline that is not under consideration by the Council.

Council Procedural Discussion:

Councilor Exner stated that the Council had agreed to submit any questions on this application to staff by Thursday February 18, and stressed the importance of adhering to that agreement. He offered a motion (which was not seconded) to require that no additional questions be asked by Council this evening that would require substantial research and analysis by staff.

Councilor Smallwood offered a motion (later withdrawn) to limit questions of staff to those submitted by Thursday February 18.

The Council discussed additional procedural matters including the importance of submitting questions with sufficient time for answers to be prepared by staff, fairness and equity considerations, and the scope of the discussion for this matter.

Council Questions:

The Council asked questions of staff regarding the following issues:

- The process for allowing multi-family housing in specific areas
- The purpose and impact of using a planned development approach compared to a traditional zone change process
- The rationale for whether a Comprehensive Plan amendment would be necessary for this application, and the process for making such a determination

Tracy Brown, representing the applicant, addressed each of the questions raised in writing by Councilor Walker in Exhibit SSSS.

The Council asked additional questions regarding possible hazardous materials on the site, and made inquiries regarding lot sizes and the current zoning of

the parcels in question.

****At this point the public hearing was closed****

Council Discussion:

The Council discussed the scope of their discretion as they consider the application, vis a vis Oregon land use laws and regulations. They also discussed the scope and sufficiency of processes used by the City to evaluate applications that request deviations from the letter of the Development Code.

The Council discussed the merits of the application, with respect to the following issues:

- The amount of housing supply in the city
- The housing density proposed in the application
- The proposed location of the development in the city
- The intent of the Comprehensive Plan
- Accessibility of transit options
- Expectations of other owners in the vicinity when they purchased their property
- Width of the proposed streets
- Availability of parking
- Divergences from the underlying zoning requirements

Councilor Exner offered a motion (not seconded) to approve only the multi-family component of the application.

The Council conferred with the **City Attorney** regarding the legal consequences of various possible dispositions.

Councilor Smallwood moved to approve the application with the conditions and findings recommended by the Planning Commission. The motion failed.

Councilor Walker offered a motion (not seconded) to deny the application based on failure to meet the provisions of 17.64.00 (D) and (E); 17.64.100 C(1) and C(2); and 17.64.30 A.

After further consultation with the **City Attorney** regarding legal considerations associated with denial, **Councilor Hokanson** moved to deny the application based on failure to meet the provisions of 17.64.100 C(2) and 17.64.30 A due to deviations from the underlying zones related to factors

including but not limited to setbacks and unit types.

The consensus of the Council was that the **Mayor** should sign the Final Order composed by the **City Attorney** and staff.

Moved by Carl Exner

No additional questions should be asked by Council during the hearing that would require substantial research and analysis by staff.

(motion not seconded)

Moved by Laurie Smallwood

Limit questions of staff to those submitted by Thursday February 18.

(motion withdrawn)

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 Carl Exner

Approve the multi-family component of the application.

(motion not seconded)

Moved by Laurie Smallwood, seconded by Carl Exner

Approve the application with the conditions and findings recommended by the Planning Commission.

DEFEATED. 3-4

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

Moved by Kathleen Walker

Deny the application based on failure to meet the provisions of 17.64.00 (D) and (E); 17.64.100 C(1) and C(2); and 17.64.30 A.

(motion not seconded)

Moved by Don Hokanson, seconded by Kathleen Walker

Deny the application based on failure to meet the provisions of 17.64.100 C(2) and 17.64.30 A due to deviations from the underlying zones related to factors including but not limited to setbacks and unit types.

CARRIED. 4-3

Ayes: Jeremy Pietzold, Richard Sheldon, Kathleen Walker,
and Don Hokanson

Nays: Stan Pulliam, Laurie Smallwood, and Carl Exner

9. Report from the City Manager

The **City Manager** noted that the Library has reopened for limited browsing, and noted the plans to reopen City Hall to the public on April 1st. He discussed the state vaccination framework. He stated that the Parks and Trails Master Plan draft is complete and has been sent to the Technical Advisory Committee for review. He noted that the County will consider the Vehicle Registration Fee issue this week. He reminded the Council about meeting with planning staff regarding the Comprehensive Plan update. He asked for Council input on the upcoming work session schedule.

10. Committee /Council Reports

Councilor Hokanson: expressed appreciation for the Council.

Councilor Walker: expressed appreciation for the Council and staff. Inquired about adoption of the goals. Noted the Library reopening. Noted Legislature consideration of a bill regarding homelessness.

Councilor Exner: referenced pavement condition issues on several streets. Noted that he will support the Council's decision this evening, notwithstanding the fact that he voted the other way. Noted an upcoming meeting regarding aquatics.

Councilor Sheldon: expressed appreciation for the Council, regardless of disagreements. Concurred on the importance of addressing homelessness with a comprehensive strategy, and noted the bill currently pending in the Legislature.

Councilor Smallwood: none.

Council President Pietzold: expressed appreciation for the Council. Noted that in-person learning is beginning and restaurants are opening. Referred to the recent storm clean-up. Expressed concern about semi trucks driving on local streets.

Mayor Pulliam: expressed appreciation for the Council. Asked for input from Councilors on work session topics. Expressed appreciation for Councilors attending meetings of advisory bodies; noted the distinction between attending as an official liaisons vs. in a citizen capacity. Noted the large number of covered structure grant program applications.

11. Staff updates

11.1. [Monthly Reports](#)

12. Adjourn



Mayor, Stan Pulliam



City Recorder, Jeff Aprati