



# CITY COUNCIL MEETING

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December 9, 2019

**CALL TO ORDER:** Mayor James Kingsbury called the meeting to order at 6:04 PM. The Pledge of Allegiance was said, and Randy Cranston said a prayer. Councilors present: Michael Taylor, Jim Crowther, Brian Schumacher, and Greg Atkin. Staff Present: Myrna Harding, Finance/Office Manager; Jason Devine, Public Works (arrived at 6:56 PM); Katie Scott, City Recorder; Carrie Connally, Land Use Attorney; Dan Lawler, Land Use Attorney; and Milan Castillo, City Attorney (arrived at 6:56 PM). There was 10 persons in the audience.

**ADDITIONS OR MODIFICATIONS TO THE AGENDA** – Add a five-minute break after the public hearing. Move the Street Extension from continuing business to after the Presentations/comments from the public.

**PUBLIC HEARING: Development Code Amendment LA 2019-01** – Amendment to the Sublimity Development Code to include changes to definitions, standards, and procedures affecting all zoning districts. Proposed amendments include, but are not limited to: reduced maximum coverage allowance, increased setback requirements in some zones, increased lot width requirements for townhomes, 24 month waiting period for street disruptions after paving, increased submittal requirements for subdivisions, elimination of Planned Unit Developments as a development option, minor changes for clarification and continuity.

Mayor Kingsbury opened the public hearing at 6:08 PM and read the required items into the record. Lisa Brosnan presented the staff report. Lisa read into the record the language that the City of Aumsville utilizes for their park land dedication.

Mayor Kingsbury opened the hearing to comments from the public-  
Those in favor:

- Bradley Reardon. Commented that the removal of fee in lieu of park land would allow for more parks and this is a positive aspect of the community. He spoke on the requirement for a preliminary plat map. He believes that if the City and the Planning Commission had this information beforehand the public hearing, it would negate the homeowner's responsibility to build unnecessary retaining walls or other structures due to the piling of dirt from new developments.

Those neutral:

- Mike Erdmann, Home Builders Association of Marion and Polk Counties. Expressed concerns over the issue of removing the fee in lieu of option regarding the park land dedication. This removes the option to the City to make an informed decision pertaining to a particular subdivision. He suggests that the language is placed back into the Code. He is also concerned over the fact that the City is requiring System Development Charges as well as park land dedication as this is unfair to the developer.
- Rich Fry. He is in agreement with Mike Erdmann. He stated that he was a part of the Salem Planning Commission for many years, so he is familiar with this process. He agrees that the fee in lieu of park land should be reinstated in the code.
- Randy Cranston gave an explanation as to why the Planning Commission removed that cash in lieu of park land dedication. The amount of money versus the amount of land that the 7% would give the City, is not equitable.
- Rich Fry is in agreement with Randy, the 7% does not get the City the money. He would suggest that the City increase the System Development Charge (SDCs) fees. In response to Bradley Reardon, the developer grades that subdivision, the builder then comes in and digs and moves

dirt, so the mounds of dirt and retaining wall requirements are not only on the developer, but mostly on the builders.

Those in opposition: None

Lisa Brosnan commented on the park land dedication. An option would be to go to the draft that would require a fee in lieu that would give more options on how the City would determine the fee.

Mayor Kingsbury closed the public portion of the hearing at 6:39 PM.

Discussion amongst the Council followed:

Councilor Atkin commented on the park land dedication in response to the public comment. He would recommend adding the verbiage from the City of Aumsville's park land dedication requirements.

Councilor Crowther noted that he would like the money in lieu of land language to remain in the Code.

Councilor Taylor noted that he does like the looks of the Aumsville language. He is in favor of leaving out the fee in lieu of language and acquiring more park land.

Mayor Kingsbury asked if the City got any comments from DLCD after review of the code? No there were no comments.

Carrie Connolly noted that the language of Aumsville is similar to what the City currently has in the Code.

Councilor Crowther thinks that the language in the previous code should remain. The City can

Councilor Taylor suggested changing the percentage requirement for cash in lieu of. Councilor Atkin noted that the City should change the SDC fees rather than changing the percentage.

Councilor Schumacher agrees with Councilor Atkin, he also likes Councilor Taylor's idea to increase the percentage.

Attorney's noted that the percentage can be changed, but it must be justified and should be looked into further before making a change. Lisa recommend that a parks plan be done before making a percentage change.

Discussion of language regarding park land dedication followed.

**MOTION:** Councilor Atkin moved to approve Development Code Amendment LA 2019-01 as modified to reflect the reincorporation of the fee in lieu of language on page ninety-seven with additional fee negotiation as discussed. Seconded by Councilor Crowther. 5 ayes, motion carries.

Mayor Kingsbury called for a break at 7:16 PM

Mayor Kingsbury called the meeting back to order at 7:25 PM

#### **PRESENTATIONS/COMMENTS FROM THE PUBLIC –**

- A. Margaret Dehut: Hardship Application Extension – Margaret Dehut, 221 NE Main St submitted a letter. She was granted a 1-year hardship, since then her daughter has moved to Bend with their camper, but they come back to town occasionally to help care for her mother and would stay in Margaret's RV rather than their own. She would like to extend the hardship for one year.

**MOTION:** Councilor Atkin moved to extend the hardship for an additional year. Seconded by Councilor Taylor.

Councilor Crowther commented that the Code currently allows for 10 days within a 30-day period.

Councilor Atkin noted that this may not be adequate given their circumstances.

5 ayes, motion carries.

#### **Continuing Business:**

- F. Street Extension of Melrose Street: Lisa Brosnan gave an update. The County would not approve a road in this area. This would require a Buildable Lands Inventory to expand the Urban Growth Boundary (UGB) as mandated by the State. It is likely that the State will not consider any UGB expansion until the 80 acres that are undeveloped within the City's UGB is developed.

#### **CONSENT AGENDA:**

- A. Meeting Minutes – November 12, 2019

**MOTION:** Councilor Atkin moved to approve the consent agenda. Seconded by Councilor Taylor. 5 ayes, motion carries.

## **STAFF REPORTS**

- A. **Tom Barber, Police** – Deputy Barber was absent. He provided staff with a report for the month of November. Myrna noted that a citizen requested that Deputy Barber flex his schedule so that people do not know when he will be on duty.
- B. **Milan Castillo, City Attorney**- Nothing to report.
- C. **Jason Devine, Public Works** – The asbestos test for the water was returned clean. Bella Terra has begun building on their lots. Greyson Estates has finalized construction drawings and will be ready to begin at any time.
- D. **Myrna Harding, Office** – Myrna presented her prepared staff report for the office. She gave an update on customers using Xpress BillPay. Councilor Crowther asked for the cost per customer is. The final draft of the audit report was received today. Grove, Mueller & Swank's report will be given at next month's meeting. City Hall is receiving 3 new computers as the old ones are outdated and can no longer support the City's software.

## **NEW BUSINESS:**

- A. Appraiser for Park Land Dedication: Councilor Crowther spoke with an appraiser, Sarah Adams, and her appraisal cost should not exceed \$500.00. Mayor Kingsbury got a bid from Powell Banz and they will cost \$3500.00 for a commercial appraisal.

**MOTION:** Councilor Taylor made a motion to use Sarah Adams as their appraisal. Seconded by Councilor Atkin. 5 ayes, motion carries.

## **ACTION ITEMS:**

- A. Appoint Planning Commission Member: The City received two applications.

**MOTION:** Councilor Atkin moved to appoint Ron Etzel to the Planning Commission for a four-year term beginning January 2020. Seconded by Councilor Crowther. 5 ayes, motion carries.

## **ORDINANCES/RESOLUTIONS:**

- A. Ordinance 711M: An Ordinance concerning the collection of fees and charges for water and sewer services.  
This ordinance sets the price for water meters. Milan noted that there were two spelling errors within the Ordinance. These will be corrected.

**MOTION:** Councilor Crowther made a motion to approve the Ordinance 711M as modified. Seconded by Councilor Taylor. 5 ayes, motion carries.

## **CONTINUING BUSINESS:**

- A. **Document Storage:** Alan is currently getting bids. This will be discussed at next month's meeting.
- B. **Codifying City Ordinance:** This is a process that will take some time.
- C. **IT for Council Chambers:** Councilor Taylor has received an estimate from Cascade Sound of \$22,000 dollars to use existing screen. Another screen would increase the amount to approximately \$25,000 dollars. Brad Reardon noted that he is a technical solution and would be more than happy to take a look into what the City is wanting. Councilor Taylor will be in touch with him.
- D. **Street Inventory:** Mayor Kingsbury noted that the City will be getting bids from Westech as well as from some of the local colleges for an intern to come in and do a street inventory. Myrna has sent a grant to Alan to apply for a street inventory.
- E. **Street Extension:** This was discussed earlier in the meeting.
- F. **Transportation Plan:** There was no discussion.

## **INFORMATION ITEMS**

- A. November Revenue Statement
- B. Expenditures – November 2019

- C. November Water Reports: Mayor Kingsbury asked Jason if the amount of water loss is still high. They had someone from OAWU come and detect the system. They would require \$1000.00 per day to do leak detection within the City. He recommended that the City get a leak detector.
- D. Ordinance Notifications

**COMMITTEE REPORTS:**

**Mayor Kingsbury:** He is meeting with Hank Porter once a month. The City of Stayton is updating their wastewater master plan and they have invited staff to be a part of the meetings.

**Michael Taylor:** He gave an update on the schools. There will be another portable at the elementary school to accommodate the Kindergarten class. They are looking into a bond to remodel and add classes at the elementary school as well as possible vestibules to help secure the schools district wide.

**Jim Crowther:** Attended the sewer meeting in Stayton, they are moving forward with their Master Plan. Parks Committee is continuing to meet.

**Greg Atkin:** Nothing new to report. We should be notified soon who our new Sergeant is.

**Brian Schumacher:** Nothing new to report regarding AP. He gave an update on the new Maintenance position in Public Works.

**Adjournment:** Councilor Taylor moved to adjourn the meeting. Meeting adjourned at 8:11 PM.