



# CITY OF DONALD

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## City Council

### Action Agenda Summary

Tuesday, June 9, 2020 at 6:45pm

**Donald Wastewater Treatment Plant -10501 Donald RD NE**

**Also Available Via Video/Phone Conference through Webex**

**OPEN MEETING:** Mayor Brad Oxenford opened the regular meeting of the Donald City Council on Tuesday, June 9, 2020 at 6:45pm at the Donald Wastewater Treatment Plant at 10501 Donald Road NE. He stated that the meeting is available tonight through phone or video conferencing on Webex.

#### **PLEDGE OF ALLEGIANCE**

#### **ROLL CALL**

*Present:* Mayor Brad Oxenford, Council President Gloria Nicholson, Councilors: Troy Hellickson, Sheryl Glenn, Katie Gonzalez, Gerry Waller and Rod Scott.

*Absent:* No one

*Staff Present:* City Manger Heidi Bell, Public Works Alonso Limones, City Attorney Andrew Cole, and by Webex video: City Planner Holly Bryam and City Engineer Matt Huxley.

#### **COMMUNITY MEMBER'S FEEDBACK:**

*Online Feedback Form with Letter:* Ben Zimmer, 21076 Ehlen Street NE: complaint about neighbor at 21085 Ehlen Street. Zimmer listed five issues that he wants the City to address and provided feedback on recent interactions with the neighbor and that he has reported the issues to the police.

Council asked Manager Bell about the status of this complaint since it has come up before. She stated that the judge will review the case but court is not currently in session because of COVID-19.

#### **ADD/DELETE AGENDA ITEMS:** None

Manager Bell explained to the room the process for the night's meeting to stay in compliance with the State's rules for meetings and gatherings during the COVID-19 Pandemic.

#### **CORRESPONDENCE/PRESENTATIONS:** None

#### **PUBLIC HEARINGS:**

- I. City File #ANX 2020-01 Annexation of approximately 61 acres into the Donald City Limits; and City File #ZC 2020-01 Zone Change from Marion County UT – Urban Transition to City of Donald R7 and RM Residential Zones.**

Mayor Oxenford opened the public hearing at 6:54 pm regarding Annexation, File No# ANX 2020-01 and Zone Change, File No.# 2020-01. He stated that the overall project is called Harvest Gardens.

Planner Byram read the legally required language for a land-use public hearing into the record, including how to give testimony and submit documents into the record, or appeal.

She reported that the substantive criteria upon which this case will be decided are: Oregon Revised Statutes (ORS) Chapter 222 City Boundary Changes, Oregon Statewide Planning Goals, 1986 City-County UGB IGA, Donald Comprehensive Plan Goals & Policies, Donald Development Ordinances (DDO) Sections: 2.103 R7 Zone, 2.104 RM Zone, and 3.111 Zone Changes.

Mayor Oxenford asked the following questions to all people in attendance and the callers.

- I need to ask if there are any objections to the notice that was published? None.
- Are there any objections to the jurisdiction of this body to hear and consider this matter? None
- Are there any declarations of conflict of interest by any member of this body? None
- Are there any declarations of bias by any member of this body?
  - Councilor Gonzalez stated that she has no bias but thought it was important to share that she did read comments regarding the application on the People of Donald Facebook page on May 17 and May 18, 2020. She saw attachments in the posts, but did not open them.
- Does anyone wish to challenge the declarations made, or not made, by any member of this body?
  - From the audience Mike Mader asked for clarity that no one else had read any comments on Facebook? No Councilor responded.

City Planner Holly Byram delivered her staff report, she stated the conditions of approval and that staff recommended that the Planning Commission recommend approval of the application to the City Council. The staff report is attached to these minutes for the record.

- Mayor Oxenford asked if there were any questions of staff before continuing and hearing from the applicant and accepting testimony?
  - Councilor Gonzalez asked if there was more feedback from the school district specifically about the desired length of the timeline for their requested extended phasing of the new houses.
    - Planner Byram stated that the Donald Development Code has a completion period of seven years for planned unit developments (PUDs) but that the applicant is asking for 12 years. Planner Byram confirmed with the N. Marion School District Superintendent that the 12 years is a preferable timeframe.
- Mayor Oxenford asked if the applicant, or applicant's representative was present? If so, would the applicant/applicant's representative like to address the Commission? There were none.

Mimi Doukas and Alex Hurley presented on behalf of the applicant. They stated that they were in agreement with the findings. Ms. Doukas provided an overview about the City's past work to prepare for the growth, including all the reports and meetings. She stated that although this is a giant application, it is a phased development and they have requested up to 12 years for the development. She stated that the need is to house people that work in this area. She believes that people will be pleased with the results. The infrastructure will also be phased over time as well and working with the staff to get all the pieces in the right place, at the right time to address capacity issues. She discussed the process for annexation and zone change and that it matches the Donald Development Code. She offered to answer questions.

- Mayor Oxenford asked if there was any testimony.  
All written testimony that was received at the May 28, 2020 Planning Commission meeting was included in the Councilor's packets for prior reading, which included the letters below.
- Mayor Oxenford asked if there was any testimony in support of the application? None.
- Mayor Oxenford asked if there was any testimony opposing the application?
  - Kathy & John Griffin, 11507 Donald RD NE, Aurora OR 97002: letter submitted to Planning Commission for the May 28, 2020 meeting.
  - Curt & Lexi Kipp: 11005 Rees Street NE, Donald OR 97020: letter submitted to Planning Commission for the May 28, 2020 meeting.
- Mayor Oxenford asked if there was any testimony neither for nor against (neutral) the application?
  - FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205: letter submitted to Planning Commission for the May 28, 2020 meeting.
  - HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204: letter submitted to Planning Commission for the May 28, 2020 meeting.
  - Mimi Doukas and Alex Hurley (applicant rep) AKS Engineering & Forestry 12965 SW Herman Road, Ste. 100 Tualatin, OR 97062: provided oral response to HLA/FHCO letter submitted to Planning Commission for the May 28, 2020 meeting
  - Eric Vanderwood, Main Street: Why was the multi-housing picked to be in the front of the property and not in the back of the property?
- Mayor Oxenford asked if the applicant would like to address (rebut) any of the testimony, five minutes maximum allowed.
  - Ms. Doukas replied to the question about the multi-housing location. They are matching the land-use designation that was produced from the urban growth boundary process.
  - Planner Byram shared how and why during the UGB process the multi-family (RM zone) was designated to the particular location.
- Mayor Oxenford asked if there were any additional questions for the Commissioners, staff or anyone else before she closes the Public Hearing? None.
- Mayor Oxenford closed the Public Hearing at 7:37pm.
- Mayor Oxenford called for Councilor's discussion or a motion.
  - ✓ Councilor Hellickson motioned and Councilor Gonzalez seconded to approve concurrent files #ANX 2020-01 and #ZC 2020-01 as presented, adopt the findings and recommended conditions of approval in the staff report to the City Council dated June 2, 2020, and direct staff to present an enacting Ordinance. No discussion. Vote: 6-1-0. Councilor Scott voted in opposition. Motion carried.

**II. City File #SUB 2020-01 for a subdivision and City File #PUD 2020-01 for a Planned Unit Development approval to develop an "agrihood community" composed of 297 single-family homes over 12 years with public open space, community gardens, park, walking paths, community center, limited commercial space, event space, and site for**

**future apartments/townhomes. Modifications to the Donald Development Ordinance (DDO) standards requested include: minimum lot size, side setbacks, block length, street design right-of-way width, approval timeline, etc.**

Mayor Oxenford announced that the Public Hearing for these Subdivision and Planned Unit Development applications was continued by the Planning Commission to their June 18<sup>th</sup>, 2020 at 6:45pm meeting. The location will be City Wastewater Treatment Plant at 10501 Donald Road. He stated that no staff report or public testimony will be given on these applications at tonight's June 9<sup>th</sup> Council Meeting. He stated that this agenda item will be continued to the regular Council meeting's agenda on July 14, 2020.

- ✓ Councilor Gonzalez motioned and Councilor Hellickson seconded to continue the public hearing for the applications for the planned unit development and the subdivision to the July 14, 2020 Council Meeting. No discussion. Vote: 7-0-0. Motion carried.

### **III. Electing to Receive State Shared Revenue: Fiscal Year 2020-2021**

Mayor Oxenford opened the public hearing regarding the City to elect to receive state shared revenue for fiscal year 2020-2021 at 7:43 pm. He read the following questions:

- I need to ask if there are any objections to the notice that was published? None.
- Are there any objections to the jurisdiction of this body to hear and consider this matter? None
- Are there any declarations of conflict of interest or bias by any member of this body? None
- Does anyone wish to challenge the declarations made, or not made, by any member of this body? None
- He asked to accept testimony from audience and callers. There was none.

He closed this public hearing at 7:46pm.

### **IV. Adoption of City of Donald Budget: Fiscal Year 2020-2021**

Mayor Oxenford opened the public hearing regarding the City of Donald's Budget for fiscal year 2020-2021 at 7:47 pm. He read the following questions:

- I need to ask if there are any objections to the notice that was published? None.
- Are there any objections to the jurisdiction of this body to hear and consider this matter? None
- Are there any declarations of conflict of interest or bias by any member of this body? None
- Does anyone wish to challenge the declarations made, or not made, by any member of this body? None
- He asked to accept testimony from audience and callers. There was none.

He closed this public hearing at 7:48pm.

## **CONSENT AGENDA**

- I. Action Agenda Summaries: Work Session Meeting: 5/4/2020, Regular Council Meeting: 5/12/20, Budget Committee Training: 5/14/20, Budget Committee Meeting: 5/19/20**

- II. **Post on Website Marion County Sheriff Office, Police Logs/Stats: May 2020:** Council President Nicholson asked about check #13016 and the staff's process of how we know if the shifts were worked. Manager Bell provided explanation.
- III. **Post on Website Aurora Fire District Logs: May 2020**
- IV. **Check Register & Cash Sheet: May 2020**
  - ✓ Council President Nicholson motioned and Councilor Glenn seconded to approve the Consent Agenda Items as submitted. No discussion. Vote: 7-0-0. Motion carried.

**OLD BUSINESS:** None

**NEW BUSINESS**

- I. **Vote: Annexation: ANX 2020-01: Annexation of approximately 61 acres into the Donald City Limits and Zone Change: ZC 2020-01: Zone Change of approximately 61 acres from Marion County UT – Urban Transition to City of Donald R7 and RM Residential Zones:**

Mayor Oxenford closed the public hearing at 7:37pm.

  - ✓ Councilor Hellickson motioned and Councilor Gonzalez seconded to approve concurrent files #ANX 2020-01 and #ZC 2020-01 as presented, adopt the findings and recommended conditions of approval in the staff report to the City Council dated June 2, 2020, and direct staff to represent an enacting ordinance. No discussion. Vote: 6-1-0 (Councilor Scott no vote) Motion carried.
- II. **Vote: Continue Public Hearing for concurrent files Subdivision #SUB2020-01 and Planned Unit Development PUD # 2020-01 to July 14, 2020:**
  - ✓ Councilor Gonzalez motioned and Councilor Hellickson seconded to continue the public hearing for concurrent land use application files Subdivision #SUB 2020-01 and Planned Unit Development #PUD 2020-01 to the regular City Council meeting on Tuesday, July 14, 2020 at 6:45 pm and that the staff report, applicant's presentation and all other public testimony will be taken on that date. No discussion. Vote: 7-0-0. Motion carried.
- III. **Ordinance NO. 177-2020: Proclaiming the Annexation of Two Properties to the City of Donald and Zone Change:**

Mayor Oxenford asked if anyone on the Council would like the ordinance read in full. No one did. Manager Bell reported that Ordinance NO. 177-2020 had been posted one week in advance on the City's website and three Community Boards. The Councilors had received a copy of the Ordinance in their packets for prior reading. Mayor Oxenford read the Ordinance by title only.
- IV. **Vote: Fill Vacant Seat on the Planning Commission: Alysha Irvin (Seat Expires: 12/31/2021)**
  - ✓ Councilor Hellickson motioned and Councilor Glenn seconded to appoint Alysha Irvin to fill the vacant Planning Commission seat with the term ending 12/31/2022 as recommended by the Planning Commission. No discussion. Vote: 7-0-0. Motion carried.
- V. **Vote: Updates to Mayor's COVID-19 Emergency Declaration** – this item was continued to later in the meeting, under Council Communications.
- VI. **Vote: On the Matter of City-Sponsored Red Cross Blood Drive: Councilor Gerry Waller:**

Councilor Waller presented the idea of holding a blood drive. The Council discussed that they

wanted to support the extreme need for blood donations right now. Councilor Waller has setup a tentative date of Saturday, July 11 (formally Hazelnut Festival day) to hold the blood drive. The blood mobile will be outside the Donald Community Center (DCC). The Council did not want to open the DCC because of social distancing and cleaning; so instead Councilor Waller will check people in using the green space outside.

- ✓ Mayor Oxenford motioned and Council President Nicholson seconded to support the blood drive in Donald and for it to be managed by Councilor Waller. No discussion. Vote: 7-0-0. Motion carried.

**VII. Vote: On the Matter of City-Sponsored Annual City-Wide Garage Sale Event:**

Council discussed the issue and how it relates to the COVID-19 restrictions.

- ✓ Councilor Gonzalez motioned and Council President Nicholson seconded to not sponsor the City-Wide Garage Sale for 2020. No discussion. Vote: 6-1-0 (Councilor Hellickson no vote). Motion carried.

Council directed Manager Bell to add to the July City Council Agenda a voting item about holding the Annual City-Wide Clean Up Day.

**VIII. Vote: Resolution No. 504-20: Contract for Land Use Planning Services with the Mid-Willamette Valley Council of Governments:**

- ✓ Councilor Glenn motioned and Councilor Hellickson seconded to approve Resolution No. 504-20. No discussion. Vote: 7-0-0. Motion carried.

**IX. Vote: Resolution No. 505-20: Fee Schedule for Certain Administrative Services & Utility Billing:**

- ✓ Councilor Gonzalez motioned and Councilor Waller seconded to approve Resolution No. 505-20. No discussion. Vote: 7-0-0. Motion carried.

**X. Vote: Resolution No. 506-20: City Eligible for State Share Revenue:**

- ✓ Councilor Glenn motioned and Councilor Scott seconded to approve Resolution No. 506-20. No discussion. Vote: 7-0-0. Motion carried.

**XI. Vote: Resolution No. 507-20: City Elect to Receive State Share Revenue**

- ✓ Councilor Hellickson motioned and Councilor Glenn seconded to approve Resolution No. 507-20. No discussion. Vote: 7-0-0. Motion carried.

**XII. Vote: Resolution No. 508-20: Fiscal Year 2020-2021: City Budget: Adopting, Making Appropriations & Imposing/ Categorizing Taxes: Approve property taxes at rate of \$0.8752/\$1,000 of assessed value for the permanent tax levy and in the amount of \$20,185 for the General Obligation Bond:**

Council discussed the purchase of Kindle Amazon Fire Tablets with the remaining Community Development Department money for the fiscal year 2019-2020. They directed Manager Bell to purchase five with 10-inch screens; then, in July purchase nine more for the fiscal year 2020-2021 budget with the Community Development Department funds. There will be no changing of the budget to purchase the tablets. The Council would like Manager Bell to see if the school district would like the old working tablets as a donation.

- ✓ Councilor Gonzalez motioned and Councilor Glenn seconded to approve Resolution No. 508-20 adopting the budget for the 2020-2021 fiscal year in the amount of \$4,094,807. Furthermore, that the Donald City Council approve property taxes for the 2020-2021 fiscal year at the rate of \$0.8752/\$1,000 of assessed value for the permanent tax levy and

in the amount of \$20,185 for the General Obligation Bond Levy. No discussion. Vote: 7-0-0. Motion carried.

**XIII. Vote: Community Member of the Month: Wendy Scharich:**

Mayor Oxenford read the nomination form out loud and the Council whole-heartedly agreed it was a good nomination.

- ✓ Councilor Scott motioned and Councilor Glenn seconded to appoint Wendy Scharich as the June 2020 Community Member of the Month. No discussion. Vote: 7-0-0. Motion carried.

**COUNCIL COMMUNICATIONS**

**I. Council Discussion of Current Affairs in Donald**

- a. Councilor Gonzalez complimented the insert that was in the water/sewer bills.
- b. At this time the Council revisited New Business Item V: Mayor's COVID-19 Emergency Declaration to make sure that all changes, needed items or other things that occurred during the meeting were captured in the updated Declaration. There was discussion if the Donald Community Center could be opened, but it was decided to be infeasible.
- ✓ Councilor Gonzalez motioned and Council Glenn seconded to adopt the Mayor's COVID-19 Emergency Declaration with the changes that reflect the limited public service hours of City Hall and that the playground will be opened when Marion County reaches Phase 2 and the basketball court in Phase 3. No discussion. Vote: Motion carried.
- c. Council asked Manager Bell about the status of businesses downtown, specifically the food cart. Manager Bell will make contact with the proprietors and report back in a Friday Journal. PW Director Limones will provide an update on an estimated start date for the Center Market.

**II. Focus Group Reports**

- a. Parks and Recreation: Councilor Waller gave an update on the restroom installation at the Little City Park. The new crew is working on building it and the County building issues were resolved.
- b. Civic Engagement and Public Health: Councilor Gonzalez gave an update on the COVID-19 infection numbers and deaths in the State and County. She gave information on the stats for positive testing results. She spoke about the recent current events surrounding the death of George Floyd.
- c. Economic Development: Council President Nicholson provided information about the improvements that are planned for the Donald Community Center.

**III. Mayor's Report**

**REVIEW ITEMS**

- I. Building Logs: May 2020**
- II. Business License Renewals: May to June 2020**
- III. Gas Logs: May 2020**
- IV. Water & Sewer Testing Reports: May 2020**
- V. Employee Safety Meeting Minutes: May 2020:** There was discussion of the need for perimeter checks to ensure safety around the Sewer Plant.

**PUBLIC WORKS REPORT**

Public Works Director Limones referred to his report that was included in the Councilor’s packets for prior inspection. Councilor Waller thanked the Public Works crew because the Skate Park landscaping looks so nice. Council President Nicholson also thanked the PW crew for their work.

Mayor Oxenford reported the following:

- The right of way around the church needed attention because it was getting very long. PW Director Limones agreed and reported that he had made contact with the church earlier in the day. PW Director Limones was assured by the church that it would get mowed.
- There was graffiti on the speed sign on the eastside of town. PW Director Limones said he would look at it tomorrow morning and figure out a solution.
- Thanked the PW crew for implementing all the safety precautions for the re-opening of City Hall. He thought that all the new safety features looked really good.

**CITY MANAGER REPORT**

City Manager Bell referred to her monthly report that was included in the Councilor’s packets for prior inspection.

**ADJOURN**

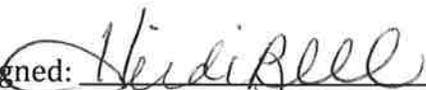
- ✓ Councilor Waller motioned and Councilor Hellickson seconded to adjourn the meeting at 8:50pm. No discussion. Vote: 7-0-0. Motion carried.

Date: July 14, 2020

Signed:   
 Brad Oxenford, Mayor

**ATTEST:**

Date: July 14, 2020

Signed:   
 Heidi Bell, City Manager