



CITY OF DONALD

10710 Main Street N.E. • P.O. Box 388 • Donald, OR 97020-0388
Phone 503-678-5543 • Fax 503-678-2750
www.donaldoregon.gov

City Council

Action Agenda Summary

Tuesday, July 14, 2020 at 6:45pm

Donald Wastewater Treatment Plant - 10501 Donald RD NE

Also Available Via Video/Phone Conference through Webex for Public

OPEN MEETING: Mayor Brad Oxenford opened the regular meeting of the Donald City Council on Tuesday, July 14, 2020 at 6:46pm. The meeting was held at the Donald Wastewater Treatment Plant as well as electronically using the online program Webex. The public was served notice on the meeting's agenda about how to attend, listen, deliver information and/or participate in this meeting. Webex is free to participants.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Mayor Brad Oxenford, Councilors: Troy Hellickson, Sheryl Glenn, Katie Gonzalez, Gerry Waller and Rod Scott.

Absent: Council President Gloria Nicholson (excused)

Staff Present: City Planner Holly Byram, City Attorney Andrew Cole, City Engineer Matt Huxley, City Manager Heidi Bell, Public Works Director Alonso Limones and City Clerk Randi Meadors.

ADD/DELETE AGENDA ITEMS: None

CORRESPONDENCE/PRESENTATIONS: Marion County Community Development Block Grants Project, with Q/A:

Tamra Goettsch, Marion County Director of Community Services Department attended the Council Meeting by phone call. She shared information about the County's interest for the Community Development Block Grant. She gave background and provided information about why the City of Donald should join. She answered questions from Councilors.

COMMUNITY MEMBER'S FEEDBACK:

In person: Chamocco Ferrell, 21085 Ehlen St.: Mr. Ferrell introduced himself to the Council and gave information and background about the recent feedback forms and complaints that have been submitted to the Council by Ben Zimmer about Mr. Ferrell's property. He accounted for the activities on his property that led to Ben Zimmer calling the police and that he has met with the police and there were no issues. Mr. Ferrell shared that he believes that Mr. Zimmer's issues are rooted in racism. He expressed that he is tired of feeling that the town he lives in is racist and told the Council not to turn their heads regarding racism.

In person: Lindsay Costeel- 21095 Ehlen St.: Expressed concerns about her neighborhood, the discrimination and the actions and comments made by Ben Zimmer and the effect on the neighborhood. She is concerned about the actions that Mr. Zimmer threatens to take, like being on

the roof at night with a gun, which makes her fear for her kids. She expressed concern for mental health issues. She also supported Mr. Ferrell's concern that Mr. Zimmer engages in discriminatory acts regarding race and a same-sex couple.

In person: Rebekka Ferrick, 10882 Oak St.: She provided a story about Ben Zimmer and his comments regarding her being in a same sex relationship. Before they even moved in Mr. Zimmer had gone to all the neighbors to report that they were the "Donald lesbians". She also knows that he has made comments regarding her race, being a Mexican-American. She said that everyone's lives matter. She accounted for the relationships between her neighbors and that Mr. Zimmer makes it hard for people to go out of their homes because he is documenting people's comings and goings. She recounted for her mental health struggles and how Mr. Zimmer reacts. She said it took a lot for her to stand up in front of the Council. She wants to be free to live in her neighborhood and have others be free to live their lives. She enjoys living in Donald and thanked the Council for their time.

Mayor Oxenford thanked the community members for taking their time to come to the Council and to be heard. He appreciated the speakers being involved in the City.

Councilor Gonzalez also thanked the community members for sharing the information and participating. She shared that she also lives on the same street. She said that the Council will need to look at this more in-depth and research what the Council should do in general when they get complaints of this nature. She continued by saying that that racism is not tolerated and that she will be thoughtful about what was brought up today.

PUBLIC HEARINGS:

- I. Concurrent City files Subdivision #SUB 2020-01 and Planned Unit Development #PUD 2020-01. Requesting approval to develop "Harvest Gardens Agrihood Community" composed of 297 single-family homes, between 49-133 multi-family or townhome units, a 2-acre commercial pad, public open space, community gardens, farm stand, park, walking paths, community center, and event space. Development phasing is proposed to span 12 years. Modifications to the Donald Development Ordinance (DDO) standards are proposed. This Public Hearing is continued from the June 9th City Council meeting agenda. A vote is scheduled to occur on this application:**

Mayor Oxenford opened the public hearing at 7:12pm regarding Subdivision, File # SUB 2020-01 and Planned Unit Development, File # PUD 2020-01.

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 the Donald Development Ordinance (DDO) Sections: 2.103 R7 Zone, 2.104 RM Zone, Subchapter 2.3 General Development Standards, 3.109 Subdivisions, and 3.113 Planned Unit Developments.

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 commented that she had reviewed Facebook posts regarding the application on May 17 and May 18, 2020. She did not open any attachments. She stated that reading the information did not create a bias for her.
- Does anyone wish to challenge the declarations made, or not made, by any member of this body?
 - Audience Member Mike Mader asked “just to be clear, there is no one else who read or made comments on Facebook?” No one responded.

City Planner Holly Byram gave the staff report. She gave background on her job and role with the City and the goal for the night’s presentation. She told the Council that as she gives the report to let her know if there are questions. She gave background on the project, application processing, what a PUD is, and presented the project. She reviewed the staff report, which is attached for the public record. The applicant will need to come back to the City for applications for the multi-family site design and the community/commercial space. The Council periodically interjected to ask follow-up questions regarding the application including about the Fair Housing Council comments.

- Mayor Oxenford asked if there were any questions of staff before continuing and hearing from the applicant and accepting testimony? There were none.
- Mayor Oxenford asked if the applicant, or applicant’s representative was present? If so, would the applicant/applicant’s representative like to address the Council.
 - Connie Bradley provided a slide show presentation which gave background, the project’s vision of celebrating community, farm and family and provided pictures of the housing and layout. There was discussion of the emphasis on green and smart-home technology. The presentation is attached for the public record. Then, AKS’s Mimi Doukas provided a presentation to the Council regarding the specifics of the project, including stats, parks, use of the courtyards, parking, looped streets/alleys, and public walk-ways. This presentation is included for the public record.

Mayor Oxenford moved into the public testimony portion of the hearing. People were invited to speak from the in-person audience and the people who called in.

- 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? None.
- Mayor Oxenford asked if there was any testimony neither for nor against (neutral) the application? None.

Manager Bell reminded the public including the audience and callers that this was the last opportunity for people to speak, including asking a question. There was no response.

- Mayor Oxenford asked if there were any additional questions for the Councilors, staff or anyone else before he closed the Public Hearing?
 - Councilor Waller presented and submitted a print off of outdoor gym equipment for fitness for the applicant to put into their park plans. The handout is included for the public record.
- Mayor Oxenford asked if the applicant would like to address (rebut) any of the testimony, five minutes maximum allowed.
 - Mimi Doukas said since there was no testimony to rebut, she would like to address Councilor Waller’s idea of the fitness equipment at the park. She said that the detail-

level of the equipment at the park is undecided but that ~~being~~ bringing* fitness in is a good idea.

- Councilor Gonzalez asked about the park phasing. Doukas said that phasing is done in pods that make sense to the project but the park would be phase 11. There was discussion about the dead-end of the roads during phasing. She would also like to talk more with the Council about home affordability and housing options for a variety of the people who are in need of housing. She also had concerns about offering homes in all walks of life. Doukas said yes, there the diversity of homes being offered and discussed the multi-family side of the project and the density requirement issue. She expressed the concern about only offering apartments instead of a mix like townhouses too.
- Mayor Oxenford closed the Public Hearing at 8:18pm.
- Mayor Oxenford called for Councilor's discussion on the application and/or a motion.
- ✓ Councilor Hellickson motioned and Councilor Waller seconded to approve concurrent files #SUB 2020-01 and #PUD 2020-01 as recommended by the Donald Planning Commission and staff, and adopt the findings and recommended conditions of approval in the staff report to the City Council dated July 7, 2020. There was a correction made to condition of approval #22 to include "or as approved by the City Engineer". Councilor Hellickson and Councilor Waller acknowledged the correction and added the amendment to their motion. No discussion. Vote: 6-0-0. Motion carried.

Councilor Gonzalez asked for a five-minute break. Council agreed.

CONSENT AGENDA

- I. Action Agenda Summaries: Council Meeting 6/9/2020 and Executive Session/Special Session 6/11/2020**
- II. Post on Website Marion County Sheriff Office, Police Logs/Stats: June 2020**
- III. Post on Website Aurora Fire District Logs: June 2020**
- IV. Check Register & Cash Sheet: June 2020 and Quarter 4 Report for Fiscal Year 2019-2020:** Manager Bell provided an explanation of the CET expense for the North Marion School District.
 - ✓ Councilor Scott motioned and Councilor Glenn seconded to approve the Consent Agenda Items as submitted. No discussion. Vote: 6-0. Motion carried.

CITY ENGINEER REPORT: This was moved from later in the meeting. City Engineer Matt Huxley was in attendance and provided an update of the Master Plans updates to the Water and Wastewater Systems. He discussed each of the systems and the alternatives for finding solutions to providing more water and sewer to the City. He discussed the costs for these alternatives and that the likely solutions are surfacing but before Council adopts the changes in the Master Plans there is more work with State Agencies. He also shared the timelines for the work. There was discussion that regardless of the Harvest Gardens project that the City's existing working well is nearing its end of life and that there it is only one well. Meaning it is in the City's best interest to pursue this work regardless of the new homes. The Council discussed the siting study for \$20,000 which will provide the most likely site that water will be extracted from the ground, the site with the least likely effect on the environment and the costs for permitting the well.

- ✓ Councilor Hellickson motioned and Councilor Scott seconded to move forward with spending \$20,000 for a well siting study with GIS. No discussion. Vote: 6-0-0. Motion carried.

OLD BUSINESS:

I. Second Reading and Vote: Ordinance NO. 177-20: Proclaiming the Annexation of Two Properties to the City of Donald and Zone Change

Mayor Oxenford asked if anyone requested that the ordinance be read in its entirety. No one did. He asked if there were* any questions or comments. There were none.

- ✓ Councilor Hellickson motioned and Councilor Waller seconded to approve Ordinance NO. 177-20. No discussion. Vote: 6-0-0. Motion carried.

II. Vote: Updates to Mayor's Emergency Declaration for COVID-19 Pandemic:

- a. Vote: Request for Chalk-The-Walk Event from Parent/Teacher Org. at North Marion School District:** The Council requested that Manager Bell reach out to the PTO to request more information for the Council to consider at their August meeting.
- b. Vote: On the Matter of the City-Sponsored City-Wide Clean Up Day Event:** The Council decided to hold the event on Saturday, September 12, 2020 and gave Manager Bell directions on what to include at the event. Overall, it will be a smaller event and focused on representing the COVID regulations.

- ✓ *Councilor Hellickson motioned and Councilor Scott seconded to hold the Clean Up Day event on September 12, 2020 starting at 8am to 12pm, or until the dumpsters fill up at the GK parking lot. No discussion. Vote: 5-1-0 Councilor Gonzalez voted in opposition. Motion carried.

- c. Sidewalk Retail Application Fee:** The Council decided to suspend the sidewalk retail application fee and add the suspension of this fee to the Emergency Declaration.

NEW BUSINESS

I. Vote: Resolution No. 509-20: Community Development Block Grant Cooperation Agreement w/Marion Co.

- ✓ Councilor Gonzalez motioned and Councilor Hellickson seconded to approve Resolution No. 509-20. No discussion. Vote: 6-0-0. Motion carried.

II. Vote: Resolution No. 510-20: Renew Public Works Emergency Response COOP Assistance Agreement

- ✓ Councilor Hellickson motioned and Councilor Scott seconded to approve Resolution No. 510-20. No discussion. Vote: 6-0-0. Motion carried.

III. Vote: League of Oregon Cities Identify Highest Legislative Priorities for City of Donald

- ✓ Councilor Hellickson motioned and Councilor Glenn seconded to select to present to the League of Oregon Cities the following legislation priorities on behalf of the City of Donald:
 - Mental Health Service Delivery
 - Infrastructure Financing and Resilience
 - Broadband Infrastructure and Technical Assistance Funding
 - Local Speed Setting Authority

No discussion. Vote: 6-0-0. Motion carried.

IV. Vote: Response to the Indian Gaming Regulation Act for the Confederate Tribes of the Siletz Indians of OR

The City Council had reviewed the letter from the United States Department of Interior regarding the Siletz Indians of Oregon request to build a casino and accompanying hospitality facilities in Salem. The Council directed Manager Bell to return a “no comment” from the City of Donald to the Bureau of Indian Affairs.

COUNCIL COMMUNICATIONS

I. Council Discussion of Current Affairs in Donald

Councilor Waller gave an update on the Blood Drive that was held on July 11, 2020. She said the event was full and went well.

Councilor Gonzalez directed councilors where to find the serial number on the new Amazon Kindles to complete their User Agreements.

Councilor Hellickson reported that the CERT team will start meeting outdoors. There was a discussion with Councilor Scott about the CERT trailer. Mayor asked him to forward him the email that Councilor Scott received regarding the picking up of the trailer.

II. Focus Group Reports

Councilor Gonzalez provided an update on the status of COVID in Marion County, State of Oregon and the United States: she included the total deaths. She gave an update on the COVID testing abilities and outcomes in Oregon and as it relates it to Marion County. She also reported that the community pantry is being used and going great.

III. Mayor’s Report

a. Status: Gervais-Donald Agreement for Traffic and Community Policing

Mayor Oxenford stated that the Gervais Council Meeting was rescheduled for Thursday, July 17, 2020 and that he and Manager Bell will attend to represent Donald’s interests. Manager Bell reported she had a meeting with Marion County Sheriff’s Office, Gervais’ City Manager and the Gervais Police Chief regarding this new partnership and that the group is recommending a one-year trial.

REVIEW ITEMS

- I. Building Logs: June 2020:** No comments
- II. Business License Renewals: June to August 2020:** No comments
- III. Gas Logs: June 2020:** No comments
- IV. Water and Wastewater Testing Reports: June 2020:** Manager Bell said that the monthly water report was emailed to the Council and that it was free of any concerns. Operator Jesus Rios took the sample.
- V. Employee Safety Meeting Minutes: June 2020:** No comments

PUBLIC WORKS REPORT

Public Works Director Limones referred to his report that was included in the Councilor’s packets for prior inspection.

CITY ENGINEER REPORT

This was moved to earlier in the meeting.

CITY MANAGER REPORT

City Manager Bell referred to her report that was included in the Councilor’s packets for prior inspection. She announced that the Donald Beautification Group would hold an electronic meeting on Monday, July 27 at 6:30pm through Webex. The main purpose of the meeting is to brainstorm how to use a Main Street Grant for \$1,180 from the Ford Family Foundation. Later, Council will vote to confirm the proposed expense by resolution.

The Council discussed how to conduct their future meetings, and they prefer in-person. They directed Manager Bell to install plexiglass surrounds around their council seats at City Hall.

ADJOURN

- ✓ Councilor Scott motioned and Councilor Hellickson seconded to adjourn the regular meeting of the Donald City Council at 10:12pm. No discussion. Vote: Motion carried.

Date: August 11, 2020

Signed: 
Brad Oxenford, Mayor

ATTEST

Date: August 11, 2020

Signed: 
Heidi Bell, City Manager

*Indicates amendments made to the proposed draft by made the Council. The amendments were approved by a vote at the August 11, 2020 Council Meeting.