



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR JULY 24, 2017

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Present: Mayor Lou Ogden; Councilor Frank Bubenik; Council President Joelle Davis; Councilor Nancy Grimes; Councilor Paul Morrison; Councilor Jeff DeHaan; Councilor Robert Kellogg

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Assistant City Manager Alice Cannon; City Engineer Jeff Fuchs; IS Director Bates Russell; Associate Planner Charles Benson; Economic Development Manager Melinda Anderson

### A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:15 p.m.

### B. ANNOUNCEMENTS

#### 1. New Employee Introduction- Terrance Leahy, Water Division Manager

Public Works Director Jeff Fuchs introduced Water Division Manager Terrance Leahy. The Council congratulated him on his promotion.

### C. CITIZEN COMMENTS

*This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.*

City of Wilsonville Mayor Tim Knapp shared insight from their City Council regarding the Basalt Creek project. He stated the original intent of the plan was to preserve and encourage the use of employment land over the next 20 years. They believe this land can serve the cities in the future as high quality employment lands. He stated places to build employment are constrained in the Metro and this land needs to be preserved for employment.

Tom Childs expressed he would like to see the Basalt Creek parcel in question designated residential.

Debbie Luster stated there has been increased noise in the industrial park off of 105<sup>th</sup>. She would like the City to address the noise concerns.

Herb Koss stated the cost to keep the parcel of land in question industrial is not financially feasible as the land can't be developed as employment land.

Gordon Root referenced Metro's original ordinance for the Basalt Creek area. He stated the parcel in question needs to be deemed residential because Tualatin does not have any more developable residential land. He added the demand for residential land in Tualatin is high.

Ashley Leigh, owner of Whole Babies Preschool, addressed concerns that had been raised by her neighbors. She assured the Council the school is doing everything they can to ease neighborhood concerns.

Scott Powell spoke in favor of a residential designation for the parcel in Basalt Creek.

Sherman Leitgeb spoke in opposition of the City of Wilsonville's proposal. He would like to see the area deemed residential.

Hannah Childs spoke in favor of the Basalt Creek parcel in question being deemed residential.

**D. CONSENT AGENDA**

*The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.*

MOTION by Councilor Frank Bubenik, SECONDED by Council President Joelle Davis to approve the consent agenda.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

1. Consideration of Approval of the Minutes for the Work Session and Regular Meeting of July 10, 2017

**E. PUBLIC HEARINGS – Quasi-Judicial**

1. Consideration of a Conditional Use Permit for MITCH Charter School to Expand the Campus and Operations of a Kindergarten through Grade 12 School in the Light Manufacturing (ML) Planning District at 19430 SW 90th Court (Tax Map 2S1 23DB, Tax Lot 00200) (CUP-17-0001).

Mayor Ogden opened the public hearing for consideration of a conditional use permit for MITCH Charter School to expand the campus and operations of a Kindergarten through Grade 12 School in the Light Manufacturing (ML) Planning District at 19430 SW 90th Court (Tax Map 2S1 23DB, Tax Lot 00200) (CUP-17-0001). He read the rules of the hearing in accordance with ORS 197.765(5) and (6) and ORS 197.79(3)(b).

Councilor Bubenik stated he has had ex-parte communications due to his wife being on the board of MITCH Charter School. Mayor Ogden dismissed him.

Councilor Kellogg stated he is on the Neighbors Nourishing Community board that was part of the development discussions. He stated his contacts won't bias his vote.

Councilor Davis stated her husband is on the board for the school but they have not spoken about the project.

Councilor Grimes disclosed she has walked the site.

Mayor Ogden stated he participated in the dedication of the school but has no preconceived ideas regarding the project.

Planning Manager Aquilla Hurd-Ravich and Associate Planner Charles Benson made the staff report. Planner Benson stated the CUP is to expand the campus and operations to a piece of property directly to the north owned by Frontier Communications. A conversion of the existing green space site into a vegetative garden and athletic field to promote its student wellness program is being planned. The CUP approval criteria was reviewed and it was noted all five criteria have been met with the proposed conditions. He stated staff is recommending approval based on the criteria.

The applicant Melissa Meyers, Executive Director for MITCH Charter School, stated the schools agreement with the district requires them to find a green space as one of the charter schools core principles is agriculture. She requested the Council approve the CUP.

#### PUBLIC COMMENT

None.

#### COUNCIL QUESTIONS/DELIBERATIONS

Councilor Grimes asked about access to the site from the school. Planner Benson stated a path will be created to the property which will then be fenced. Those modifications were done through the City's Minor Architectural Review Process.

MOTION by Councilor Robert Kellogg, SECONDED by Councilor Paul Morrison to approve the Conditional Use Permit for MITCH Charter School to expand the campus and operations of a Kindergarten through Grade 12 school in the Light Manufacturing (ML) Planning District at 19430 SW 90th Court (Tax Map 2S1 23DB, Tax Lot 00200) (CUP-17-0001).

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis,  
Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison,  
Councilor Robert Kellogg

MOTION CARRIED

## F. GENERAL BUSINESS

*If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.*

1. Consideration of **Resolution No. 5330-17** Setting Road Utility Fees, Effective August 1, 2017

Finance Director Don Hudson presented a resolution setting road utility fees effective August 1, 2017. He stated staff came to Council on June 26 with an ordinance with changes including setting fees by resolution. Director Hudson stated there are three primary reasons to increase the fee at this time including increases to pavement maintenance costs, ADA upgrades, and older roads with increased maintenance. Public outreach has been conducted through the Chamber of Commerce Business Advisory Council, the Commercial CIO, and direct contact to businesses.

MOTION by Council President Joelle Davis, SECONDED by Councilor Frank Bubenik to adopt Resolution No. 5330-17 setting Road Utility Fees, effective August 1, 2017.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis,  
Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison,  
Councilor Robert Kellogg

MOTION CARRIED

## G. COMMUNICATIONS FROM COUNCILORS

Councilor Kellogg thanked Frontier Communications for allowing MITCH Charter School to make better use of the green space.

Councilor Bubenik stated he has been reappointed Chair of the Community Development Block Grant Committee.

Councilor Davis stated she attended ArtSplash this year and gave the opening comments. She said it was a great success and looks forward to it in the years to come.

## H. ADJOURNMENT

Mayor Ogden adjourned the meeting at 8:47 p.m.

Sherilyn Lombos, City Manager



/ Nicole Morris, Recording Secretary

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/ Lou Ogden, Mayor