

**Lowell City Council
Regular Meeting and Executive Session
Tuesday, October 4, 2022 at 7:00 p.m.**

**Lowell Rural Fire Protection District Fire Station 1
389 N. Pioneer Street, Lowell, OR 97452**

Members of the public are encouraged to provide comment or testimony through the following:

- Joining in person or by phone, tablet, or PC. For details, click on the event at www.ci.lowell.or.us.
 - In writing, by using the drop box at Lowell City Hall, 107 East Third Street, Lowell, OR 97452.
 - By email to: admin@ci.lowell.or.us.
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Regular Meeting Agenda

Call to Order/Roll Call/Pledge of Allegiance

Councilors: Mayor Bennett ___ Harris ___ Stratis ___ Weathers ___ Murray ___

Approval of Agenda

Consent Agenda

Council members may request an item be removed from the Consent Agenda to be discussed as the first business item of the meeting.

Public Comments

Speakers will be limited to three (3) minutes. The Council may ask questions but will not engage in discussion or make decisions based on public comment at this time. The Mayor may direct the City Administrator to follow up on comments received. When called, please state your name and address for the record.

Direct all comments to the Council through the Mayor. All speakers are expected to be polite, courteous, and respectful when making their comments. Personal attacks, insults, profanity, and inflammatory comments will not be permitted.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or other accommodations for persons with disabilities must be made at least 48 hours before the meeting to City Clerk Sam Dragt at 541-937-2157.

City Council Meeting Agenda

Council Comments (three minutes per speaker)

Staff Reports

Public Hearings

Old Business

New Business

1. Receive resignation letter from Planning Commissioner Mary Wallace – Discussion/
Possible action
2. Discussion on meeting agenda timeline and process – Council sponsor Mayor Bennett –
Discussion

Other Business

1. Meeting reminder – Joint meeting with Planning Commission on October 18 starting at
6:00 pm. A regular meeting of City Council will follow the joint meeting.

Mayor Comments

Community Comments: Limited to two (2) minutes if prior to 9:30 P.M.

Recess the Regular Meeting. Executive Session to follow.

Executive Session Agenda

Executive Sessions are closed to the public. Representatives of the news media and designated staff may attend Executive Sessions. Representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session, except to state the general subject of the session as previously announced. No decision will be made in this executive session. At the end of the executive session, we will return to open session and welcome the audience back into the room.

Call to Order/Roll Call

Councilors: Mayor Bennett ____ Harris ____ Stratis ____ Weathers ____ Murray ____

City Council Meeting Agenda

Executive Session:

The executive session is being held pursuant to ORS 192.660(2)(h), to consult with legal counsel concerning the legal rights and duties of the city with regards to current litigation or litigation likely to be filed.

Adjourn the Executive Session

Reconvene the Regular Meeting

Upon returning to the regular meeting, the City Council may act on the following item:

- Approval of contract for legal services with Thorp, Purdy, Jewett, Urness & Wilkinson P.C.

Adjourn the Regular Meeting

Agenda Item Sheet

City of Lowell City Council

Type of item:	Other
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Item title/recommended action:

Receive resignation letter from Planning Commissioner Mary Wallace – Discussion/ Possible action

Justification or background:

Planning Commissioner Mary Wallace has submitted a resignation letter. Wallace's resignation letter indicates that she resigns with immediate effect. Staff recommend that City Council pass a motion to accept Wallace's resignation so that the resignation is reflected in the city's official records.

Budget impact:

N/A

Department or Council sponsor:

Planning Commission

Attachments:

Emailed resignation letter

Meeting date:	10/04/2022
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Jeremy Caudle

From: mary wallace [REDACTED]
Sent: Tuesday, September 20, 2022 10:20 AM
To: Jeremy Caudle
Subject: Re: FYI: September 7, 2022 Planning Commission agenda and packet is now online

Good morning Jeremy thank you for the update I have reviewed the dates but unfortunately I am having to deal with [REDACTED] and feel I would not be able to continue on with my position in the planning commission. I feel it is in the cities and my best interest at this time to resign from the commission and possibly take it up at a later time Please accept my resignation effectively immediately. Although I would like to participate in these meetings coming up as I am very interested in them I will follow up their progress on the website. Thank you for your understanding and please feel free to call anytime
Mary Wallace

Sent from my iPhone

On Sep 2, 2022, at 3:46 PM, Jeremy Caudle <JCaudle@ci.lowell.or.us> wrote:

Good afternoon Planning Commissioners:

I have received a supplemental staff report and Attachment H, which addresses issues related to stormwater for the mixed-use project.

You can view that information at the meeting link under where it says "Supporting Documents."

<https://www.ci.lowell.or.us/bc-planning/page/planning-commission-regular-meeting-1>

Thank you and have a good weekend.

Jeremy

From: Jeremy Caudle
Sent: Wednesday, August 31, 2022 4:21 PM
To: Planning Commission <LowellPlanning@ci.lowell.or.us>
Cc: Samantha Dragt <sdragt@ci.lowell.or.us>; Max Baker <mbaker@ci.lowell.or.us>; 'HEARLEY Henry O' <HHEARLEY@Lcog.org>; LowellCityCouncil <AllCityCouncil@ci.lowell.or.us>; jerryv bridgewaycontracting.com <[REDACTED]>
Subject: FYI: September 7, 2022 Planning Commission agenda and packet is now online

Good afternoon:

The agenda and packet for the September 7 Planning Commission are now online, which you can access at the following link.

<https://www.ci.lowell.or.us/bc-planning/page/planning-commission-regular-meeting-1>

Agenda Item Sheet

City of Lowell City Council

Type of item:	Discussion
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Item title/recommended action:

Discussion on meeting agenda timeline and process – Discussion

Justification or background:

See included memo.

Budget impact:

N/A

Department or Council sponsor:

Council sponsor Mayor Bennett

Attachments:

Memo

Meeting date:	10/04/2022
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City Administrator's Office
P.O. Box 490 Lowell, OR 97452
Phone: 541-937-2157
Email: admin@ci.lowell.or.us

To: Mayor Bennett and City Council
From: Jeremy Caudle, City Administrator
Date: Friday, September 30, 2022
Re: Memo on agenda process and timeline

MEMO

BACKGROUND

In a 9/23/22 memo to City Council, I outlined proposed changes to the agenda process and timeline. These changes would increase the amount of time between when I publish meeting packets and the meeting. The intention is to give City Council more time to review the packet before the meeting.

In my memo, I stated that I would proceed with these changes unless I received requests from one or more City Councilors to put this on the meeting agenda for further discussion. I have received such a request. I have therefore placed this on the October 4 meeting agenda as a discussion item.

I am requesting direction from City Council on the following questions:

- Do you feel that you need more time to review agenda packets prior to meetings?
- If so, how much extra time do you need?
- If we have an earlier deadline for agenda items, are the tradeoffs (discussed below) acceptable to the City Council?

My goal is to understand your expectations so that I can plan for future meetings. It is also my responsibility to get you information in a timely manner so you can make decisions. It is my hope that a discussion of these questions can help me achieve that responsibility.

SUMMARY OF PROPOSED CHANGES TO REGULAR MEETING AGENDA TIMELINE

1. 13 days before meeting date.

Items for inclusion on the next meeting's agenda are due. This will be on a Wednesday. The agenda will be finalized that afternoon. After Wednesday, there will be no more changes. Anything that is late will have to be addressed at a later meeting or at a special meeting.

2. 12 days before meeting date.

The City Administrator and Mayor will hold their regular meeting to review agenda items and prepare for the meeting.

3. 11 days before meeting date.

Meeting agenda and packet are completed and published to the city website. This will be on a Friday. The meeting agenda is also posted. All City Councilors will have the agenda and packet for the next meeting 11 days before the meeting.

SUMMARY OF CURRENT PROCESS FOR REGULAR MEETING AGENDA TIMELINE

1. 6 days before the meeting date.

Agenda items are due. This is on a Wednesday.

2. 5 days before the meeting date.

City Administrator and Mayor meet to review agenda items and prepare for the meeting. This is on a Thursday.

3. 4 days before the meeting date.

The meeting packet is completed, posted online, and forwarded to City Council. The agenda is posted. This is the Friday before the following week's meeting. The intention is to give City Councilor's the weekend before the meeting to read the meeting packet.

TRADEOFFS, IMPLICATIONS OF PROPOSED PROCESS, AND FURTHER COMMENTS

The calendar at the end of this memo illustrates the deadlines under the proposed process for the months of November, December, and early January.

As the calendar shows, agenda items for the 11/15/22 meeting are due 11/2/22. Anything requiring City Council action and submitted on 11/7/22 would have to wait 22 days until the 12/6/22 meeting. Special meetings may become more frequent to act on urgent items that are submitted the week before a council meeting, but after the agenda deadline.

Another tradeoff is that during many weeks, a regular meeting will occur while I'm preparing for the next regular meeting. The weeks of 10/31, 12/5, and 12/19 show this overlap.

During the week of regular meetings, I am busy following up on actions that City Council took. The combined responsibilities of following up on the recently completed meeting while preparing for the next meeting will limit the time available for me to respond to issues occurring in the office.

Under the current system, these responsibilities are staggered: one week I'm working on a current meeting, the next week I'm preparing for an upcoming meeting. My preference is to stagger the workload under the current system to avoid the feast or famine approach of working on two meetings in a single week.

One question that I anticipate is, “Why do the agenda and packet need to be published 11 days before the meeting on a Friday? Couldn’t the agenda and packet be completed, say, the Wednesday before the following week’s meeting? That would still give a few extra days to review the packet materials.”

My response is that I need a Friday to complete the meeting materials. It takes me at least 8 to 12 hours to compile everything, follow up with people submitting materials for a meeting, write my reports and agenda sheets, and publish to the website.

On Fridays, the office is closed, and I can concentrate without interruption. I need to be available during the rest of the week to handle issues that arise in the office. Since the Friday before the next meeting doesn’t give you enough time, it needs to be the Friday two weeks before the meeting. If I had a larger staff to assist with preparing the meeting agenda and packet, it would be easier to complete these tasks during the week.

If City Council sets an expectation for me to publish the agenda and packet during a day other than a Friday, then I will live up to that expectation. The tradeoff, however, is that my availability in the office during the 1 to 2 days leading up to the deadline will be limited.

Another question that I anticipate is this. “What if we could publish the agenda and packet on the proposed timeline—the Friday that is 11 days before the meeting? If something urgent arises, say, the following Monday or Tuesday, we could amend the packet and agenda to add that item (even though it is technically past the deadline) so that City Council can consider it the following week. That way, it won’t have to wait 3 weeks until the next available meeting.”

My response is that this approach would undermine the reason for having an earlier deadline for agenda items. It would complicate the process by resulting in amended meeting agendas, which would have to be reposted in town and on the city website. This could result in confusion among City Council and members of the public who are working off earlier versions of the agenda. This suggestion would be an unnecessary complication. Items requiring urgent action and that missed the agenda cutoff for a regular meeting should be handled at a special meeting.

I would also like to comment on the current process as specified in Sec. 2.008 in the Lowell Revised Code (L.R.C.). This section states:

The City Administrator shall prepare an agenda of business to be presented at a regular Council meeting. No item of business shall be added to the printed agenda after 4:00 p.m. on the Thursday preceding the meeting for which the agenda has been prepared. The Council shall consider at the meeting only matters that appear on the agenda for that meeting or are

introduced by a Council member, Mayor or City Administrator. Council members and the Mayor will endeavor to have subjects they wish to have considered submitted to the City Administrator in time to be placed on the agenda. Subjects not placed on the agenda will be considered under "Other Business" on the agenda.

The L.R.C. gives an agenda deadline of 4:00 pm on the Thursday preceding the following week's regular meeting. If we are going to change the deadline, we should consider amending the code to remove this section. I suggest eliminating any mention of the timeline in the code. Instead, we could outline the process in a resolution. That would make it easier to adjust the process in the future—all we would have to do is pass another resolution, as opposed to going through the lengthy process of amending the city's ordinances.

CONCLUSION

My recommendation is to keep the process as it is. I believe the current process balances the demands for action with the need for review. I will, however, follow the City Council's direction.

If City Council desires to place more emphasis on the need for review, then I have outlined an alternative process to achieve that.

One caveat is this: If you decide to change the process, it may take one or two months before we can fully make these changes. The reason is that certain processes (such as the land use applications through the rest of the year) are already proceeding on the existing timeline. For those items, it is likely you will receive them no later than the Friday before the regular meeting for the next one to two months.

Su	Mo	Tu	We	Th	Fr	Sa
10/30/2022	10/31/2022	11/1/2022	11/2/2022	11/3/2022	11/4/2022	11/5/2022
	Email request to submit 11/15 agenda items by Wed.	Regular meeting	11/15 agenda items due	11/15 Mayor/Admin agenda meeting	11/15 meeting agenda and packet are published	
11/6/2022	11/7/2022	11/8/2022	11/9/2022	11/10/2022	11/11/2022	11/12/2022
11/13/2022	11/14/2022	11/15/2022	11/16/2022	11/17/2022	11/18/2022	11/19/2022
		Regular meeting				
11/20/2022	11/21/2022	11/22/2022	11/23/2022	11/24/2022	11/25/2022	11/26/2022
	Email request to submit 12/6 agenda items by Wed.		12/6 agenda items due	12/6 Mayor/Admin meeting	12/6 meeting agenda and packet are published	
11/27/2022	11/28/2022	11/29/2022	11/30/2022	12/1/2022	12/2/2022	12/3/2022
12/4/2022	12/5/2022	12/6/2022	12/7/2022	12/8/2022	12/9/2022	12/10/2022
	Email request to submit 12/20 agenda items by Wed.	Regular meeting	12/20 agenda items are due	12/20 Mayor/Admin meeting	12/20 meeting agenda and packet are published	
12/11/2022	12/12/2022	12/13/2022	12/14/2022	12/15/2022	12/16/2022	12/17/2022
12/18/2022	12/19/2022	12/20/2022	12/21/2022	12/22/2022	12/23/2022	12/24/2022

Su	Mo	Tu	We	Th	Fr	Sa
	Email request to submit 1/3 agenda items by Wed.	Regular meeting	1/3/2023 agenda items are due	1/3 Mayor/Admin meeting	1/3 meeting agenda and packet are published	
12/25/2022	12/26/2022	12/27/2022	12/28/2022	12/29/2022	12/30/2022	12/31/2022
1/1/2023	1/2/2023	1/3/2023	1/4/2023	1/5/2023	1/6/2023	1/7/2023
		Regular meeting				