

**City of Gold Hill City Council  
Meeting Minutes  
August 17, 2020**

Mayor Brad Studebaker called the meeting to order at 6:00 p.m.

- 1) Roll Call:** Mayor Studebaker, Councilors Hinkley, Palmer, Rigney and Biedscheid responded as present. Councilor Wilson was absent/excused with Councilor Palmer as her proxy vote. **QUORUM PRESENT.** The Mayor then led the Pledge of Allegiance.

**2) Agenda Adjustments –**

City Manager Jessica Simpson announced that Logan Young was unable to attend the meeting to discuss the purchase of the city lot outlined in agenda item 7.5.

**3) Announcements, Awards and Proclamations - NONE**

**4) Public Input - NONE**

**5) Public Hearing – Variance Request**

The Mayor recused himself and Councilor Hinkley took the lead. She declared that the Public Hearing regarding the variance request as to the property located at 420 1<sup>st</sup> Avenue in Gold Hill, Oregon is now reconvened at 6:03 p.m.

City Planner Ryan Nolan took the podium to suggest Councilor Hinkley begin by asking the Councilors if they had any *ex parte* contact, have visited the site or have any additional information they would base their decision on. Councilor Hinkley went around the room and each Councilor commented as to their specific situation.

Councilor Hinkley then directed her efforts to Staff Reports, at which time Mr. Nolan re-capped and summarized the staff report from the last Public Hearing on August 3, 2020. He announced he erred on his part in approving the site plans. He went on to say that traditionally, when a city has approved a planning application; that's something that stands.

CM Simpson informed the Council that she spoke with the insurance company and the attorney regarding the error Mr. Nolan made in approving the site plans. She was advised that in land use legislation, once something has been approved of by a City; it stands. In other words, the approval stands even though it was given in error.

Mr. Nolan instructed the Council that if they take no action, the approval stands. Moreover, if they wanted to take action, they could approve or comment on the request. But to his understanding, the planning activity has been approved, although it was in error, there is really nothing we can do at this point to correct his error.

Councilor Hinkley inquired if this would set precedent. CM Simpson chimed in that the City Attorney said it does not set a precedent. Councilor Rigney asked Mr. Nolan if he would like to draft a form letter stating it was his error to those citizens whom sent letters to the Council. Mr. Nolan replied that he would be happy to work with Simpson to provide such a letter.

Councilor Hinkley summoned Tom Brooks to the podium. Dr. Brooks laid out his approved site plans across an open table. He then re-capped and summarized his reasons he felt the variance would not adversely affect the city and that he felt it was a good thing.

Council Hinkley directed the agenda to the public input phone calls from William Pierce and Appraiser Mark Baird. Mr. Pierce commented that everyone (the City and the Planner) made one huge mistake. Mr. Baird argued that the Applicants should have filed for a Conditional Use Permit (CUP) rather than a Variance. He added that the R-2 code allowed for a maximum of 17 units per acre, which would be the equivalent of one unit per 2,652.5 sq. foot. One duplex would then require twice that much, or 5,305 sq. feet. This project is too dense for the current R-2 zoning and is a far reach for a Variance in this zoning. Under the Gold Hill Municipal Code 17.20.30(D), the CUP Ordinance spells out that when you do approve a group housing ordinance through a CUP, there will be a minimum of 3,000 sq. feet for each dwelling unit.

Dr. Brooks declined for rebuttal. Mr. Nolan gave a brief rebuttal. Councilor Hinkley then concluded the Public Hearing at 6:25 p.m.

Council discussion then ensued. Councilor Rigney summarized as the Variance has been approved, and lawyers say it's been approved, then you should go with the experts in some cases but as to the CUP, I feel that would have to be approved by some other body. Councilor Hinkley expressed her side by stating she felt the Variance Hearing was not the correct venue. However, the plans have been approved and she feels the Council does not have much of an argument for any other Motion. Councilor Biedscheid added that if the lawyers say there is nothing they can do about it, then I don't have anything to say. I don't think it's a great idea, but the lawyers say we have to do it so okay then.

Councilor Hinkley moved that the Council choose to take no action on the Variance request and allow the process to go forward under the previously approved plan. Councilor Palmer seconded. All Councilors present voted in favor. Councilor Palmer voted yes as Councilor Wilson's proxy. **MOTION PASSED.**

## **6) Consent Agenda**

### **6.1 Approval of City Council Meeting Minutes for July 6, 2020**

Councilor Hinkley moved that the Council approve the minutes for August 3, 2020 with corrections. Councilor Rigney seconded. All Councilors present voted in favor. Councilor Palmer voted yes as Councilor Wilson's proxy. **MOTION PASSED.**

## **7) Council Consideration**

## **7.1 NLC Service Line Warranty Program**

CM Simpson said NLC emanated from the League of Oregon Cities. It's a private company offering residents a warranty program insuring the repair of sewer and water lines. Councilor Hinkley expressed her apprehension due to potential revenue sharing between the City and the Company. Councilor Biedscheid agreed and added it's more like one of those specialty insurance benefits that an insured would rarely use. Further discussion brought up the fact it sounds as if the City would be directly endorsing the Company. After Simpson revealed the Company would be placing the City's logo on their letterhead, Councilor Rigney said that was all he needed to hear. Council directed Simpson to disregard the letter.

## **7.2 Water Rights Transfer Update**

CM Simpson reported she wanted to divide this task in half, with the first being to close the existing transfer out. She reiterated the City never officially closed out the transfer of moving the intake plant, so this is the first step. GSI, the company hired to close the transfer out, quoted the City \$21,000 to close the existing transfer then obtain the rights to pull water from a different location in order to irrigate the Sports Park. She said the City doesn't possess the funds for this.

Simpson proposed the first half would cost approximately \$9,000. The second half of the plan would represent the other \$9,000. As to the first part, she would recommend the \$9,000 be extracted from the water reserve fund. This would, at least, get the City right with the State once more by closing the transfer out. The second half of the plan can be budgeted for.

Councilor Rigney moved that the Council approve to get a contract to complete task two one through two four. Councilor Biedscheid seconded. All Councilors present voted in favor. Councilor Palmer voted yes as Councilor Wilson's proxy. **MOTION PASSED.**

## **7.3 Consideration of a new Resolution to Create Committees**

CM Simpson stated Resolution 12-R-11 is our document which governs our rules creating committees. Previously the City was not following this procedure. The applications received thus far will be retained by the City so applicants do not need to re-apply. Councilor Biedscheid and Simpson concurred it would be best to address each committee with a separate resolution. Bee City USA would not be affected, as it was an Organization and not an actual committee.

Subsequent to the Council reviewing Simpson's proposed amendments, and many fractured proposed motions, Councilor Hinkley amended her previous motion and re-moved that the Council approve that the Parks Committee be limited to five members which are town citizens, seven total with only two possible out-of-towners, with no more than two being Council Members. Councilor Biedscheid seconded. All Councilors present voted in favor. Councilor Palmer voted yes as Councilor Wilson's proxy. **MOTION PASSED.**

Next up was the Ethics Committee. Councilor Palmer did not know which way his proxy wished to vote for this item. Councilor Palmer moved that the Council approve to table the discussion until Councilor Wilson returned. Councilor Hinkley seconded. All Councilors present voted in favor. Councilor Palmer voted yes as Councilor Wilson's proxy. **MOTION PASSED.**

## **7.4 Senior Center**

CM Simpson said this is on the Agenda due to the City not making a decision as to whether it's an official City project or labeling it as a pet project more directed at the community to build. The main question posed by the Council as a whole is "What exactly does the Senior Center want from the City?" There was a mutual feeling to just have CanDo schedule a time to address their concerns before the Council as a whole. Following input from the Mayor and the Councilors, it was mutually consented for CanDo to do just that.

## **7.5 Proposed Lane Purchase of Tax lot 363W22BA - 3800**

This item was removed from the agenda to be rescheduled to a later time.

## **8) Reports from Councilors**

Councilor Rigney announced there would be a site visit at the Beach Park by the Soil and Water Conservation folks on September 2, 2020 @ 10:00 a.m. Councilor Hinkley reported her leave of absence lasted until October. She reminded everyone to please address web related items to [webmaster@cityofgoldhill.com](mailto:webmaster@cityofgoldhill.com).

## **9) Department Reports**

Of report was the next Council meeting will be September 8, 2020. Also sadly reported, the City's meter reader, Billy McPherson, passed away last Thursday. A memorial service has been set up for August 23, 2020 at 4:00 p.m. at the Touvelle Tavern.

## **10) Good of the Order**

The meaning of this new section was explained to Councilor Palmer as he was absent when it was previously explained.

## **Adjournment**

**Mayor Brad Studebaker adjourned the meeting at 7:22 pm.**

Minutes Approved by:   
Brad Studebaker, Mayor

Attested by:   
Jessica Simpson, City Recorder