

Minutes of the  
**CANNON BEACH CITY COUNCIL**  
Tuesday, December 5, 2023  
Council Chambers

Present: Mayor Barb Knop, Council President Nancy McCarthy, Councilors Brandon Ogilvie, Gary Hayes and Lisa Kerr

Excused:

Staff: City Manager Bruce St. Denis via Zoom.  
In person: IT Director Rusty Barrett, Recorder Jennifer Barrett, Chief of Police Jason Schermerhorn, Community Development Director Steve Sokolowski

Other: Special Counsel Carrie Richter  
CIDA on Zoom, Dustin, Mya and Jennifer

CALL TO ORDER AND APPROVAL OF AGENDA

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

Motion: Ogilvie moved to approve the agenda; Hayes seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.  
The agenda was approved.

Knop I want to thank the city staff and fire department and anyone that helped around Cannon Beach today. It was a challenging day and we were stuck in town. Thank you and hopefully the rain will stop.

PUBLIC COMMENT

Knop called for comment that does not have to do with the public hearing tonight.

- Deanna Hammond PO Box 942 – Spoke of her concerns with public comments and people feeling they are not being heard. Shared concerns with the striping in front of the Post office at the 10 min parking space.

Richter reiterated this is for non-hearing items, there will be a chance to speak during the hearing.

- Jessica Alexander PO Box 1148 – spoke of concerns of the council not hearing what the community has to say.
- Lolly Champion PO Box 614 - noted her fiscal concerns and how the community will be kept informed of the finances.
- Michelle Valigura PO Box 719 – as independent citizen, read the vision statement from the comprehensive plan. Thanked council for all that you do.
- Tom Landrum PO Box 865, noted concerns of the City Manager being the project manager, noted concerns with staff.

- Mary Peterson PO Box 85 – Shared a story about a totem pole in the town she grew up in and their cultural center, spoke of housing concerns.

## PUBLIC HEARING

- ( 1) **APP 23-07, Appeal of Design Review Board’s denial of DRB 23-09, CIDA INC, applicant on behalf of the City of Cannon Beach for the rejuvenation project of the Cannon Beach Elementary School buildings and NeCus Park site for use by Cannon Beach visitors and residents, businesses, and the Clatsop Nehalem Confederated Tribe for a variety of community interests.**

Knop stated This is a hearing regarding the appeal requested by CIDA INC, applicant on behalf of the City of Cannon Beach for the rejuvenation project of the Cannon Beach Elementary School buildings and Ne’Cus Park site for use by Cannon Beach visitors and residents, businesses, and the Clatsop Nehalem Confederated Tribe for a variety of community interests.

The appeal will be reviewed against the criteria of Municipal Code, Chapter 17.44.080-17.44.100, Design Review Criteria. The hearing will be held on the record and no new evidence will be allowed into the record.

On November 28, the City Council held a work session where it heard from many members of this community both in favor and opposed to the City proceeding with development of this project. This work session related to the propriety of proceeding with the development, which is separate and distinct from reviewing the project design, which is the subject of this appeal. Because the record for this appeal is closed, the Council will refrain from considering any testimony received during the November 28 work session as part of its evaluation of whether the Design Review criteria set forth in CBMC 17.44.080-.100 are satisfied. If any Councilor has concerns with their ability or readiness to not consider the November 28 testimony, they should make those concerns known during the disclosures portion of this hearing that follow.

Knop opened the Public Hearing

Knop said The record for this proceeding includes all of the written materials provided during the proceeding before the DRB as well as the videos of the September 21 and October 19 DRB meetings. Please confirm that all of you have reviewed those materials / videos and are prepared to consider this matter based solely on that record as well as whatever argument (not new evidence) presented on appeal.

Does anyone object to the jurisdiction of the City Council to hear this appeal at this time? There were none.

Does any Councilor believe he or she has a personal bias to declare? There were none.

Does any Councilor believe he or she has a conflict of interest? There were none.

In addition to the November 28 work session, has any Councilor had any ex parte contacts or made a site visit? Site visits were declared.

Is there any additional correspondence? J Barrett noted the emails sent earlier today.

Knop requested the staff report. Sokolowski summarized the staff report. Sokolowski added the DRB chair wanted to say the DRB minutes have not been approved by the DRB and should not be considered accurate in the packet, adding however the video is part of the record and the findings are in the packet.

Johnson said I'll give an overview of the revisions made through the process and am happy to answer any questions from council that I may not have covered. Johnson gave an overview of the project history, noting the community outreach events, schematic design process, and an overview of the 4 design options. Johnson shared his screen and gave an overview of the design and the changes made throughout the design process. Johnson read the DRB criteria explaining how the project met the criteria, noting the concerns that were taken to accommodate the sensitive nature of this project. Johnson gave an overview of Landscape Architect Joyce Jackson's experience, and revisions made per the DRB comments. Johnson added I am happy to go into further detail if needed.

Knop said:

- (1) The pertinent criteria to be considered by the City Council are identified in the staff reports;
- (2) Testimony, arguments and evidence must be already in the record and directed toward those criteria or other criteria in the Comprehensive Plan or Municipal Code which the person testifying believes to apply to the decision;
- (3) Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal based on that issue. In addition, failure of the applicant to raise constitutional or other issues related to proposed conditions of approval will preclude an action for damages in circuit court;
- (4) Persons who testify shall first receive recognition from the Mayor, state their full name and mailing address, and if appearing in a representative capacity, identify whom they represent.
- (5) Testimony is limited to matters which were raised at the Design Review Board hearing in writing or orally.

Knop said is there a presentation by the appellant?

This was discussed after the staff report.

Knop said are there presentations by proponents?

Jan Siebert-Wahrmund and Wes Wahrmund PO Box 778

Is it possible to listen to all voices of community and the Clatsop Tribe and find a way forward together for Ne'Cus that honors the local tribal history culture, elementary school, community culture and enriches the culture of the future by servicing as an indoor/outdoor, education historical, environmental and arts center. Is it possible to grandfather in the gym building that has served the community for

decades. Is it possible to restore the gym and hold the Clatsop Nehalem tribe culture gathering place such as welcome of salmon celebration as the large space can accommodate everyone that would attend. Possible to find conditions in which the site design, architectural design, and landscape design of Ne'Cus could be creatively simplified so as to do more to be more reflective of the of the quaint village character and budget and show respect and integrity for Clatsop Nehalem, with dedication of all of us who care about Ne'Cus let's pull together and put our energy into finding solutions. It is our belief that yes, we can do this together and do it well.

Betty Gearan PO Box 137

In the process of creating the vision for Ne'Cus the solid majority of the community that came to meetings pushed hard to keep the old school buildings, others pushed green technology, the Tribe spent hours with the architect trying to keep old with new. The gym will always be out of code with the big roof, but that hasn't stopped the community from gathering and spending hours at events and creating memories. It is and can remain a well-used building. The large size and barreled roof is a small price to pay for keeping the gym, the white painted classroom roof is a small price to pay for moving toward sustainable building methods. Let's think of the amazing gatherings we have for the large safe and green building. Always large but loved. There is no way to reduce the size and keep building. It will always be a gathering place for community and the classrooms will still provide a place for learning and sharing knowledge will becoming more energy efficient. Would like to celebrate the council who are trying to achieve a consensus on this very difficult issue.

Knop said are there presentations by opponents? Reminder it's a three minute or less

Sam Steidel PO Box 501

Commenting on landscaping D, provisions have been made for survival and continued landscape and presentation, the design is dependent on professional landscape. The original intent was to use volunteers. I don't think the design as presented allows us to work with volunteer base. The architectural comments F unusually large or likely to become a village landmark or introduction. I believe it is already a landmark and introduction to town. The key point to me is the last few words explementary standard setting fashion. Everyone will have different definition of exemplary. I am going to go back to my sense of the original intent to be more village like and less industrial looking, not relating to size but the feel of the building changes. The discovery process and schematic process went well and I agree we did a beautiful job collecting info. The problem was when we got down to one and the pricing came in it was never allowed to be critiqued after it was priced. We should have been able to say that's too much, instead jumped straight into designing a bucket load of dreams. That's where process failed and we are ending up with so much division.

Andrew Tonry PO Box 667

Lot of people tell the story of how we got there. This design came from community outreach but that was only half truth. When outreach events were performed during COVID, there was a concerning lack of clarity there. When we were surveyed we were not told it would be primarily a tourism facilities, it was tell me what you'd like to see and there wasn't an asterisk saying tourism funds paying for this and will take priority. That's not how it went. At the time of the meetings, we as the community was under the impression of a facelift of \$4million and it was a lot more palatable. Hard to say the public has been so thoroughly surveyed, some doesn't know it will be tourism. The school was redesigned before we knew what we were going to do with it. After the TLT raised the committee that I sit on was created, which feels weird, why would you go and hire architects to design a building that you don't know what is going to be done inside with. I feel for CIDA as we put the cart before the horse and it was done backwards. No wonder DRB was confused, put off and denied the application. It was done in a giant

backwards jumble. The process is why we are here.

Tom Landrum PO Box 865

I think the last presenter hit it spot on. I really don't think we know what we are going to do with it yet. A lot of ideas are put in bucket and trying to satisfy all ideas. Who is going to be the decider, I don't know, hopefully council will take on and figure it out. You can't always please everyone.

Mary Peterson Box 85

What concerns me about this is they are saying how wonderful the information is with 100 people out of 1600, that's less than 10% of the town. It took way more than that to elect you. 10% is nothing so maybe they didn't listen, they didn't send out things correctly or maybe people don't like this project at all and so didn't care. They don't want it, you don't know because you've never asked the question why did a town of 1600 only have 100 responses. That's the question you should be asking yourself, solve the problem then move forward.

Watt Childress 40660 N Fork Road Nehalem

My wife and I and family own Jupiter's Books and own a lot on Ross Lane. When designing need to have a needs assessment and a clear understanding of what you are doing it for. Understand the discovery and outreach was done for general public. There are key existing stakeholders that need to be included in order to not duplicate services, one being the Cannon Beach History Center. It's become clear and clearer to me that they did not have the roll in communication, what they are doing and making sure it wasn't going to be duplicated. Our boards, committee and commissions all run on volunteerism. The same energy that is going to make sure this landscaping works and anything works. If you overturn the DRB position it will diminish our volunteers work as a community. I recommend approve the DRB decision with strong recommendations with how they can move forward and strengthen relations with arch and keep going. The Thunderbird is sacred and important decision and people enrolled in neighboring tribes and needed to make sure this is a unifying decisions to bring everyone together. Clatsop, Chinook, Grand Ronde all need to make certain if we do a Thunderbird it's something everyone can celebrate and I appreciate your hard work.

Randy Neal PO Box 1092

I agree with the comments made earlier. I wish we had more time to go through and understand how to make this right. Wonder if you have a valid appeal. Page 7 of packet list is appeal form and at bottom there is a fee and there is nothing I see that says the city is exempt and at the bottom there is fee and paid for. Seems like there would be a fee that was applied to the project and would be refunded if overturned. My question is do we have a valid appeal application. And do we have a valid appeal of 14 days?

Knop said is there a staff response? J Barrett confirmed the application was paid. Sokolowski confirmed the appeal was received within the 14 days.

Knop said does the appellant or proponents wish to make additional statements?

Richter said I have a couple observations with respect to the testimony that you heard Tonight. The first thing, and I think the Council understands this, there is a difference between the question from a proprietary perspective whether or not the city proceed with this project. That is separate and discreet from the land use review, which is a quasi-judicial determination that is before the council for consideration with respect to certain criteria. So the city council can approve this, find that it satisfies the standards and still decide not to build it because it costs too much or because for a number of many

other reasons why any owner wouldn't pursue a project. I just want the council to be aware that that those are two separate things. I think you understand but I want to make that distinction. The second this is the scope of DRB is limited to new construction and new additions. It's a little strange here because this application is for an adaptive reuse project that prioritize retaining and enhancing the existing structures, so I think the criteria have to be applied to consider only what is changing and whether that change is responsive to the design review criterion. Things that are not changing like the food pantry, the overall scale of the gymnasium roof, the color of the elementary school roof, those do not provide a basis to conclude that the criteria are not satisfied. Similarly I want to remind the council that planning commission approved adjustments and variances or the Council approved the road vacation, do not in and of themselves conclusively determine that the site orientation design standards are not satisfied. I think what the applicant testified to was that those adjustments actually result in greater pedestrian amenities and greater front setback for the proposed development. Finally I want to point out that the criteria do not look at use, they look at design and so concerns about the use itself are not germane to the questions that the criteria are asking with respect to design review

Johnson said I appreciate the former Mayor Sams comments regarding the process and where there was a perception of breakdown which was after there was a selected design. Then it priced and the price came in where it was. There was a public meeting where we discussed the prices and we discussed what other options could look like, it was done after the initial pricing came out, there was a discussion. Not sure where the comment of no appetite of criticism or adjustments. I would like to understand that better from Sam another time. It's not feasible for us to interview the 1600 residents of Cannon Beach. Our goal is to survey and interview an accurate cross section of the population and that's what we intended to do. We had 2 in-persons onsite, one on Saturday and one during the week with a goal of different days or weeks and times to reach as many as we can. Its intended to be an accurate cross section. It does not reflect if there is a large number of people representing that sentiment that don't participate in the events. The data will not capture that. We don't have that sentiment build into our discovery process.

#### CLOSE THE PUBLIC HEARING AND MOVE TO CONSIDERATION

Took a break at 7:24 pm. Reconvened at 7:29 pm.

Lisa asked when we hear an appeal of a DRB decision are we substituting our subjective judgment for their judgment or are we looking at whether or not they met the criteria they were supposed to make their decision. By which they're supposed to make their decision, in other words like as a matter of law are we saying that they did it incorrectly or are we actually substituting our personal taste for what they said when they commented on various architectural features Etc? Richter replied I don't think it's a question of taste, the roll is to interpret the criteria set forth in 17.44 and determining if the evidence suggest that the standards are satisfied. The council doesn't owe any deference to DRB but can. Kerr added a lot of what they decide is not factual, it's subjective. Richter replied you are correct, the criteria are subjective determinations that the council has to interpret and determine if the evidence indicates that those standards are satisfied. The DRB criteria is highly subjective. If you think the applicant has done enough to mitigate the overall massing of the roof height and taken steps given it's a preexisting condition then you would find the criteria are satisfied if you don't think that the applicant has done enough then you would find that those criteria are not satisfied.

Hayes said there are things DRB has said that I agree with. I feel there are other that are subjective or defined differently. There are a few that was a failure to acknowledge it's an existing structure. It's the community who said to save the two structures on the site. Kerr added when this first came up as an idea

I was ambivalent of the project as I didn't grow up here or go to school here. It's not an attractive building, but when we had hearings with people I listened and all these hearings with what people wanted and wanted to keep the structures I changed my mind. They all wanted to keep the structures the hut and classrooms, that's what changed my mind. I hear the majority of people don't want it, but all the letters I got a lot were in favor. When initially was doing it, the majority of people wanted to keep the two structure and fix them up. I have a question for St. Denis, did we use TLT money to buy the property, St. Denis replied yes. Kerr asked if we were to build a community center would we have to pay the money back, St. Denis replied that would be a questions for attorney but I believe that would happen. Kerr added because if it was purchased with TLT funds we are in a bind to use if for tourism activities.

Hayes said I think we should look at criteria and whether we agree with it or not. Personally with the site plan, I thought we dealt with it as a planning commission (PC) and council and everything is mentioned in the findings of fact from DRB are things we considered. The vacation, parking variance, they are things we debated. The PC recommended the vacation we talked about it and did it. I feel like DRB has veto power over decisions we made. I don't think they met the criteria. Kerr asked is it not true the idea for parking was scheduling would be done so there is not large events during the high tourism season, Hayes replied yes, people say we are not listening or adjusting when we have. There was a concern about big events and parking, but the plan shifted to an interpretive center where a handful of people will be in there at a time, probably walking from where they are in town, and not having events during peak season. McCarthy added and we are not talking about capacity of 500. What is the capacity? Johnson replied for code purposes there are ways to calculate, and worst case scenario is about 467, but when we lay out the logistics of what it would take to fill the area with table chairs performers the high capacity for the space is closer to 200.

Hayes said criteria H encourages pedestrian instead of vehicular that is something we took into consideration and reduced the parking. Do you see anything we didn't already consider and agree on? Knop replied I don't see anything else. Kerr added my biggest concern is parking but if it's built into the way its structured, if there are not big tourism events or meetings with a lot of parking during high season then I see the conflict being mitigated. Hayes said I would like to take site plan off table.

Motion: Hayes moved to approve the site design and direct staff to prepare findings in support of approval; Ogilvie seconded the motion.

McCarthy asked is that a denial the DRB? Richter replied you would be upholding the appeal and reversing the DRB decision with respect to site orientation.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

Hayes said I think several things in architectural plan mainly involving the roof and think Richter made it clear, we are dealing with existing structure. It's less than ideal but nothing we can do with the height. We are talking about saving the structures. One question is the monotony that is criteria D and if the architectural details such as Design Elements texture pattern and color and I think the design on the north and south end of the gymnasium are huge step forward in visual interest compared to what it is. Windows and awnings in those most visible areas the roof is practical. The East Side I think it avoids monotony breaking up the roof line there's that Northeast addition will stay. There's the proposed mural space and there's Landscaping enhancements. Kerr said considering what you are working with a Quonset hut which looks like an airplane hangar, and they make it look appealing and that's one of the things the community wanted to preserve. The modification, I don't think you can get worse and they

did everything they can working with that. Given the raw materials starting with, I'd think they approved on the monotony of the building. Hayes read item E adding and the findings of fact say it fails. But that's what we are working with. I think we've heard from architects and builder that adding dormers to the slope side of the roof would be cost prohibited and seems like an inappropriate choice to force that. Kerr added I also think putting a dormer on a Quonset hut doesn't make much sense.

McCarthy said a comment was made by a DRB member regarding the arches of the Quonset hut rotting and having to be rebuilt because of rotting arches, can you discuss that? Johnson replied my recollection was made in reference to a comment I had made that how the Quonset Hut structure meets grade. There's an inherent moisture penetration problem at that wall or roof base. However because you know in its current condition it's not heated there's not a lot of covering up of the existing conditions it has not resulted in any verifiable rot in our team or previous architect and engineer who also did a throughout building evaluation. McCarthy asked so it's conducive to rot, but hasn't rotted. Johnson replied yes, and there was wood floor that rotten but that's been removed. McCarthy asked what kind of construction needs to happen to keep hut standing? Johnson replied it was not a structure designed for permanence. It's a hangar building and was designed to be a hanger. Designed in the 1940's by Airforce to last the duration of war. That said, built with high quality fo wood, well cared for in the past, no structural deficiencies that I am aware of. The structural deficiency is because it wasn't designed to meet code.

McCarthy said we received a letter asking about the construction between the hut and classrooms, and roof levels, can you talk about the purpose of that? Johnson replied provided additional details for the previous question, the wainscoting will help with the life of the building. The intended purpose of the structure between two buildings, and to point out there was a structure connecting the two buildings but it was removed in order to do the seismic upgrades. We replaced with the heritage lobby is a part of the interpretive experience of this project, giving an overview. We want people to understand this place and the significance, and it starts in the heritage lobby. Johnson noted advantages of connecting. McCarthy asked why is the roof line like that over the lobby, Johnson replied so many reason, the reason the high roof interpretive is in between the two an makes the construction detailing and weatherability much easier to accomplish and offers opportunity to bring daylight further in the space. Far as front of space, the two-tiered roof, reminder we were in deep collaboration with tribe during all phases, and preferred by the Tribe that should be more engaging. I need to enunciate that this is the main entrance to the building. Hayes said the DRB findings are only pointing to the half round of the roof. Kerr added when you listen to the tape there was more discussion than this. I'd rather cover it all and not skimp on the discussion.

Hayes read criteria H, adding that's what we are here to address. The findings say the roof fails the criteria. Not sure we agree, but the other improvements are visible as you enter the city notability the north end of the gym. Do we want to call in exemplary. Kerr added we have to maintain the structure or rip it down, I think what's been done with it, they've done a good job to make it more palatable. Ogilvie added a lot of function is built into the added portions of the gym such as covered space, and there was a breeze way, and there is one that will be modified on the north side of classroom and makes the building work better. I don't understand the discussion and findings of fact. I don't understand why the modified version of the gym is not meeting the criteria. Hayes said the findings say it fails. Kerr added if you are going to keep the gym, that's the way it comes.

Motion: Hayes moved to approve architectural design and direct staff to prepare findings in support of approval; Ogilvie seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.



Hayes on the landscape I agree with some of DRB comments and think we can get closer to the intent of the criteria perhaps with conditional approval with landscape design. McCarthy asked what condition, Hayes replied I hear a consensus that the garden is too complex. My biggest concern is, as DRB mentioned, it is not a coherent single nature trail. It gets lost in the complex garden and there is not a clear path that I feel the intention is. Kerr asked what about the purple arrows, Hayes replied they were more accessing the site and less about a clear interpretive trail you'd follow. There is not a coherent single trail through the garden. The design does not match the use. Doug Duer's recommendation was a native plant garden as seen by the original habitants of the village. It feels like what we have is a formal garden that people can get lost in, not a natural landscape that lets people envision the site as it was. Ogilvie added I think there is a way to keep the Thunderbird motif without the complexity the path brings. Knop asked what about elk fences, Kerr replied I don't think they will work, it's a pipe dream. McCarthy added the idea of a fence around a garden when you are coming across the bridge to view the project, it blocks the view/emotion from seeing it, and it probably won't work. Kerr added I think the native plants will help, we just have to face whatever garden is going to be put in there will be elk at some point, it's just the way it is. They were here hundreds of years ago. Hayes added I think it needs to continue to be simplified. I always envisioned the SE plaza and the story about thunderbirds eggs, then walk through native plants with interpretive information, then you hit the trail with information on the watershed, then further on to where Lewis and Clark visited and where they camped. One continuous trail is the concept gives us a 7 day a week interpretive experience for people. A simplified native plant garden, obvious trail that connects loop along the creek and like it to be more natural than formal garden, but think we can grow into something more formal. Kerr said the welcome women, it's premature at this point, there is no design, but until its approved they cant get an artist to design it. Hayes said it's not appropriate in findings to contradict what the tribe said about their own culture. Kerr added I did research on Thunderbird on ground and couldn't find anything that said it was inappropriate to place on the ground. Hayes said we consulted extensively with the tribe and asked the question. Ogilvie added I asked the lighting be something that meets our current code. Hayes added I think DRB got some things right and would like to see conditional approval and perhaps a revised plan that gest presented back to council. Kerr said a lot of comments were just about the project. This appeal is about the design, DRB was allotted for standing up for the project, but would like to discuss.

Knop said we are on January 9<sup>th</sup> to discuss the November 28<sup>th</sup> meeting. Hayes said we are making findings on this appeal, but that doesn't mean that the plan as proposed is what we are going to do. We will have discussion on January 9<sup>th</sup> and can discuss if there are changes or reductions in scope.

Hayes asked Richter can you weigh in on idea of conditional approval. Richter said there are a couple of options, a tentative approval tonight with staff coming back with findings consistent with deliberation on all three areas. On landscaping condition for simplified garden, obvious trail w/ loop to creek and less formal garden. We can write condition that talks about that. The second option is to have applicant come back with revised design, and not sure on timeline and the records closed. Going with the condition would allow the flexibility, would like condition to get at what goal you are trying to achieve. The 3<sup>rd</sup> option for an applicant to come back later when more proprietary design. Johnson said what I am hearing is the concerns feel it is closer to a full redesign, timing with holidays. Joyce Jackson is flying out for a few weeks and won't be able to get anything turned around immediately. Knop said which is no issue. Ogilvie added for me of this project, this would occur at the end. Need to make allowances on site for where it will be, but more than enough time to address the concerns. Sokolowski said Ogilvie's suggestion is a good way of handling it. Hayes said and what Richter said satisfied everything. What is the process for getting it approved. Sokolowski replied there is nothing that says it has to come back at a specific time. Richter added if approved with conditions then the applicant can come back with revisions at a time that works for them. It's a matter of deciding what the condition would be limited review of

landscape criteria of 17.44, we can have notice consistent with type 3, you essentially find the criteria are satisfied but the condition would require a review before Council of landscape design. We can bring back on the 12<sup>th</sup> for review. Richter said you can have tentative approval tonight with staff putting the language together for the final sign off for the 12<sup>th</sup>.

**Motion:** Hayes moved tentatively approve landscape design and direct staff to prepare findings and supportive approval with conditions discussed tonight; Ogilvie seconded the motion.

**Vote:** Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

Kerr said at the meeting on January 9<sup>th</sup> we will discuss all the information we've heard as well as the process. Knop said yes. Hayes said there is still a lot of misunderstanding and we are hoping we can get it cleared up.

### INFORMATIONAL/OTHER DISCUSSION ITEMS

#### **( 2 ) Monthly Status Report**

Knop report I like the new reporting.

#### **( 3 ) Mayor Communications**

Nothing to report.

#### **( 4 ) Councilor Communications**

Ogilvie report the 14<sup>th</sup> is the retreat date.

McCarthy said I had a meeting with community engagement committee for the code audit with Urbsworks. Kerr said we were told at the meeting that the reorganization should be done by that meeting and wetlands ordinance is moving through state system. It should be in the state by the end of December. Sokolowski added I hope to have it in DLCD hands at Planning Commission, so it's formally commented on before going to council for consideration. McCarthy said the first community engagement meeting in housing may be in February. Kerr added we discussed having meeting at a larger venue and a possible presentation. Open to public and in a bigger venue, McCarthy added as long as they have zoom capabilities.

#### **( 5 ) Good of the Order**

Hayes reported we heard a lot from people who say we are not listening or people are not being heard. I know who is sitting up here and don't believe that is accurate. I feel like we are listening to everyone's thoughts, and not just the loudest. We are looking at all the written comments. We talk to people on the sidewalk and consider all information provided through the public process and it's led us to where we are. The loudest and angriest people out there saying we don't listen and are saying do what I want and ignore the others. With any big project like this, whatever we decide will make some people upset and angry. I hope people will understand we are trying to balance. Kerr added I am bothered by the fact that when people speak at the beginning of the meeting we have to sit here like statues and cannot interact.

It's not accurate and everyone here is listening. McCarthy added we are also taking notes on what people are saying. Kerr replied I am glad we are having this discussion in January, that's where we get a chance to address people's concerns directly. I will be so disappointed if the people who say we don't listen do not attend. Hayes added based on the comments there are a lot of people who do not understand the funding of the project, how it can and can't be used or understand the use fo the facility.

ADJORNMENT

The meeting was adjourned at 8:40 p.m.

ATTEST:

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Jennifer Barrett, Recorder

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Barb Knop, Mayor