



Home of the Tualatin River National Wildlife Refuge

**SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
April 3, 2012**

REGULAR CITY COUNCIL MEETING

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:10 pm.
2. **PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**
4. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Bill Butterfield, Matt Langer, Linda Henderson, Robyn Folsom and Krisanna Clark.
5. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Pro Tem Tom Pessemier, Police Chief Jeff Groth, Public Works Director Craig Sheldon, Finance Director Craig Gibbons, Economic Development Manager Tom Nelson, City Engineer Bob Galati, Civil Engineer Jason Waters, Engineering Associate Craig Christensen, Administrative Assistant Kirsten Allen and City Recorder Sylvia Murphy. City Attorney Paul Elsner.

Mayor Mays addressed the Consent Agenda and asked for a motion.

6. **CONSENT AGENDA**
 - A. **Approval of March 20, 2012 City Council Meeting Minutes**
 - B. **Resolution 2012-016 Approving employment related decisions of the Pro Tem City Manager consistent with Section 33 of the Sherwood Charter**
 - C. **Resolution 2012-017 Reappointing Alyse Vordermark to the Cultural Arts Commission**
 - D. **Resolution 2012-018 Reappointing David Scheirman to the Parks and Recreation Board**

MOTION: FROM COUNCILOR LINDA HENDERSON TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR ROBYN FOLSOM, ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

7. **PRESENTATIONS**
 - A. **Proclamation Declaring Arbor Day**

Mayor Mays read a portion of the Proclamation proclaiming April 20, 2012 as Arbor Day and invited the public to an Arbor Day celebration event of tree planting on Friday April 20th.

B. Proclamation Declaring National Healthy Kids Day

Mayor Mays read a portion of the Proclamation declaring April 28, 2012 as National Healthy Kids Day and welcomed the public to attend Healthy Kids Day at the Sherwood YMCA on Saturday, April 28th.

C. Eagle Scout Recognition

Mayor Mays called forward Eagle Scout Josef Luedloff and asked for a brief explanation of the project that earned him the Eagle Award. Josef explained his project was through the Forest Grove Parks & Recreation Department and he built an agility course for their dog park. Josef stated he sketched the design and built the obstacles off site over a period of two days and installed the obstacles over a period of two days. Josef stated bark chips were provided by the Parks Department and his team of volunteers moved the bark and installed 5 obstacles and benches at the park. He informed the Council his project took over 200 hours and he had the assistance of over 30 volunteers, he stated a large challenge of the project was maintaining proper records and managing receipts and documents. Josef informed the Council that his fellow scouts from the City of Hillsboro are not recognized to this extent by the City Council and thanked the Council for their recognition. Josef was asked by Council to recite the Scout Oath of Honor, which was proudly recited. Mayor Mays presented Josef with a Certificate of Achievement.

Mayor Mays addressed the next agenda item.

8. CITIZEN COMMENTS

Jim Claus 22211 SW Pacific Hwy, Sherwood came forward asked City Manager Pro Tem Tom Pessemier to instruct City crews cleaning the storm water on Cedar Creek to stay off of his property and to remove the trash and cuttings and commented regarding trespassing and depressing property values. Mr. Claus requested that the footprints on Columbia be checked and stated they have changed since he sold the property and stated that property value is based on footprints. Mr. Claus commented regarding Councilor Langer's vote concerning the sign code. Mr. Claus stated that he has done everything to avoid a lawsuit and he is finished with trying to talk it through. Mr. Claus stated there was an old supreme court case trying to allege bad tendencies and stated it worked until they realized the federalist paper 51 is what needed to be looked at. Mr. Claus stated that the Council and the City attorney have attempted to provoke him and he is headed toward litigation under Title 42, as seen in 1983 and 1988, and he will ask for damages and legal fees. Mr. Claus stated that Council is pressing and giving incidents, including selling zoning, then restraining trade and then turning around and moving documents and hundreds of thousands of dollars around. Mr. Claus state he heard things like retailing is not a zero sum game and he thought Councilman Grant told him the more retailing you get the better off you are. Mr. Claus stated that retailing breeds retailing is not a true statement and that you are going to have a certain average of retailing in a community and what you are doing is taking that person's zoning. Mr. Claus stated that he realizes the game is about driving him to a point to make him appear illogical. Mr. Claus stated there was a former mayor who resigned and when you start looking at ethics you better be careful what you are doing. Mr. Claus stated that when you are enriching yourself it is called a potential or actual conflict of interest and the sign code is

more of the same and said that at this point it is a professional matter and we are going to handle it professionally.

Tom Nelson, 15991 SW Windrow Lane, Sherwood came forward and stated he comes before Council as a concerned citizen, an employee until April 13th, a taxpayer and a voter concerned with Council's direction. Mr. Nelson stated that in 2006-07 the Council adopted an ambitious economic development strategy and the first priority of the strategy was to hire an economic development professional to lead the City in the implementation of this strategy. Mr. Nelson stated he left a very good position with the State of Oregon in December 2007 because he saw the vision and wanted to be part of something that was great. Mr. Nelson stated that Sherwood has succeeded in developing a reputation as a good place to do business and a place that people want to be. Mr. Nelson stated that great strides have been made in redeveloping old town, getting Sherwood Main Street off the ground, and Sherwood is recognized as having one of the most successful urban renewal agencies in the state. Mr. Nelson stated that he has been called to sit on statewide and regionally boards because people recognize that success energizes organizations and leads towards success. Mr. Nelson stated that a limited portion of the position was to manage the Urban Renewal Agency and its associated projects. Mr. Nelson stated that a good deal of the urban renewal project work is done, but the work is not complete and that there is much to do in the realm of economic development. Mr. Nelson stated that most of the infrastructure is in place and the economy is on the rebound. Mr. Nelson stated that other communities are adding economic development staff and now is not the time to slow the momentum but to become more aggressive in taking advantage of recruitment, retention and expansion opportunities. Mr. Nelson compared the removal of the economic development position to removing a director of a play or a quarterback in a game and he believes like most economic development professionals the action to be a shortsighted, poorly vetted strategic decision with no vision. Mr. Nelson stated he will be okay personally, but that he was committed to his work in Sherwood regardless of other opportunities and hurts as a person invested in completing a job and for a community that may have lost its way forward. Mr. Nelson stated to set the record straight for some that thought this was a performance related issue it was not and has had nothing but exemplary performance reviews and said he has been assured that this is about budget. Mr. Nelson stated his motivation was to do what is best for the Sherwood community and implored Council not to be immobilized by budget fears and lose the vision of what can be achieved with the right investment. Mr. Nelson stated we are on the precipice of great success and all the tools are there and urged the Council to put people in place that know how to use them. Mr. Nelson stated he has been committed to assisting staff, our partners and the community in this transition and knew this would be the last opportunity to call upon the Council with the ramifications of their actions and call to their attention the vision of a successful and prosperous Sherwood.

Mayor Mays addressed the next agenda item.

8. NEW BUSINESS

A. Resolution 2012-019 authorizing the City Manager Pro Tem to award a construction contract for the SW Edy Road Sidewalk Improvements Project

Civil Engineer Jason Waters came forward and stated the resolution was to award the contract for a sidewalk infill project between Borchers and Copper Terrace to Subcom Excavation and Utilities. Jason stated that there was a public formal bidding process with a bid opening at City Hall and the protest period has ended. Jason stated that the bidder packet has been discussed with legal

counsel and staff has determined that Subcom is responsive and their references have been checked.

Mayor Mays asked if supported by the Council what is the expected completion date. Jason replied we hope to have it completed by the end of May.

With no further discussion the following motion was received.

MOTION: FROM COUNCIL PRESIDENT GRANT TO ADOPT RESOLUTION 2012-019, SECONDED BY COUNCILOR ROBYN FOLSOM, ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

9. CITY MANAGER REPORT

City Manager Pro Tem Tom Pessemier informed the Council that the proposed budget is available online, under the finance department, and copies are in the library for the public who would like to review. Tom stated there will be budget committee meetings on April 16th and April 23rd and on the April 30th, if necessary. Tom explained the process as staff builds a proposed budget that is then reviewed by the budget committee which makes a recommendation to City Council to adopt the final budget. Tom stated there will be multiple opportunities for public testimony and to listen and become part of the budget process.

Tom stated there was an initiative submitted from a Sherwood citizen regarding revising the City Charter to prevent any City funds from being spent in regards to public rail projects that may come to the City. Tom explained that the process is that the City attorney looks at it with the City Recorder, a ballot title is prepared, and the petitioner collects signatures.

Mayor Mays addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS

Mayor Mays reported that Washington County Board has started the process to select projects for the next five year MSTIP (Major Streets Transportation Improvement Program) where roughly \$42 million will be allocated to four commission districts. Mayor Mays stated the Board, last Tuesday decided to select some projects to green light now as to not miss out on the 2013 construction season and voted to support Sherwood's request of \$10.5 million to improve Tualatin Sherwood Road. Mayor Mays stated that the engineering has already been allocated and meetings with businesses and property owners set. Mayor Mays stated the project will improve the function of the intersection at Roy Rogers and Tualatin Sherwood Rd at 99W and increase to five lanes in each direction roughly to Borchers Drive and Langer Farms Parkway. Mayor Mays stated the project is slated to be done during the construction season next year. Mayor Mays stated that the City will continue to advocate as there are roughly \$25 million worth of other projects that the City would like to do and the availability of funds for those projects will be determined around August.

Mayor Mays explained the MSTIP Program, and said about 25 years ago the first 5 year tax levy was approved by the voters of Sherwood to approve a set of projects throughout the County to tax themselves, and this was a successful program and after 5 years they did it again and then again

and after the third time with Measure 5, Measure 49 and 50, that local option tax for construction got rolled into a permanent tax rate for the County. Mayor Mays stated the County continues to pledge to isolate those dollars for transportation projects using the original guidelines for projects in five year project windows throughout the County. Mayor Mays stated that this is now MSTIP 3D which has been very successful and neighboring Counties have been envious. Mayor Mays explained that cities within the County propose projects every five years to an advisory committee, the Washington County Coordinating Committee (WCCC). Mayor Mays stated Roy Rogers, our County Commissioner is the Chair of this committee and he (Mayor Mays) has been the Vice Chair for the last three years and said the committee is composed primarily of mayors that make recommendations to the County Board. Mayor Mays stated that we may see some benefit next year and we are focusing energy on projects on SW 124th, getting utilities in this area between Tualatin, Sherwood and Wilsonville. Mayor Mays informed of other projects such as purchasing right-of-way to build a future road at the end of 124th in Wilsonville over to Boones Ferry; on Hwy99 at Elwert and Kruger, as this is a safety issue as well as an economic opportunity and a project near us, but not in the City limits, at the intersection of Roy Rogers and Scholls-Sherwood.

Councilor Folsom stated that there is very little that the City could do without that sort of money for large projects and the City is limited in what can be done without it.

Mayor Mays replied it's a great resource and staff has done a great job in helping to position us and get the support from County staff and County Commissioners.

Ms. Folsom stated that staff seems to always be ahead of the game and ready so that the City is able to get grants when they are available and gave the example of Jason Waters who worked on the Cedar Creek project.

11. ADJOURN

Mayor Mays adjourned the Council meeting at 7:40 pm and convened to a URA Board of Directors meeting.

Submitted by:


Sylvia Murphy, CMC, City Recorder


Keith S. Mays, Mayor