



Home of the Tualatin River National Wildlife Refuge

**SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
August 2, 2011**

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 5:55 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Robyn Folsom, Bill Butterfield, Matt Langer, Linda Henderson and Krisanna Clark.
3. **STAFF PRESENT:** City Manager Jim Patterson, Community Development Director Tom Pessemier, Finance Director Craig Gibons and City Recorder Sylvia Murphy.
4. **TOPIC DISCUSSED:** Real Property Transaction, pursuant to ORS 192.660(2)(e).
5. **ADJOURNED:** Mayor Mays adjourned the executive session at 6:05 pm and convened to a work session.

WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 6:07 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Robyn Folsom, Bill Butterfield, Matt Langer, Linda Henderson and Krisanna Clark.
3. **STAFF PRESENT:** City Manager Jim Patterson, Community Development Director Tom Pessemier, Finance Director Craig Gibons, Police Chief Jeff Groth, Police Captain Mark Daniel, Economic Development Manager Tom Nelson, IT Director Brad Crawford, Associate Planner Michelle Miller, Administrative Assistant Kirsten Allen and City Recorder Sylvia Murphy.
4. **TOPICS DISCUSSED:**
 - A. **Chickens and Municipal Code.** Council discussion occurred with assistance from Tom Pessemier and Michelle Miller. City Manager Jim Patterson suggested amendments to the Municipal Code, dependent on the Council direction.
 - B. **Renaming of Adams Ave and other streets.** Mayor Mays informed the Council the City received a request to rename Adams Ave. Staff provided the Council with a handout, Street Renaming Process, (see record, Exhibit A). Discussion occurred. Mayor Mays stated the Council would be looking at other City initiated renaming of streets in the near future.
 - C. **Sherwood Broadband.** Brad Crawford, IT Director brief the Council on this topic and distributed a Sherwood Broadband Draft Business Plan (see record, Exhibit B). Discussion occurred. Brad also presented a power point presentation (see record, Exhibit C) briefing Council on Sherwood Broadband Overview, Objectives, Mission, Keys to Success,

Threats, History, Past Accomplishments/Current Status, Strategy and Implementation-Services, Partnerships and Economic Development and financials. Discussion followed.

5. **ADJOURNED:** Mayor Mays adjourned the Work Session at 7:00 pm and convened to the regular Council Session.

REGULAR COUNCIL MEETING

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:08 pm.
2. **PLEDGE OF ALLEGIANCE AND ROLL CALL:**
3. **COUNCIL PRESENT:** Mayor Mays, Council President Dave Grant, Councilors Linda Henderson, Robyn Folsom, Bill Butterfield, Matt Langer and Krisanna Clark.
4. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Jim Patterson, Police Chief Jeff Groth, Police Captain Mark Daniel, Finance Director Craig Gibons, Economic Development Manager Tom Nelson, IT Director Brad Crawford, Administrative Assistant Kirsten Allen and City Recorder Sylvia Murphy. City Attorney Chris Crean.

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

5. CONSENT AGENDA

- A. **Approval of July 12, 2011 City Council Minutes**
- B. **Approval of July 19, 2011 City Council Minutes**
- C. **Approval of July 26, 2011 City Council Minutes**
- D. **Resolution 2011-064 a Resolution authorizing the City Manager to enter into an amended Intergovernmental Agreement (IGA) with the Washington County Watershed Technical Committee for the Regional Solid Waste Management Plan**

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

Mayor Mays addressed the next item on the agenda.

6. PRESENTATIONS

Eagle Scout Recognition. Mayor Mays called forward Michael-Jon Helwig a recipient of an Eagle Scout award and asked Michael to provide a brief description of the project that earned him the award. Michael stated that his project was to build two raised bed planter boxes for an organization dedicated to helping individuals with mental illness. Michael explained how long it took to complete the project as well as how many people he had to assist him. Mayor Mays congratulated Michael-Jon and presented him with a Certificate of Achievement.

Mayor Mays addressed the next item on the agenda.

7. CITIZEN COMMENTS

Robert Claus, 22221 SW Pacific Hwy Sherwood, came forward explained that a fence had been installed by the Sherwood Police department due to complaints from Mr. Claus' neighbor, complaints regarding children playing. Mr. Claus stated the previous evening the police were near the property at around 9 o'clock and again at 2 o'clock. Mr. Claus informed Council that his father died of cancer and that his wife has cancer. Mr. Claus stated his wife was upset about the police activity and commented regarding a scheduled court appearance his wife had on the date of her operation. Mr. Claus commented regarding the City Attorney and the Police Chief knocking on his front door in the future to inform his wife why they are there.

Mayor Mays addressed the next item on the agenda.

8. NEW BUSINESS

A. Resolution 2011-065 to recognize the partnership between the City of Sherwood and Raindrops to Refuge

City Manager Jim Patterson provided an example of a service that Raindrops to Refuge has given to the City in regards to the swale in front of the stage at Stella Olsen Park. Mr. Patterson expounded on some other services that Raindrops to Refuge offers to the community and explained that there is an important relationship between the City and Raindrops to Refuge and that the resolution was a memorialization of that relationship.

Mayor Mays commented on the importance of Raindrops to Refuge and asked for questions or comments from Council. With no comments received, the following motion was stated.

MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO APPROVE RESOLUTION 2011-065, SECONDED BY COUNCILOR LINDA HENDERSON. ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next item on the agenda.

B. Resolution 2011-066 authorizing a temporary Utility Easement for AT&T Mobility

IT Director Brad Crawford addressed Council and explained that the resolution was for a temporary easement for AT&T Mobility at Snyder Park to enable them to provide telephone service and that the easement is tied to the original lease document with the City.

Mayor Mays asked if it was for a single phone system, Brad Crawford confirmed.

Mayor Mays asked for Council questions.

Councilor Linda Henderson asked if an existing cell phone tower was going to be used. Mr. Crawford affirmed and answered that he thought it was for hard wire back to their infrastructure.

Mayor Mays asked for additional comments or a motion.

MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO APPROVE RESOLUTION 2011-066, SECONDED BY COUNCILOR KRISANNA CLARK. ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays thanked Mr. Crawford and addressed the next agenda item.

C. Resolution 2011-067 approving a Ballot Title for an Election on the Annexation of the Brookman Area

City Attorney Chris Crean explained that this resolution was the culmination of a many year effort beginning when the area was brought into the Urban Growth Boundary in 2002 with the Concept Plan being approved in 2009. Mr. Crean stated, under the City Charter, all annexations into the City have to be approved by the voters and State law allows a ballot title to be challenged. Mr. Crean explained that the resolution to annex and send to the ballot will be at the next council meeting.

Mayor Mays asked for some clarification for phasing the taxation for the area. Mr. Crean confirmed that taxation will be phased in for a period of ten years with the details in the resolution to come.

Councilor Robyn Folsom asked about notification to current residents of the Brookman Area. Mr. Crean deferred to the City Manager. The City Manager confirmed that Community Development Director, Tom Pessemier, has met with several property owners recently to discuss issues and questions brought up by Council. It was indicated that signs have been posted and other information distributed. City Manager Patterson offered to follow up with Councilor's the following day as Tom Pessemier was not present to answer Councilor's Folsom's questions.

Mayor Mays asked for Council questions or a motion.

MOTION: FROM COUNCILOR LINDA HENDERSON TO APPROVE RESOLUTION 2011-067, SECONDED BY COUNCILOR BILL BUTTERFIELD. ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

D. Resolution 2011-068 Transferring Budget Expenditure Appropriations between categories for Budget Year 2011-12

Finance Director Craig Gibons explained the transfer resolution to move funds from contingency into two line item budgets, the Court budget, for increased court staffing as discussed in a prior work session, and the Community Development budget to pay for contractual services to replace the Plumbing Inspector that was laid off.

Mayor Mays asked for Council discussion or a motion.

MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO APPROVE RESOLUTION 2011-068, SECONDED BY COUNCILOR LINDA HENDERSON. ALL COUNCIL MEMBERS VOTED IN FAVOR.

E. Resolution 2011-069 Authorizing an increase in the Municipal Judge's Compensation

Mr. Gibons explained the Council also discussed this item in work session and said the Municipal Judge's compensation has been at \$75 per hour since 1996 and based on recent increased activity in the court and a study of other jurisdictions he recommends an increase to \$100 per hour.

Mayor Mays asked for questions or a discussion from Council.

Council President Grant commented that it was a low rate and that it was a good deal.

MOTION: FROM COUNCILOR BILL BUTTERFIELD TO APPROVE RESOLUTION 2011-069, SECONDED BY COUNCILOR LINDA HENDERSON. ALL COUNCIL MEMBERS VOTED IN FAVOR.

Councilor Henderson thanked staff for inviting Judge Morris to a recent work session and commented that it was very educational and enlightening to visit with Judge Morris at the work session and she felt he is a very fair and just judge. Ms. Henderson stated she appreciated learning about the courtroom processes and feels the compensation is deserved.

Mayor Mays addressed the next agenda item.

F. Resolution 2011-063 referring to the Voters of Sherwood a Proposed Revision of the City Charter

City Attorney Chris Crean explained the Council discussed this business in a recent work session and said the current City Charter was adopted in 2005 and it was discovered certain things have become obsolete and this was a housekeeping measure to get some of the extraneous language removed and to work in best practices as compared to other jurisdictions and charters. He stated the resolution clarifies the process for appointing or removing members of boards, requirements for the Mayor's signature on Council decisions, removes other obsolete provisions regarding Willamette River drinking water and personnel policies or budgets. Mr. Crean stated some of the more substantive changes is changing the term of the Council President from a one year to a two year and changes the term limit for the Mayor.

Mr. Crean stated it retains provisions unique to Sherwood including voter approval of annexations, the provision that Councilor's are elected by position.

Mr. Crean informed the Council the marked-up redlined version of the proposed changes discussed in work session, attached to the staff report, did not get included in the clean copy attached to the Resolution. Specifically Section 32-Filling Vacancies. The language in question is regarding the next regularly scheduled election date. Mr. Crean said elections are held in March, May, September and November and said it's very confusing and it was decided to go back to the language of "regularly scheduled May or November election date". Mr. Crean stated in the last sentence of this section there is language pertaining to a disability preventing a Council member from attending council meeting and said what if the Councilor is prevented from attending due to military service. He said he believed there was general consensus at the work session to add the words "or other circumstance" after the word "disability". Mr. Crean stated if Council has conceded with these changes, they will need to be added this evening.

The following motion was received from Mayor Mays.

MOTION: MAYOR MAYS MOVED TO AMEND RESOLUTION 2011-063 TO INCORPORATE THE TWO CHANGES AS DETAILED BY THE CITY ATTORNEY, SECONDED BY COUNCIL PRESIDENT GRANT.

Mayor Mays asked for discussion on the motion to incorporate the clarifications as proposed by Mr. Crean.

Councilor Henderson asked if we change the wording to be the next May or November election date to fill the vacancy, and if the vacancy occurs in April, one will not make the May election. She said she was trying to understand how the 25 months or more remain in office, is determined based on when the May or November election date might be as it's a rolling calendar depending on when the vacancy happens.

Mr. Crean said it would have to be determined based on whether or not there were 25 months or more left in the term first of all to determine whether or not an election will be held, and if there are you will determine which election you will use to fill the vacancy. Mr. Crean said this issue came up the last time we did this and said you have to take into account the filing deadlines for those elections. Therefore if you've passed the filing deadline, then that election is not available.

Mayor Mays asked for other Council questions, with none heard he asked for a vote on the motion.

VOTE: TO APPROVE THE AMENDMENT TO RESOLUTION 2011-063 AS DETAILED BY THE CITY ATTORNEY. ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays asked for questions on the amended resolution.

Councilor Folsom stated that she had two stumbling blocks with the resolution. Ms. Folsom said she is fine with putting before the voters something that is housekeeping, but is very uncomfortable about not having a public process on election issues. Ms. Folsom stated she feels it's appropriate for citizens to be able to comment on something that we are putting on a ballot. Ms. Folsom explained why she feels strongly about this and said when she was a voter and not a city elected official, she expected that the process would be vetted so that when she saw something on the ballot, she felt that Council would have vetted it and it was in the citizen's best interest. Ms. Folsom stated for the housekeeping items this makes a lot of sense. Ms. Folsom said as she studied other communities and called the state elections board and spoke to the Mayor of Tualatin, all of the processes involved citizen input and some sort of a public process. Ms. Folsom stated she understand the citizens will have their say through their vote but as a citizen who would look at this ballot without the understanding and experience of going through this discussion, she is concerned that they will think the Council has already vetted this. She said she believes there is real discussion that needs to occur around the term length of the Mayor because it is a significant change to the system. Ms. Folsom stated she needs to have the voters input and as an elected official it feels odd to her to tell the voters how she will be elected or what opportunities she will have. Ms. Folsom said she feels the same about Section 32 and said the 25 months is a stumbling block for her as currently the Mayor is elected for two years. Ms. Folsom commented regarding the processes of the past year and allowing the voters to have their say. Ms. Folsom stated from her perspective she believes voters trust us to have looked at all the avenues to make sure that we defined the role of the Mayor as a four year term, which has great benefit for many reasons, that we make sure for other things, that checks and balances go into that so we are looking ahead and not to our Mayor or anything now, but to the future. Ms. Folsom concluded and said it's difficult for her say to the public that she can put this on a ballot, it's been vetted without citizen input.

Councilor Clark stated that she agrees with Councilor Folsom, particularly on Section 32 and that she has a problem understanding what the benefit is to our public in extending the time from 13 months to 25 months and taking away the rights of the voters to vote and have their say on who they would like elected official and not their appointed official. Ms. Clark stated this was learned in the last election that the person that was appointed was not the person that

was elected and feels this should be taken into consideration and doesn't see the benefit to the public and taking this right away from them. Ms. Clark stated she has not heard in any of the discussions that changing the 13 months to 25 months benefits the public in any way.

Mayor Mays commented best practices and said his understanding of the 13 months when it was put in was because it was reflective of the Mayor's two year term, verses a four year term.

Mr. Crean replied it's one half of the shortest term on the Council.

Mayor Mays asked Mr. Crean if it's still his position that the 25 months is best practice. Mr. Crean replied it's the most common practice.

Mayor Mays asked for other Council comments.

Councilor Butterfield stated that he feels that he is in touch with the constituents that voted him into office and feels he understands what they want and what they would like of Council as leaders in the community. He stated he has trust in the voters as they voted the Council members in and said at some point they are going to expect the Council to make decisions on their behalf and he believes the Council is doing a pretty good job.

Council President Grant stated he echo's the comments of Councilor Butterfield and said he believes when elected, that they are out in the community and connected the people and believes this is what the public wants and this is the public input the Council receives. Mr. Grant stated we are voted for our ability to vet these things out and make decisions and believes the Council has received input and will continue to receive it.

Councilor Henderson asked the City attorney what is the typical of other communities who do election appointments, charter changes and revisions, do they traditionally have a citizen's sponsored committee review the charter changes before they come to the Council and before they come to the ballot?

Mr. Crean answered that it's difficult to generalize and in general it would depend on the significance or magnitude of the changes. He said the housekeeping items are routinely handled in this fashion, the wholesale revision changes would go through some kind of subcommittee or charter review and it does vary by jurisdiction and the general rule is the more significant the changes the more process there is.

Ms. Henderson asked Mr. Crean if he considered the term of the mayor or the election to be a significant process change for most jurisdictions. Mr. Crean replied he's not going to go there and it's up to the individual jurisdiction.

Ms. Henderson stated her concern is the Council hasn't spent a lot of time talking about this, they held a work session last week and prior to this not since 2005 when changes were made. She stated she is in favor of having citizens comments on revisions in the same manner we have them comments at the Boards & Commission level when we ask for input on policy changes and ordinance changes, these usually come to the Council through a committee with the committee's recommendation. With ordinances these come through staff and a public hearing is held. Ms. Henderson stated we have not done any of this with the charter. Ms. Henderson stated she will not currently support placing this on the ballot because she doesn't feel that we have had the opportunity to get public input. She stated she doesn't consider a two week period or a ten day period a long time to talk about this and doesn't know what

would be lost, other than a bit of time, if a subcommittee were to be formed. She commented regarding a conversation in prior years with the Mayor about charter changes and the formation of a committee. She stated she has not had time recently to be out discussing charter changes with the community and we have frequently changes the charter over a ten year period and believes this should be done with great thought and input from the citizens. She stated this has been in the Oregonian but has not been in the Gazette and doesn't believe the citizens have had a chance make comments and Council doesn't take comments on items that are on the agenda unless mandated by public hearing.

Councilor Langer stated he hears the concerns of Councilors Folsom, Henderson and Clark and referenced housekeeping and the language in the current charter related to use of Willamette water and stated this is one good example of housekeeping. Mr. Langer stated he has heard concerns of repeated charter revisions in the last several years and said if you look at our growth rate relative to towns we are being compared too, he have grown dramatically faster and we stated out with a small town of about 1000 people and have grown to 18,000 in a short amount of time while other city's did not grow nearly at the same rate. Mr. Langer stated out charter was designed for a small rural remote town and said we are trying to get it up to speed with what is common in a large community. Mr. Langer referenced the two year term of the mayor and said to compare this to other communities as this is not the norm. He said it's quite a process and causes disruption with a two year term as an election process starts at about 18 months and takes a lot of time and distracts from what they are doing. He said he believes it's a healthy change and is comfortable with it and believes his constituents would support this. He said this doesn't concern him and referenced the change to the 13 month and 25 month language and said this is simply a math calculation in reference to the term of 2 years to 4 years and said he is in support of this. He stated he feels concerns were vetted in the work session and is shocked to hear the comments and concerns tonight. Mr. Langer stated he is in support of the changes.

Mayor Mays asked for comments from Council President Grant. Mr. Grant state the following motion.

MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO APPROVE RESOLUTION 2011-063, AS AMENDED, SECONDED BY COUNCILOR MATT LANGER. MOTION PASSED 4:3. (MAYOR MAYS, COUNCIL PRESIDENT GRANT, COUNCILOR BUTTERFIELD AND COUNCILOR LANGER VOTED IN FAVOR. COUNCILOR HENDERSON, COUNCILOR FOLSOM AND COUNCILOR CLARK VOTED AGAINST).

Mayor Mays addressed the next agenda item.

9. CITY MANAGER REPORT

City Manager, Jim Patterson asked the Police Department to address the comments made earlier in the evening under citizen comments by Mr. Claus.

Chief Groth clarified that the incident with the fence, as stated by Mr. Claus, was an incident that occurred a few years ago. Chief Groth informed the Council that there was an existing fence that the developer put in to separate property lines and the neighbor on the end, off of Handley called the police to inform, due to a combination of branches, trees and trespassers, the fence had been pulled down. Chief Groth stated he visited the sight and confirmed the fence had come down and spoke with the Claus's and they were not aware of anyone being involved. Chief Groth stated the

issue was trespassing and had nothing to do with children, with the youngest being potentially teenager or older that were trespassing and the concern of the neighbor was that someone was squatting on the property on the Claus side of the fence. After investigating the down fence to find it was a development fence, the City had the fence repaired to ensure the integrity of the property.

Chief Groth described the call that came in as being made by a Handley neighbor who had seen a man with a large knife on the property in question, cutting brush. The caller was concerned that the man was clearing a place to sleep or set up a camp. Chief Groth stated there must have been some sort of engagement as the person indicated he was doing work for the property owner and as the story didn't make sense, the Handley resident called the police.

Chief Groth asked Sergeant Hanlon who was on scene to come forward and described the situation. Sergeant Hanlon described the property in question and stated that he had sent an officer to make contact with the property owner. He informed the Council the officer knocked and rang the doorbell but the primary car driven by the Claus's was not in the driveway. After forty five minutes of knocking on several buildings they searched the area but were unable to locate the man. After determining that the premises was safe the officers left without being able to contact the property owner.

Chief Groth stated that the Police made every effort to contact the owner before the search was made, but it was not possible.

With no other report from the City Manager, Mayor Mays addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS

Councilor Butterfield stated in his efforts to get to know staff, he participated in a ride along with Officer Adam Keesee, Councilor Butterfield described the evening ride.

Councilor Folsom stated that the Cultural Arts Commission was in the second week of the Missoula Children's Theater and thanked the members of the Cultural Arts Commission for all the work they do. Ms. Folsom stated the Movies in the Park begins on August 12th and recapped the movie titles and themes. Ms. Folsom thanked all who attended the production of Sound of Music and stated Councilor Henderson had co-produced it.

Councilor Henderson thanked everyone who attended the Sound of Music and City Staff for their help. Ms. Henderson stated that the Missoula Children's Theater organization commented that Sherwood was the most organized and had the most well behaved children that they had worked with this year. Ms. Henderson thanked staff for following up on the slurry seal project done two weeks ago.

Councilor Clark reminded everyone of the Relay for Life held August 6-7, and invited all to take a lap for someone they know who has been affected by cancer and donate to the cause.

Council Langer announced the Chamber breakfast will be held on August 9th at the Sherwood High School. He stated BOOTS meets three Mondays a month and stated the Main Street Program was moving forward wonderfully, he thanked all the volunteers who have taken committee rolls. He stated Adams Avenue has a lot of activity and is taking shape with the roundabout adding distinction to the area.

11. ADJOURN

With no other announcements received, Mayor Mays adjourned the meeting at 8:10 pm to convene to a URA Board of Directors work session.

Submitted by:


Sylvia Murphy, CMC, City Recorder


Keith S. Mays, Mayor