



SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
June 4, 2013

CITY COUNCIL / PLANNING COMMISSION JOINT WORK SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 6:00 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Robyn Folsom, Bill Butterfield, Matt Langer, and Krisanna Clark. Councilor Dave Grant was absent.
3. **PLANNING COMMISSIONERS PRESENT:** Chair Patrick Allen, Commissioners Jean Simson, John Clifford, Lisa Walker, and Michael Carey.
4. **STAFF PRESENT:** Joseph Gall City Manager, Tom Pessemier Assistant City Manager, Julia Hajduk Community Development Director, Craig Gibbons Finance Director, Craig Sheldon Public Works Director, Kristen Switzer Community Services Director, Brad Kilby Planning Manager, Julie Blums Accounting Supervisor, Police Chief Jeff Groth, Michelle Miller Senior Planner, Ashley Graff Intern, Colleen Resch Administrative Assistant, and Sylvia Murphy City Recorder.

5. TOPICS DISCUSSED:

A. Sherwood Town Center Plan:

Julia Hajduk and Michelle Miller provided information on the Sherwood Town Center Plan (see record, Exhibit A) and staff briefed the group with a power point presentation, (see record, Exhibit B). Discussion followed. The group discussed scheduling a joint session with the Council at an upcoming planning commission meeting to further discuss the plan.

6. ADJOURN:

Mayor Middleton adjourned the work session at 7:00 pm and convened to a regular meeting.

REGULAR CITY COUNCIL MEETING

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 7:10 pm.
2. **PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**

4. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Robyn Folsom, Bill Butterfield, Matt Langer and Krisanna Clark. Councilor Dave Grant was absent.
5. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Tom Pessemier Assistant City Manager, Julia Hajduk Community Development Director, Craig Gibbons Finance Director, Craig Sheldon Public Works Director, Kristen Switzer Community Services Director, Bob Galati City Engineer, Jeff Groth Police Chief, Brad Kilby Planning Manager, Accounting Supervisor Julie Blums, Michelle Miller Senior Planner, Ashley Graff Intern, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy. City Attorney Chris Crean.

Mayor Middleton indicated an amendment to the agenda and stated that Council Announcements would be heard before Citizen Comment. No Council objections were received.

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

6. CONSENT:

- A. **Approval of May 21, 2013 City Council Meeting Minutes**
- B. **Resolution 2013-024 Certifying the Provision of Certain Municipal Services in Order to Qualify the City to Receive State**

MOTION: FROM COUNCIL PRESIDENT LINDA HENDERSON TO ADOPT THE CONSENT AGENDA, SECONDED BY COUNCILOR ROBYN FOLSOM, MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR DAVE GRANT WAS ABSENT).

Mayor Middleton addressed the next agenda item.

7. PRESENTATIONS:

A. Recognition of 2013 Sherwood Robin Hood Festival Main Marian Court

Mayor Middleton welcomed Allison Starling the 2013 Robin Hood Festival Maid Marian Court Chaperone and the Junior and Senior Court members. Ms. Starling came forward and stated this is the 60th Anniversary of the Robin Hood Festival and read a brief bio for each member of the court. The City Council presented the court members with a Certificate of Recognition. Junior Court members were; Brooklynne Lovell, Delaney Carlson, Ella Kunert, Emma Starling, Keeley McCaulley. Senior Court members were; Cate Hall, Emma Hall, Megan Starling, and Sierra McCaulley, and Maid Marian, Katy Roach.

B. Eagle Scout Recognition

Mayor Middleton congratulated Geoffrey Marvin for earning his Eagle Scout Award. Geoffrey was unable to attend the Council meeting and Mayor Middleton read a brief description provided by Geoffrey describing his project at Middleton Pioneer Cemetery. Geoffrey indicated his project consisted of landscaping the front bark area with the assistance of friends, family, other scouts and a school teacher. He made an engraved wooden sign that thanked the nurseries and families that donated to the project. He inscribed on the sign "In loving memory of Zoe Grace Armitage" a baby

who recently passed away due to heart problems and who was buried at the cemetery. He indicated the baby's parents heavily contributed to the project and he cannot thank them enough.

C. Metro Presentation – Southwest Corridor Project

Craig Dirksen Metro Councilor for District 3 and Malu Wilkinson with Metro planning staff came forward and provided an update to the Council on the SW Corridor Plan. He stated the SW Corridor study began its life as a high capacity transit study for the SW Corridor, running from downtown Portland through Tigard, Tualatin and to Sherwood. He said it was the latest study that Metro and Trimet did together looking at what type of high capacity transit would be appropriate for this corridor. He said it is the last corridor to be studied of those corridors identified back in the 1980's when Trimet began looking at the concept of a high capacity transit system for the Portland Metro area. He explained the collaborative efforts of affected jurisdictions, including Beaverton, Durham and Lake Oswego and gathering information on what the corridor could look like when built out. He said after identifying the vision, they looked at different transit options, roadway projects that would need to be done to support the corridor, they looked at parks and open spaces and the total land use plan. He explained representatives from each jurisdiction were elected to participate on a steering committee. He stated they have reached a point where they have narrowed down the focus. He explained objectives of accountability and partnerships and ensuring they manage resources responsibly and foster collaborative attitudes. He stated the goal is for an area that is prosperous where every day needs are met. He stated an area where health is considered and an environment that supports the eco system and the population that is living there, looking at access and mobility, where people have a safe and efficient, reliable network of transportation that includes all modes.

Ms. Wilkinson spoke of the reason for taking a broad look at transit and investment in roadway and active transportation projects as well as parks and nature projects that are grounded in the communities visions they have been working on, to focus and target our investments to support great places. She referenced employment areas that have a future for potential jobs. She explained the corridor starts in Portland, and said Sherwood is at the very southern edge, and it encompasses the Kruse Way area of Lake Oswego and the Washington Square area.

Mr. Dirksen stated the reason they are going through this process is expected growth and stated our area grows 1-1.5% per year and said by 2035 which is the plan horizon, we are looking at 20,000-30,000 more people in this corridor. He said we are currently looking at a population today of 140,000 in the corridor area and by 2035 we anticipate growing to 206,000. He stated we currently have about 163,000 jobs in the area and anticipate by 2035 we will need to have 251,000 jobs He stated we know the area will grow and they need to ensure we have a quality of life.

Ms. Wilkinson spoke of current projects and roadways and maintaining their capacity now and in the future and serving the needs of those traveling in cars and freight movement. She spoke of supporting the visions of each community and Sherwood's Town Center Plan and using community land use plans to guide on how to invest. She explained the large list of projects came from communities and their transportation system plans and explained four categories of projects; active transportation projects (bikeway and pedestrian), facilities, roadway improvements, parks and natural resource projects. She mentioned having resources from Clean Water Services and Park Districts to reference when they look at how to leverage investments.

Mr. Dirksen stated they have identified about 300 active transportation projects, about 450 parks and natural resources projects that support the concept of the corridor. About 150 major roadway improvements we see as a necessity to connect the corridor together. He stated they have narrowed the list of concepts for high capacity transit down to six different options for evaluation. He stated we have now narrowed it down to 84 projects identified for active transportation, about 46 projects for roadway improvements, and 5 alternatives for transit. He stated parks and natural resources rely on opportunities that might be presented by the above said items and he mentioned the trail system plan, including the Sherwood Tonquin Trail.

Ms. Wilkinson stated they are working towards a shared investment strategy that supports the visions of each city and identify where we want to work together and collaborate funding opportunities and get projects on the ground. She informed the Council they are headed for a big milestone in July and they are asking the Steering Committee to provide some guidance in terms of what the recommendation for the SW Corridor should be in a number of areas. She stated one of the most important things they have heard from all communities involved is while there might be a need for high capacity transit in the SW Corridor, there is an immediate need for better local transit service that connects more places. She shared a tour they took on a bus from Sherwood to Tualatin along Tualatin-Sherwood Road and said staff from both cities indicated this route doesn't occur between the two cities. She said the local service enhancement planning is a key element that should come out of the steering committee recommendation in July. She said they are looking for the steering committee to narrow the high capacity transit alternatives from this wider range to a targeted narrow set that we can study further. She said they are also looking to identify some of the policies and incentives for further exploration that helps build the community infrastructure that has been identified through the community vision work and to have a strategic set of active roadway projects we can work on collaboratively so we can figure out a way to fund as well as prioritize green projects.

Mr. Dirksen stated in July we will be looking for decisions in four key areas; what should the destination for the high capacity transit system be. He said the leading forerunner for this is a transit line from Portland to Tualatin through Tigard, with connections to Sherwood. Whether it be a light rail line or a bus rapid transit line, which are the two modes being considered and would probably only come to Tualatin, and we would provide local bus service to link Sherwood to the station. He said the mode we carry forward is light rail which is being recommended to continue to move forward with consideration. He explained one reason for this is the operating cost per rider is much lower in comparison to other options, even though the capital costs are more. He said and bus rapid transit, but in several different varieties that could be considered that are of varying qualities. He referenced a "gold standard" of transit and said he should not be referencing it as "gold standard" and referred to it as "platinum standard" and said this is bus rapid transit with at least 50% of the line outside of existing right-of-way in its own transit way. He explained a "bronze level" with a lower percentage that has its own transit way and the rest of it runs in regular traffic and the "lead version" which is the slowest and provides the least of good service, which would run in the corridor along with mixed traffic. He stated we need to identify which two of these you would like to move forward with for further consideration. He said they want specific direction on the SW Transit Service Enhancement Plan, looking in addition to the high capacity transit and how we do improvements to standard bus transit that would support the corridor and enhance the function and usefulness of the high capacity transit line as well.

Ms. Wilkinson addressed key findings from their evaluation of transit alternatives and next steps. She stated they had five transit alternatives they studied and modeled, one being light rail to Tigard and

the other four being bus rapid transit. She explained why they had only one light rail option and referenced the previous explanation provided by Mr. Dirksen. She informed of their key findings and said they found very strong future transit demands and explained the increase based on area. She explained how they could meet the increased demands with light rail and explained how bus transit met the demands, resulting in needing more buses to meet demands. She stated this has impacts to efficiencies of the transit as well as efficiency to the roadway and auto and freight capacity. She stated they learned that all destinations in the southwest corridors need better transit service and they need to figure out the best way to serve them, either through a high capacity transit capital investment or through better local service. She said they are hoping to get at both in the recommendation they are looking to receive in July.

Mr. Dirksen explained what they have identified as what they would anticipate as being a high capacity transit route and said in Portland it would follow the line of Barbur Blvd., either within the right-of-way or on its own transit way adjacent to it. He said when it entered Washington County in Tigard, it would divert off of 99W and route through the center of what they call the Tigard Triangle, he explained this area is bound by Pacific Hwy, I-5 and Hwy 217. He said the City of Tigard anticipates this area for quite a bit of future growth and a high capacity transit line would facilitate that. He explained it would run to the transit station in Tigard and either run south to 72nd Ave. or down Hall Blvd and into Tualatin. He said it was identified early on that routing high capacity transit in the existing 99W corridor would have a negative impact to traffic in that corridor and this was not a functional feasible route to take.

Ms. Wilkinson informed of upcoming meetings and timelines and said the Steering Committee will review a draft recommendation on June 10th that will cover what we explained tonight, this will be a staff recommendation to the committee. She said they are asking the Steering Committee to come back to the City Council in June and get the Council's feedback on the draft recommendation and speak with the Sherwood citizens to get comfortable with a direction the Steering Committee will be taking in July. She said there might be opportunities for citizen engagement in June. She said they have an on-line survey on their (Metro) website, under the SW Corridor Plan. She said they are planning a community planning forum on June 26th, 6pm at the Tigard Library for all community members from all cities in the SW Corridor. She explained a forum was held last month in Tualatin and they had representatives from every city. She said on July 8th they will have a Steering Committee meeting to discuss any changes to the draft recommendation and on July 22nd they are looking for a Steering Committee action that will end Phase 1 of the SW Corridor and move us into implementation.

Mr. Dirksen stated they are running out of money from Phase 1 and have studied it a month longer than anticipated and said they need to move into a refinement plan, but before this can be done they need to narrow down their choices.

Councilor Butterfield asked where funding would come from for Phase 1. Mr. Dirksen replied all the projects discussed come from the city's existing land use plan and transportation system plans. He said for the most part, for the funding, we would anticipate, would come from the standard sources that we typically see. He said Washington County MSTIP program, the STIP State program and federal funding. He said when looking at high capacity transit there are federal programs that help fund those and based on history we can anticipate that high capacity transit plan or project would be funded at probably 50% by the federal government with a requirement of, if we go with bus rapid transit, at least to meet the silver standard. Mr. Dirksen said this is something we don't anticipate

starting construction on next year or the following year. He said going through this program and identifying it, going through environmental impacts and meeting all federal government requirements, if we were to make a decision this year, it would be at least 10 years before we begin construction. He stated this is why early on, we need to see incremental improvements to existing transit systems, as we can't wait 10 years for this corridor to see improved transit. He explained further in the future 10-15 years, it's hard to identify funding sources.

Councilor Clark referenced comments of bus transit in comparison to high capacity, from Tualatin to Sherwood, and a bus meeting a light rail in Tualatin as opposed to light rail coming to Sherwood. Mr. Dirksen replied no decisions have been made but what they have heard from Sherwood is that Sherwood was not interested in seeing light rail come all the way to Sherwood. He said the ridership doesn't support this. He said in the earlier discussions, most of the modeling we have done anticipates some kind of high capacity transit coming to Tualatin and improved bus service to bring people from Sherwood to that station.

Mayor Middleton commented this as being a goal and said we want better bus service.

Mr. Dirksen said they have heard from Tualatin and Sherwood and they would like to see improved bus service on Tualatin Sherwood Rd.

Councilor Clark asked regarding high capacity service at the Tigard Triangle and Sherwood having bus service to that location as well as Tualatin. Mr. Dirksen replied and explained the line would go all the way to Tualatin with linkages using bus services.

Councilor Butterfield asked about the current rapid transit in Tualatin and Mr. Dirksen confirmed there's train service that goes north-south into Beaverton. He said this is a line that would run more SW to NE into downtown Portland and would cross at the Tigard Transit Center. Discussion occurred and Councilor Clark asked if this included service to Wilsonville. Mr. Dirksen said no, Wilsonville is not part of the corridor study.

Ms. Wilkinson added the SW Service Enhancement Plan that Trimet will undertake, they are looking at a broader area than our corridor study and they include Wilsonville and parts of West Linn, Western Beaverton and Aloha.

Council President Henderson commented regarding the term mentioned by Mr. Dirksen of "better local service" and asked if this was a general term or a targeted term under their guidelines as they move from Phase 1 to refinement. Council President Henderson shared a personal story regarding public transportation and it not being a healthy transit system. She mentioned feedback provided a year ago on wanting local service as well pedestrian and commerce services and this being important to the Council. She said if out of this study and all the work being done, if we got transit service to Tualatin this would be a big win for Sherwood. Mr. Dirksen replied the local enhanced service would include more than that and said their website shows a map with existing service and what Trimet is considering for enhancements.

Staff confirmed a link on the City's website exists directing to the map on Metro's website. Staff offered to post and distribute the presentation that Metro was unable to display due to technical difficulties.

Mr. Dirksen offered to answer questions and Mayor Middleton thanked Mr. Dirksen.

Mayor Middleton addressed the next agenda item.

8. NEW BUSINESS:

A. Resolution 2013-025 Adopting the Capital Improvement Project Plan for Fiscal Year 2014

Accounting Supervisor Julie Blums and City Engineer Bob Galati came forward, Julie stated that this resolution will adopt a five year capital project plan. She said the plan was discussed in the budget committee meetings, and she provided the highlights; for the Water Fund, 2 projects slated for next year include the final construction of Pipeline Segment 3 and the Water Master Plan Update, for Sanitary, we have capacity upgrades to the Tonquin Employment Area, and for Storm Water this includes work on the water quality facility on Columbia Street. Julie addressed streets and said staff will pull this project off the list, the Cedar Brook Way Alignment Analysis. She said under General Construction we will work on the Cedar Creek Trail, with funding available we will do the lights at Edy Ridge and Sherwood Middle School, we will work on the Snyder Park Turf Replacement, and design for Woodhaven Park Improvements Phase 2.

Councilor Folsom asked why the street project was being pulled. Bob Galati responded the Cedar Brook Way Project was supposed to be a high level analysis of what issues might be associated with the project and we don't have the time to do it and said when development comes through they can do it and they will do it with more intent of actually getting it done, versus what we will be doing at this point in time and said it is not relevant to anything we are doing.

Mayor Middleton asked if this is Phase 2 of the Woodhaven study. Julie Blums responded this is for design of the Phase 2 portion that the Parks Board requested. Mayor Middleton asked whether we have a study already. Julie said no, this is on the final completion of the park. Mayor Middleton asked how much this was. Council President Henderson stated \$127,000. Mayor Middleton stated this is for a study, and Julie clarified that this was for design. Mayor Middleton confirmed we don't have the money to develop the park. Julie said not at this point.

Mayor Middleton asked for Council questions and stated that he would like to see less studies and more action.

Councilor Clark asked if there is a requirement that we have these studies in order to build the projects and asked staff to provide some background on what the necessity is. Julie said this is to design what we are going to build, for the second phase of the park.

Councilor Butterfield said this is correct, this funding is for the engineering and design of the park and the Parks and Recreation Board have been working on a small cash flow for years now and there is a potential for some SDC funds to come in and this was one of their number one goals to get this park finished.

Community Services Director Kristen Switzer confirmed and said this is for the design and engineering and not for a study, and we have to do it before we can build it and go out to bid.

Mayor Middleton replied, but we have no intention of building it for the next few years. Kristen replied if we have enough money we hope too.

Councilor Folsom said with System Development Charges coming in, she would guess that it would be at the top of the list and would essentially be shovel ready. She stated her experience when she was the liaison to the Parks Board was we did the design of Cedar Creek Trail system and we did not have \$5 million, but because we were ready and prepared when Metro said they have money, Sherwood raised our hand. She stated this is not the same situation, but being ready allows us to act when money comes into the coffers.

Mayor Middleton asked if we had anticipated project costs yet. Kristen said originally the Parks Master Plan estimated \$1.5 million, but after meeting with the Parks Board she believes the cost is high and included a water feature and other expensive options. She said they have been talking about what they would like to do and have really scaled back. She said this is another reason to enter into this process to get an idea of what it's going to cost and said she believes we will be able to afford it sooner than later.

Councilor Butterfield said to keep in mind these are budgeted numbers. Mayor Middleton said he knows they are budgeted and we are also losing out on other things when we budget for that.

Councilor Butterfield added that it could be less.

Council President Henderson asked since we moved an item from the list, do we need to amend. Julie said it is an option but recommended they leave the \$40,000 in the Street Capital budget and said if we remove the full \$40,000 and an issue comes up that we need to do a street project or something comes up, we will have to come back and do a supplemental. She said if we leave it, we don't have to spend it and won't without coming to the Council first, it makes future processes easier and is up to the Council if they want to remove it or not.

Council President Henderson stated if we don't take the time to do it in 2013-14, would it roll over to 2014-15? Or will you reallocate that in a future budget year and let development drive the analysis? Julie replied correct, we will let it roll over and move into future years.

Councilor Folsom clarified, if the \$40,000 was needed on another project, staff would come back to the Council and indicate we were reallocating but do not require a supplemental budget because it's already in the right pot of money. Julie replied correct.

With no further discussion, Mayor Middleton asked for a motion.

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO ADOPT RESOLUTION 2013-025 SECONDED BY COUNCILOR BUTTERFIELD, MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR GRANT WAS ABSENT).

Mayor Middleton addressed the next agenda item.

B. Resolution 2013-026 Transferring Budget Expenditure Appropriations between Categories for Fiscal Year 2013-13

Julie Blums stated this is an appropriations transfer request to move money from one appropriated bucket in a fund to another to cover costs for different projects. She said the first project is the General Construction Fund and we are requesting to move \$66,000 out of Capital Outlay and move to Personal Services and Materials and Services. She said this is to allocate money to where the charges are actually happening and in construction we typically budget in infrastructure and capital outlay but a lot of times the money gets spent in the personal services or out of the materials and services bucket. She said this is just to reallocate funds that are already budgeted for this project. She said for Street Operation it's the same issue, this is to move \$140,000 out of Capital Outlay to Personal Services and said this is mainly for the Sidewalk Maintenance Program that we entered into this last year to repair sidewalks. She stated for the Storm Fund this is for additional work that we did on the Columbia Street Water Quality Facility that we did not anticipate that we would have to do this year.

Council Folsom clarified that the General Construction Fund transfer is for the Senior Center for the construction that will begin shortly on the renovation of the lobby and restroom. Julie said yes.

Mayor Middleton asked for other Council questions, with none received he asked for a motion.

MOTION: FROM COUNCILOR CLARK TO ADOPT RESOLUTION 2013-026 SECONDED BY COUNCILOR FOLSOM, MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR GRANT WAS ABSENT).

Mayor Middleton addressed the next agenda item.

9. Public Hearings

A. Resolution 2013-027 Declaring the City's Election to Receive State Revenues

The City Recorder read the Public Hearing statement for the three Resolutions listed on the Agenda, Resolution 2013-027, Resolution 2013-028 and Resolution 2013-029.

Mayor Middleton asked to table Resolution 2013-029, adopting the FY2013-14 Budget of the City Of Sherwood, making Appropriations, Imposing and Categorizing Taxes, and Authorizing the City Manager to take such action necessary to carry out the Adopted Budget.

Mayor Middleton stated the Council will now accept public comments on Resolution 2013-027.

City Attorney Chris Crean interjected and said to the Mayor, in order to table, as the presiding officer of a body under the Sherwood Charter and Council Rules you can table an agenda item without objection or if there are objections, it will require a motion to either table which tables the item indefinitely, or to postpone to a date certain. Mr. Crean said he is not clear on what was intended by the Mayor or if there are any objections from the rest of the Council.

Mayor Middleton said he would move it to the next Council meeting.

The City Recorder asked Mayor Middleton if he wanted to postpone the resolution to a future date. Mayor Middleton said yes. She asked the Mayor if we addressed that resolution item yet. Mayor Middleton responded no. She said prior to addressing the resolution agenda item, he would make a

motion to postpone to a date certain and indicate that date certain and the Council must second the motion and there must be a vote. If there is a majority, then the motion passes, and if there is not a majority the Council can have discussion. She informed the Mayor not to make the motion until they reached that item on the agenda.

Mayor Middleton addressed Resolution 2013-027.

Accounting Supervisor Julie Blums came forward and said the first public hearing is on the election to receive state shared revenue. She said Oregon State Revised Statute require us to make an election to receive state shared revenue. The resolution confirms to the State that we want to receive that revenue.

With no Council questions of staff, Mayor Middleton opened the public hearing.

City Recorder reminded the Mayor to have people come forward to present testimony.

Mayor Middleton asked that people fill out the testimony form.

Nancy Taylor, 17036 SW Lynnly Way, came forward and asked the Mayor how much money is being talked about that will be shared?

The Mayor asked for a staff response. The staff responded \$172,000.

Jim Claus, 22211 SW Pacific Highway, came forward and said there is a problem with accepting money from anyone under the form of government we have evolved to and said we have an extremely strong City Manager form of government and it is the strongest by Charter you can have. He commented regarding that if the Council addresses one of the City Manager's employees, the Council member needing to resign. He referred to the election on a waterline from Wilsonville and 49% of the people voted for it therefore it could not be put in and it was put in. He suggested putting this off until we have a City Attorney that works for us and said in his research the only contract he has been able to find is when Schultz, who left here with \$600,000 of our money to build the perfect accounting system which Mr. Gall now says doesn't work. He commented regarding being \$600,000 poorer and still have the attorney. He asked why we are pursuing an issue when these people work for the City Manager and the Council and the Mayor and why we are receiving anything until we have a real City Attorney. He said procedurally the citizens should be protected from your great wisdom, and referred to the professions and degrees of the elected officials. He asked if anyone is checking the hen house from the fox. He asked if Mr. Gall said I want this issue to pass or something happens with the money and it is misused, the Council doesn't pay for it we do. He referred to \$30 million dollars and said we are stuck with your mistakes, and said the Council has sovereign immunity. He commented regarding the Council screwing up all day, can misrepresent to us, having an armed police officer in the room to enforce your four minutes, and when you leave here, you leave scott-free and our life style and our city gets screwed. He commented regarding not pass something to take money from anybody that we could be stuck with the responsibility for, he referred to the \$42 million dollar waterline. He gave an example of ordering a gravel truck and not having the need for it. He said our four wells were enough, and said we are still paying for it, \$1000 an acre foot, because they did not check an election. He said what is funny is you won't give us the elementary protections we need, and gave the example of Walmart and a potential or actual conflict of interest, and said we don't have an attorney to ask that question because the attorney works for Mr. Gall, and the Council,

and the Mayor occasionally. He said, it's nonsense and to stop taking money until you can live by the Charter and if you lived by the Charter, half of what is going on in this town wouldn't have gone on.

With no other public comments received, Mayor Middleton asked the Council for comments.

Council President Henderson asked if this is money that goes into the general fund, Julie Blums confirmed. Ms. Henderson asked if this is an estimate from the League of Oregon Cities. Julie said yes. Council President Henderson asked where the money comes from.

Finance Director Craig Gibons asked Mr. Crean where the money comes from and he stated that it was from cigarette tax. Craig said no this is State Shared Revenue and not Shared State Revenue and said is it always confusing. Craig said he did not know the source of the income or whether it is tied to any specific state stream of revenue. He said it is not cigarette or liquor tax.

Council President Henderson asked if we qualify because we are a municipality in Oregon, just like Tigard, Tualatin or Wilsonville. Craig responded yes, it's State Shared Revenue.

Mayor Middleton indicated the public hearing was closed and reopened it at the request of a citizen.

Susan Claus, 22211 SW Pacific Highway, approached the Council and said this is exactly what the citizens are talking about and said she is not trying to denigrate our accounting staff and said the Finance Director, who is leaving, who has a History Major, is not a CPA and does not have an accounting degree and Julie, when she started working here, had a high school degree and since then she has gotten an accounting degree.

Mayor Middleton interjected and said he understands her comments regarding competency and this is something we have to judge when we bring employees on and that is why we will be very concerned about who we bring on for a Finance Director.

Ms. Claus continued and said the staff has initiated a job description for the Chief Financial Officer that does not require a CPA and said she does not think that is right and believes most of the people in the audience think this is right.

Mayor Middleton closed the public hearing and asked for Council comments.

Council President Henderson asked if we don't accept this shared revenue that is available to all other cities in the state of Oregon, does it gets redistributed to other cities. Craig Gibons said it goes back into the state coffers. She asked if we have to do it in a certain amount of time. Craig said we have to pass the resolution by July 1, 2013, to receive the money for fiscal year 14.

Mayor Middleton said we could bring it back to the next Council meeting and know where the money comes from. Craig confirmed.

Council President Henderson said that would be her suggestion.

The City Recorder reminded the Council if the item is moving forward, the Council needs to postpone to a date certain.

Mayor Middleton said we can postpone it to the next Council meeting. Discussion occurred between the City Recorder and Mayor to clarify if a motion was being stated to postpone to a future date and he asked if another public hearing was needed and said he wanted a streamlined process since we have already received comments. The City Recorder assisted with clarifying a motion:

To postpone to the June 18th Council meeting and ask staff to come back with additional information as to where the money comes from. Mayor Middleton stated this is his motion.

MOTION: FROM MAYOR MIDDLETON TO POSTPONE RESOLUTION 2013-027 TO THE JUNE 18, 2013 COUNCIL MEETING AND ASK STAFF TO COME BACK WITH ADDITIONAL INFORMATION AS TO WHERE THE MONEY COMES FROM, SECONDED BY COUNCIL PRESIDENT HENDERSON, MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR GRANT WAS ABSENT).

Mayor Middleton addressed the next agenda item.

B. Resolution 2013-028 Adopting a Schedule of Fees as authorized by the City Zoning and Community Development Code, establishing fees for miscellaneous City services and establishing an effective date

Accounting Supervisor Julie Blums said the packet of information is large and the staff report has a summary of changes, a more detail description of the changes as well as a marked-up draft of changes to the fee schedule.

Julie highlighted the staff report and referred to the temporary business license fees and said currently the fee is almost twice what the cost is for a regular business license and after evaluating what it takes to do a temporary business license, it's the same process as a regular business license, therefore staff is proposing we reduce the fee to match what a regular license costs. She stated under the Parks and Rec and Field House, we have light fees and said a lot of this section is cleanup to the document and staff was trying to standardize it and make it consistent. She said we have light fees under artificial turf, high school turf and tournaments. Under the artificial turf we have a small rate increase for commercial and private reservations and we cleaned up the language for peak and nonpeak hours to make them consistent with each other. She stated for the high school stadium and turf, we added a nonresident fee as we did not previously have one, and added a new fee to open and close the facility. Julie stated we currently have a gym open-close fee and we are trying to be consistent. She stated there was a minimal increase to drop-in fees for gym fees and there is a new section for use of the Cannery Square Plaza for special events. She stated for field house team fees, we are proposing an increase and said we have not done an increase in fees since we took over the operation of the field house in 2005.

She said for utilities the only increase is the increases Clean Water Services puts forward and staff is not proposing to increase any of our surcharges. She stated SDC fees, a 4% increase is based on the Engineering News Record, this is to adjust for our construction cost index, this is an annual increase. She said under Engineering Fees we currently don't have a fee for pre-submittal consultations, therefore staff is proposing a new fee that if a customer puts in for a plan review, the fee they paid for the pre-submittal will be credited towards the plan review fee. She stated under Planning, the Noticing and Distribution fee, staff is proposing an increase and explained now that there is a requirement to notice up to 1000 feet versus 500 feet, the costs are higher. She addressed

temporary sign permits and said that language was eliminated in the code cleanup and we are trying to get the fee scheduled aligned with that. Julie referenced Home Occupation Renewals and said for Class A, staff is proposing to reduce the fee as a review of the renewal takes less time than the initial review. She addressed Temporary Sign Violations and said this is another code cleanup issue and we are trying to get the fee schedule in line with the code. She said under Building, Senate Bill 915 was amended and local jurisdictions are no longer handling the appeal process for building permits, this will be handled by the State so we are eliminating the fee.

Julie offered to answer Council questions and Mayor Middleton opened the public hearing. He stated this is important to him and asked the public to stick to the facts and not pick on staff.

Susan Claus, 22211 SW Pacific Highway, came forward and said she hopes the Council members have looked over the Fee Schedule and said part of the problem with the fee schedule is every time that it is passed as a structure and you pass it as a 40 page document, and you go and have a problem, like what happened with our generic mystery big box, the appeal fee was half of the site plan fee. She said staff looked at it and said anyone that wants to appeal to the Council, from the Planning Commission had to pay almost \$6500. She stated this doesn't make sense as we are still at the local level. She said nobody that she knows can give her a reason as to why that is one half of the site plan fee, she said this needs to be looked at and changed. She said one of the problems is she came before the City Council in a timely fashion when that was still at the planning commission level, and said this is an important issue and urged the Council to waive the fee so the burden was not placed on the citizens. She stated we have decision makers who are elected leaders, who put either aye or nay on that, and have it so we are looking to our elected officials and not some appointed officials to make that kind of determination where we get a generic big box that turns out to be Walmart after everything is supposedly signed. She stated the temporary sign code violation, whatever the fee is, our sign code is unconstitutional, we have arbitrary sizes and arbitrary dates that people can put signage up and we have an incredible lack of recognition for political signs that are free speech, different from commercial signs. She said she does not know what fee schedule they are trying to put on there for violations, but does know that on election day morning, 50 signs for Mayor Middleton and one of the measures got put in the dumpster specifically instead of being put in the sign yard for people to pick up, placed in a dumpster behind a closed fence because the City Manager made a determination that this was a problem and he was unilaterally able to dump those signs. She said staff said this was his decision and she asked where do you go from there, it was not his property, there is a lot of discrepancy in the code and now we are adding a violation, whatever the violation is and where do we go to appeal the violation. She urged the Council to look at this. She referenced construction cost of a 4% increase and said she has a problem with that and said if we are talking about the problems we are having as a city trying to get economy generating going, if that is the true cost, there is already a 4% plan check fee and a 4% fee on the back side of it, they already get 8%, this is an addition that goes up into the SDC's, I think. She urged the Council to look at this and review all the fees and all the costs in a real life situation that we have to deal with, when we have to deal at the staff level and not being able to do anything about the fees because the Council passed the fee schedule.

Jim Claus, 22211 SW Pacific Highway, came forward and said a fee you get something for and a tax is different, when you have a tax you don't get something for it. He said right now in this City we are staff driven and said that is why we are after SDCs and TIFs and pushing building even though it threatens existing businesses because there is not the demand for it. He commented regarding the Obama administration and said you do a benefit cost analysis first and we do not do that because we

are staff driven. He gave an example of holding the riparian corridors in this town and said we would not let anyone build on them and we paid 40% of the value of the occupants so we could dump our storm water. He asked for an explanation on how we now have the highest storm water fees he knows of, stating 75% of the first \$7 comes to us and then we jacked up the others. He commented regarding him knowing we don't have a city attorney that protects the citizens and had a Mayor that did not. He asked what is being spent and said Craig could not tell him how much we collect and how much is tax and how much is fees. He referred to the business tax license and said it is a violation of state law because you are taxing and giving nothing back, unless you consider giving to the PERS of employees. He said the Council won't follow the rules, and said this Council never follows and said we don't have a city attorney and we don't cost fee and we pump 4% when building has gone through the floor when we cut the cost of the building in half and you double the fees. He said that would not have happened if Mr. Gall had not given a bunch of raises. He said we need to do a study looking at the fees and said to give us something for what we are being billed and threatened with foreclosure on the house, so we don't have the staff saying we got to build another building even if it closes other buildings because we need the SDCs and we need to double dip on the urban renewal. He said every time the staff needs more money we are getting 4.5 million in property taxes, paying 10 in wages and benefits, they find some way to drive. He said the problem with all this is it drives your tax base down, just like you increase a payment on a house. We are paying two ways, we are paying and losing value in the house and the tax base is going down and asked when it is going to end. He commented regarding when will the Council get a committee to do a study that the lawyer says it's a good idea as he worked with Mr. Gall in Fairview, and it's a good idea. He said it's not a good idea and said it's time we do some honest accounting and let's start with a CPA and drop these increased fees until we have some way to know it's a legitimate expense.

With no other public comments received, Mayor Middleton closed the public hearing and asked for Council comments.

Council President Henderson referred to the staff summary under artificial turf and referenced commercial for profit resident, various fees for peak times and asked if this is lowering a fee. Julie replied yes. Ms. Henderson clarified a raising of the non-peak fee. Julie replied, this was possibly an error in a prior year that is being corrected to make it consistent.

Council President Henderson asked about the Snyder Park tennis courts, if someone, a non-resident comes to town and wants to rent the tennis courts, like an outside tennis club or school, we would charge them \$25 per hour but we are not charging our own High School team to hold a tournament there. Staff responded that is correct.

Council President Henderson asked about the Cannery Square Plaza Special Events Fee, if staff did any comparisons such as profit vs. nonprofit and resident vs. nonresident and noted that staff has a differentiation for public sales vs. no sales and she asked how they came to those rates. Community Services Director Kristen Switzer said it was based on events, and the majority of the events are nonprofit, staff looked at other examples in the areas and how they charge and tried to stay consistent and focused on who could be in the area and if they have exclusive use and blocking it off versus open to the public.

Councilor Folsom referred to the Sherwood Main Street Cultural Arts Commission "Pics on the Plaza" and clarified that the fee would not apply because it is open to the public. Kristen said that is correct

because it is not closed to the public, they are not charging an admittance fee and they are not selling goods except for concessions.

Council President Henderson asked doesn't the fee say open to the public, no sale no entry fee, \$150 per day. Kristen said yes, it would depend on who's organizing the event and gave an example of the Cultural Arts Commission paying for it, but this is the City paying the City, so this would be going from one account to another account, if a different group was coming to do it, typically in the past with a community event the fees are waived. She said we don't charge ourselves to have Music on the Green or to reserve any of the parks for our events.

Ms. Henderson asked about the fee for the sound system and if this is to bring someone in to set it up. Kristen replied yes, mainly because there would need to be a staff person present who can unlock the system and ensure things are going correctly and there are no issues.

Ms. Henderson stated another thing she is concerned about, and stated we can't control our Sanitary and Storm rates and said these are set by Clean Water Services, and they pass those fees on to us to collect and we don't have any control over them. Julie replied, this portion, that is correct.

Council President Henderson asked for the Council's opinion of the 4% proposed SDC fee based on the Engineering News Record Report. She said we have been talking about SDCs in individual meetings and work sessions and asked if the Council would like to postpone the increase until we decide the future of SDCs in our community. She asked about the noticing and distribution, and said in the past if we had a land use decision staff noticed everyone within 500 feet and now we are noticing within 1000 feet. Julia Hajduk, Community Development Director replied it used to be 100 feet and now it's 1000 feet.

Mayor Middleton concurred with Ms. Henderson and said he does not see SDCs going up right now. He gave an example of the hotel/motel from \$5846 per room to \$6080 per room, and said we don't have a hotel anyway and said this is another way to kill it by raising the fees. He said he is not in support of raising SDCs, our SDCs are already one of the highest and believes we are second or third in the state and said he agrees with Council President Henderson that fees need to be looked at and he can't see raising them now, it's just not working.

Councilor Folsom agreed and said she is concerned that it would be an impediment to the development that we have been talking about. She said she and the Mayor sat through a discussion about how SDCs are arrived at and said she thinks if we could take that piece out of the fee schedule for now and do a study that would align more with our Council goals at the beginning of the year, she would feel more comfortable with that as well.

Councilor Butterfield agreed with Mayor Middleton and said he would like to take an in-depth look at the fees as well.

Councilor Clark agreed with taking the SDCs out and taking a better look at them. She said we spoke a lot as a Council regarding the artificial turf fields and the surprise of Snyder Park and our need to plan for that in the future and a need for there being a stream of income that can replace that when it comes due. She asked if there is a project that this increase in fees will have an impact on, being that we are adding turf fields at Edy and Laurel Ridge. Kristen said this increase is not going to cover it, when we look at the number of users, those users would have to pay a huge fee in order to cover the

cost of replacement. She said the other issue is the user fees for those that are outdoors and indoors. She gave an example of, someone playing basketball would pay just as much as someone playing on turf. She suggested that we look at a new way to fund it.

Councilor Butterfield clarified that we only have two turf fields, one at Snyder Park and one at the High School. Councilor Clark said she was confusing turf with the lights.

Councilor Folsom clarified for the public, that we are replacing the turf at Snyder Park, and said we should have done it a year or two ago, and unfortunately there was never a great plan for collection of monies that would do that. She asked staff that we address this before the end of the summer as she doesn't want this to get away from us for another 10 years. She asked Mr. Gall if they are working on a plan and said she knows it's not on an individual user base fee system.

Mr. Gall confirmed she was speaking of maintenance of fields and replacements and said that is part of Public Works Director Craig Sheldon's mix of work he is doing to replace park structures that he plans to take to Parks & Rec Advisory Board in August and after this, it will come before the Council, he said late summer is a good time frame.

She asked how much is it going to cost to replace the Snyder Turf. Mr. Gall said the budget is \$500,000 and we will go to bid soon and hope it will be less. He said the city did not plan for this replacement and in the proposed budget we are starting to put money away to replace the field in 10 years from now. He said we need to do a better job of this and thinks Council has realized that. Councilor Folsom noted that it is a great community asset and asked how many people use the field. Councilor Butterfield state 3,200 local kids use the field and that does not include out of town people. Kristen Switzer clarified that some of the teams play on grass and some play on turf and said there will be push back from people paying for something that they don't get to use, therefore we need to come up with a different approach.

Councilor Folsom stated the fees are based on covering the cost of the services provided. She said she noticed as she looked at the Fee Schedule, the reader board sign will now have a fee associated with it and said it is reasonable because it is very time consuming to organize, send a truck out and change the sign and it is minimal fee and she appreciates that we are trying to have a sustainable community.

Mayor Middleton said when he ran for Mayor he said he did not believe in fee increases and said we have staff and people pay taxes and he knows some fees have to be in there, but to live within the budget. He said he doesn't support any fee increases and every year everything goes up except the service, it stays the same, and we have good service, but he agrees with some people that we tend to be staff driven. He said if we look at that, we could save thousands of dollars. He stated that this year's budget is the same, going in the hole, it is balanced but every year there is less coming in. He said he believes we have to live within our means and gave an example of his personal budget and said this is his philosophy and it's different from others. He thanked 3 departments that did not increase fees, Police, Library and Court.

With no further comment Mayor Middleton asked for a motion and asked if Council President Henderson was going to make a motion to amend.

Councilor Matt Langer recused himself and stepped down.

MOTION TO AMEND: FROM COUNCIL PRESIDENT HENDERSON TO AMEND RESOLUTION 2013-028, TO STRIKE SECTION 7 SYSTEM DEVELOPMENT CHARGES TO PROPOSE AN INCREASE OF 0%, SECONDED BY COUNCILOR CLARK, MOTION PASSED 5:0, ALL MEMBERS VOTED IN FAVOR (COUNCILOR GRANT WAS ABSENT, COUNCILOR LANGER RECUSED).

MOTION: FROM MAYOR MIDDLETON TO ADOPT THE AMENDED RESOLUTION 2013-028 SECONDED BY COUNCIL PRESIDENT HENDERSON, MOTION PASSED 4:1, COUNCILOR HENDERSON, CLARK, FOLSOM, AND BUTTERFIELD VOTED IN FAVOR, MAYOR MIDDLETON VOTED AGAINST (COUNCILOR GRANT WAS ABSENT AND COUNCILOR LANGER RECUSED).

Mayor Middleton called for a 5 minute recess at 8:50 pm and reconvened at 8:55 pm.

Mayor Middleton reconvened and allowed two citizens with special circumstances to comment.

Mikie Hendren Drill, 16420 SW Glenegle Drive, approached the Council with his mother who spoke for him as he is non-verbal. She said she was there on behalf of herself, her fellow employees, her friends that have small businesses and her handicap son. She said she is totally against Walmart and has taken her son to the Walmart in Woodburn and McMinnville and said they are terrible about customer service and being there when you need help. She said they don't pay their employees well and don't give them benefits and only allow them to work part time. She said she is afraid that if Walmart comes to Sherwood that people like herself that work for minimum wage, but have worked for a company long enough to receive benefits to help her son and herself, that we will lose our jobs and the small businesses in town are going to end up closing, because they will be run out by the 20 small mall stores that are on a busier street than old town Sherwood.

The Mayor thanked her for coming and bringing her son.

Jeanette Hatcher, 16780 SW 12th Street, approached the Council and spoke of accessibility and said she moved to Sherwood in February and is visually impaired. She said she loves where she lives and Sherwood people have been wonderful. She commented regarding having concerns of crossing the street as there are no sidewalks on her side of the street. She commented regarding being very independent and mobile and said her mobility instructor suggested she call the City Engineering Department and said she spoke with City Engineer Bob Galati and he was fabulous. She said Bob has worked with her mobility instructor and they have a plan for signage and suggested tactile stripping coming off of Hwy. 99, so she can hear the cars. She said it is very scary when cars don't stop or are near her and said she is here to educate people about disabilities because visible disabilities are the most misunderstood. She expressed concern about her safety and said this town needs to be more accessible and suggested cameras or photo radar, or something to get people to stop. She stated that she has stood on the corner of 12th Street and Sherwood Blvd and cars do not stop, not even school buses. She stated that if Walmart comes to Sherwood we need to make it accessible for those with disabilities.

Mayor Middleton said Bob Galati will continue to work with her, and said he believes the Police Chief would also work with her and suggested a crosswalk sting. Mayor Middleton reminded the audience of the speed limits in town.

Mayor Middleton addressed the next agenda item.

C. Resolution 2013-029 Adopting the FY2013-14 Budget of the City of Sherwood, making Appropriations, Imposing and Categorizing Taxes, and Authorizing the City Manager to take such action necessary to carry out the Adopted Budget

Finance Director Craig Gibons said this is the budget that was presented to you by the City Manager.

The City Recorder asked Mayor Middleton if this was the agenda item that he wanted to postpone to a future date. Mayor Middleton said yes. The City Recorder reminded him that he needed to make a motion to remove the item from the agenda, and there would not be a staff report given, no citizen comments and the public hearing would not occur if it's removed from the agenda.

The following motion was received.

MOTION: FROM MAYOR MIDDLETON TO REMOVE RESOLUTION 2013-029 FROM THE AGENDA AND POSTPONE TO A DATE CERTAIN OF JUNE 18, 2013. THE MOTION WAS NOT SECONDED, MOTION FAILED.

City Recorder noted that without a second the motion dies and asked if there was another motion.

Mayor Middleton said he had no other motion and the City Recorder stated staff will continue with the business.

Craig Gibons said this is the budget that the City Manager proposed to the Council and Budget Committee in April. He said it was thoroughly vetted in April and passed the Budget Committee in the condition it is in right now, this is the same budget the Budget Committee approved. He said we have had on glitch tonight on one of the revenue line items. He said he would like the city attorney to clarify the source of the revenue for the shared revenue, \$172,000.

Mr. Crean said he looked up the statute and said the revenues under the resolution are distributed to cities throughout state under ORS 221.770 and the revenue comes from the OLCC, so it is alcohol tax based revenue drawn through the OLCC. The other shared revenue statute is ORS 221.760 and it draws revenue and shares with the cities and it comes from cigarette taxes, gas taxes, and alcohol taxes, where ORS 221.770 is only from the OLCC. Another difference between the statute is the other one, requires the city to certify that it provides certain services, and he referred to Resolution 2013-024 under the consent agenda that lists all the services the City provides to qualify the City to receive state revenues under .760, and said but to get revenue under .770 you don't have to certify that you provide particular services and the money comes from the OLCC. He stated the \$172,000 is built into this budget before you now.

Craig said this is the resolution for the budget and we have to go back to the resolution on the shared revenue and they would be a package.

Councilor Folsom asked if we could do that now, now that we have the answer to our question.

Mr. Crean replied yes and said upon a proper motion you can return something to the agenda in the same way you removed it. Councilor Folsom said since we have not opened the public hearing on Resolution 2013-029 would it be best to go back to 2013-027 or does the order matter. Mr. Crean

said as long as both resolutions get passed you're fine. Councilor Folsom said she thinks we should carry on with the current resolution.

Councilor Clark said she would like to make a motion to return to Resolution 2013-027 as she doesn't think we can pass one without the other. She said we have to know if we are accepting revenue before we can pass a budget that includes a line item of accepting the revenue.

MOTION: FROM COUNCILOR CLARK TO RETURN RESOLUTION 2013-027 TO THE AGENDA SECONDED BY MATT LANGER, MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR GRANT WAS ABSENT).

The City Recorder reminded the Council they needed to make a motion to adopt resolution 2013-027.

MOTION: FROM COUNCILOR FOLSOM TO ADOPT RESOLUTION 2013-027 SECONDED BY COUNCILOR CLARK, MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR GRANT WAS ABSENT).

Mayor Middleton opened the public hearing on Resolution 2013-029.

Nancy Taylor, 17036 SW Lynnly Way, approached the Council and said she would like to speak about the finance director and said she looked over the last two years of the budget, and looked over this years budget three times and said she called a friend who is CPA to help her with the budget as it did not make sense to her, he agreed and they reviewed it. She said she realized that she did not understand the budget because the City does not have a CPA working on the budgets and signing it at the end of the budget year. She stated her father who was a CPA was always responsible for what he signed off on and he was responsible for glaring mistakes and got in trouble for them, she said that's why it is called a Certified Public Account for a reason, and the certification means that if they make a mistake they can lose their certification. She requested that the City look for a CPA when they review the job applications for a new the Finance Director.

Nadia Belov, did not come forward.

Jim Claus, 22211 SW Pacific Highway, approached the Council and referred to Councilor Langer and a possible conflict of interest. He said the problem with the budget is there is no professional guidance. He stated that the city attorney is an advocate, not a lawyer for the City. He referred to the budget and the transfer of money to an art group. He said the City needs a city attorney to keep them out of trouble. He commented on the amount of money the City pays the attorney. He suggested that staff does what they are told and they have been told to find revenue to support the staff. He suggested that in 3 years the City will be broke because they have been stealing capitalized money and using it for expenses and no CPA would have done that. He made reference to Roy Rogers and the last City Manager resigning. He asked where the money is going and questioned how Sherwood went from one of the wealthy cities in the state to robbing from school children and double dipping on an Urban Renewal project. He said the money is gone and it has to stop and requested having a CPA dig into the budget and see where we are. He said it won't do any good to delay it and now is the time to audit the budget and said there is still a month left. He said Walmart is not going to go away, as much as we wish.

Anton Belov, 22741 SW Lincoln Street, approached the Council and spoke about the Fair Wage petition that has been collecting signature nonstop for the last few weeks and has over 1600 names and urged the Council to consider that petition because so far it has been completely ignored. He provided statistics about Walmart and said every American family spends \$4000 at Walmart every year, that is an average American household, and every American lives within 20 miles of a Walmart. He stated Walmart pays employees an average minimum wage and the full time employees earn \$19,000 a year, which means they qualify for food stamps and Medicaid and Walmart encourages them to apply so we pick up the tab, or people who actually pay taxes pick up the tab. He said we are paying very little money for plenty of products. He said he was born in Russia and referred to American supermarkets and the availability of products. He said it is wonderful to be able to get everything you want, but at what cost. He suggested being willing to pay more in taxes in Medicaid money and food stamps for the cheapest possible product you can get where 90% is being made overseas. He said the Council has full power to do something to stop this monster from arriving and destroying this town. He referred to Walmart's lack of taste, and said they are a tasteless employer in this country and referred to Victorian England where workers were kept at subsistence levels.

Mayor Middleton reminded that we are taking comments regarding the public hearing.

Anthony Bevel, 17036 SW Lynnly Way, relinquished his time to Jennifer Harris.

City Recorder reminded Jennifer Harris that she will have 4 minutes to speak.

Mayor Middleton questioned the limit to Ms. Harris not being 8 minutes and the City Recorder replied, that is a Council decision.

Jennifer Harris, 21484 SW Roellich Avenue, approached the Council on behalf of the Sherwood Community Action Committee and commented on the FY 2013-2014 budget. She stated that several citizens are reviewing the budget and have found several things that are concerning. She said in light of the resignation of the Finance Director the group is requesting a third part review by a CPA before the budget is approved. She stated that one major concern is the request by Chief Groth and his ability to retain the staffing levels to maintain the safety that we enjoy. She urged the Council to be fiscally responsible to the citizens of Sherwood and have the budget reviewed.

Patti Spreen, 20488 SW Lavender Place, approached the Council and thanked them for serving on our behalf. She asked questions regarding the budget and asked about the IT Department purchase of a phone lease costing \$25,000. She asked if we pay for staff cell phones both professional and personal and if it is just professional how they are monitored. She stated that our operating costs for FY2013-14 budget year hit the \$20 million mark, the highest it has been since FY2010-11 versus our capital expenditure which is under \$5 million, the lowest since FY2010-11 and said this is concerning. She stated the staff and the Council continually raise the general fund and the personal services when our capital is the lowest it has been in 4 years. She noted in one year the total personal services budget increased by \$770,892. This year they will spend \$9,433,134 total in personal services. She defined the personal services as including city staff salaries, wages, payroll taxes and benefits. She asked how transparent this is for each individual staff person and said she is curious how many city staff we employ under that number. She noted the supply expenditure had a gain of \$320,964 in one year totaling \$492,690 and in the FY2012-13 budget it increased to \$813,654 for the proposed budget for FY2013-14. She stated that has almost doubled in one year. She noted \$206,940 was spent last year on furniture and equipment expenditure, and this budget alone you

have allotted \$462,809, which is more than double the FY2012-13 projection. She asked if someone is furnishing a new office and referred to a work session where this was discussed. She stated our total beginning fund balance is \$16,467,428 after all sources and revenue are added in the budget it is at \$40,919,336. She stated 25% of the budget goes to city staff, their salaries, taxes and benefits. She asked if this is an average city staff salary. She concluded that the following can be found on Page 8 and 9 of the executive summary of the FY2013-14 budget where the City Manager's budget message noted that Chief Groth requested additional staff to begin to achieve the staffing level that he believes our city needs to maintain a safe community. She noted that Mr. Gall's proposed budget does not fund those requested positions and he stated that himself. She stated that street operation and street capital project funds relies on grants and intergovernmental revenues to fund projects and they are insufficient to complete the projects in the Transportation Master Plan.

Kendra Kurtz, 16675 SW Baywood Court, approached the Council and offered her support of the FY2013-14 budget. She said she loves the parks, the streets, the events, the schools, the businesses and the community which all make this home for her and her family. She appreciates all the city services that were kept in place, including building the new cultural arts center, and the proposed staffing of the Community Services and Community Development Departments and the Police Department. She said she appreciates how hard the Police Department works to protect our city and believes the officers are very valuable and said she supports Chief Groth and the officers in this approved budget. She said this budget will effectively support our city this next fiscal year however it is clear that future budgets will have to allow for adding officers to our Police Department and putting aside funds to improve our parks and the new cultural arts center. She has no doubt that with our kind and knowledgeable staff that this will be done. She thanked the Mayor and Council for their countless hours of commitment to our City and said they are valued and appreciated and trusts that they know their community and citizens well enough to accept this approved budget so we can move forward in things like improving parks and building a cultural arts center and other projects that can be done this fiscal year to continue to make Sherwood great.

Neil Shannon, 23997 SW Red Fern Court, approached the Council and said he was part of the Budget Committee that approved this budget and recognizes the Sherwood Council as the elected members have the final authority of the budget and they have the authority to change any of the suggestions that were made by the budget committee. He said he attended the work session that was held by the City Council, after the budget was approved by the Budget Committee, and he was surprised to learn that Mayor Middleton may have been a little timid at the Budget Committee meeting and he voiced some concern that he did not feel he was heard by the committee and that there may be some major changes coming to the budget. He said the citizens on the committee are there to provide guidance and to provide feedback to the elected officials for the budget activity and said perhaps they did not do their job as well as they should. He said he hopes that in future budget sessions that Mayor Middleton feels that he can bring forward anything and that he allows the citizen to participate as part of the budget. He said he remembered a few years prior to him joining the Budget Committee where the funding of a skate park was discussed and 7 elected members of the Council were in support of the skate park and 7 citizens member of the Budget Committee were opposed to the skate park and the skate park idea died because it was a tie vote and said that is clearly how citizens can participate in the budget. He reminded the Council that during the discussions of the budget there was some staff goals in regards to contingency funds and now that the accounting system is including some reserves that are being put into contingency funds he wants to make sure the staff goals do not include those automatic reserves.

Susan Claus, 22211 SW Pacific Highway, came forward and commented on the changed fee structure for the SDCs and said that part of what is inherit in this document is a certain level of SDC activity, and that's going to effect it, she is assuming it is. She noted that Councilor Langer recused himself on the earlier one and said it seems appropriate if part of this budget is driven by development and specifically the development that is supposed to come online, it seems appropriate and it looks like a conflict. She referred to the collection of monies that the City is receiving, the \$5.1 million dollar grant for Cedar Creek Trail and she encouraged the Council that it is exactly the problem that we are dealing with on the turf replacement, this is what she talked to the Parks people about, and it should have been dealt with at the Budget Committee level. She said the City has taken out the asset appreciation fund of \$204,000, we wiped this out, and we cannot keep making capital projects just because a grant is available if we as citizen of this town do not have a plan to do the maintenance. She noted this is part of a huge project that goes all the way from Wilsonville to Durham but we are responsible for the Sherwood portion and the \$5 million isn't going to go anywhere and it will get absorb very quickly and she said part of the problem and part of the reason why the staff gets so excited is they take at least 20% off the top and that goes into the general fund. She said it is not a \$5.1 million grant but minus the 20% that goes in the general fund and goes to, like in the case of the Planning Department, there is a deficit on the report on the budget we have here, it is a \$450,000 budget, and now we are trying to collapse that Planning Department into administration so there is less transparency and said that does not make any sense. The Planning Department is supposed to be driven by development and if we don't have development we shouldn't do what we have been doing the last 3 years by changing the codes so a Walmart can slip in here without anybody knowing it is a Walmart because we deal with the generic big box and make code changes ahead of time so they can waltz in. She said her point is if we are going to have a planning staff it has to pay for itself, and said all the departments are trying to pay for themselves and we all recognize that the Police Department doesn't pay for itself as it doesn't generate a lot of money, maybe in the fines but that goes into the general fund. She said we need our police force. She said that can't be left for another day there has to be something in there and Cedar Creek trail is only one of the projects and there are a lot of other projects slated and already in the ground and we have to get that handled and if we have to make reductions somewhere else that is what we have to do. She said you don't need a truck to change the letters on the Robin Hood Theatre sign, you can use an extender pole and that is how we used to change the sign and that will save a little bit of money. She asked the Mayor for one more minute and said that in our funding we only show \$84,200 for legal and we show \$840,000 for professional and services and it is disingenuous if we are paying more than \$84,000 a year for legal fees it is disingenuous not to put that under a discreet heading and to try to put it in a fund for professional services. She said part of the reason our RFP is being sent out is because we are saying we are substituting our office of city attorney for legal services and we need to discreetly outline that in our budget, it is part of our Charter and said that needs to be transparent and we need to get the Planning Department so it is back to being transparent, so if we are carrying them we need to know why we are carrying them and not hide them in the general fund and take 20% off grants and 40% off projects and hide them in the general fund and pay our expenses that way. She said everything is too expensive that way and we have no counter on that override and asked who decided the 40%, and who decided the 20%, she said it is the same discussion with the SDCs.

With no further public comments, Mayor Middleton closed the public hearing.

Mr. Crean asked Mayor Middleton in checking in with Council Rules, if he had Council consent to go past 9:30 pm. Mayor Middleton asked the Council and informed the public that some Councilors may

have to leave but he is willing to stay until the end to have it go on the record and reminded the public that the Councilors can watch the citizen comment portion on the video. Council President Henderson and Folsom reminded the Mayor of maintaining a quorum of the Council. Mayor Middleton stated he wanted to hear from everybody.

Councilor Folsom said we need to be clear, and that she is not her best after 4 hours and 40 minutes and commented regarding having our day jobs. Mayor Middleton said we have not started Public Comments yet, we are still on the budget. Councilor Folsom said we need to do something with the matter before us and said we need to have this discussion amongst Council and asked how the rest of the Council felt about continuing and said we need to do something with the budget and address the matter at hand. She said she does not mind staying late to listen to public comments, but she had questions about the budget.

Mayor Middleton asked if everyone was okay with 10:30 pm.

Mr. Gall asked to make a suggestion and said the Council has held the hearing on the budget and suggested the Council could table action on the budget until June 18th, and if there are specific questions the Council has from hearing from the public on the budget, staff will get answers and bring them back to the Council in two weeks. He said the only caution he has is state law requires the Council adopt the budget by June 30th. He said they have time and don't have to take action unless Mr. Crean knows something different. Mayor Middleton said that he tried to table this earlier because he was receiving emails from staff regarding budget issues tonight and that was one of his reasons to table it.

Tom Pessemier reminded the Council that we have the URA Budget that has been noticed and if we don't at least have the public hearing for the URA Budget, we will have noticing issues we will have to deal with.

Mayor Middleton asked the Council if we would have a quorum for a July 3 meeting to deal with all of the issues that are being pushed forward. Councilor Folsom said we need to pass the budget by June 30.

Councilor Butterfield said that he would not be available on June 18, and would just as soon deal with the issues tonight.

Councilor Folsom agreed to move forward.

Mayor Middleton said he wanted to go forward on the budget and get some of the Council comments heard and said he has some things to say for the public.

Council President Henderson said the one advantage to opening the budget and hearing from everybody, is if you had tabled to the 18th, none of those questions would have been answered, because we would have had to hold a special session to adopt by June 30th, she said there is some advantage to opening the hearing, taking public comments, giving staff time to respond.

Mayor Middleton replied some of that is true but he doesn't want to pass the budget tonight.

Council President Henderson replied, law requires us to pass the budget.

Councilor Folsom said we have to make sure that we are not disrespectful of the process that occurred two months ago. She said there were 7 citizen members on the Budget Committee who came and spent several months working on this process. Mayor Middleton said doesn't believe he was disrespectful; he just didn't have time to get his questions answered. He said he asked questions of the City Manager and received no answers. He said it is not disrespectful to the Budget Committee, they volunteer and if they don't want to do it we have plenty of others that would volunteer and he said he just doesn't like the budget.

Councilor Clark said maybe it would be prudent to take the City Manager's advice and get some questions answered and look at it fresh on the 18th.

Councilor Folsom reminded that Councilor Butterfield will not be available. Councilor Folsom said she appreciated the fact that this is the most public comment on the budget in the past 5 years and she appreciates the citizen engagement and said we can answer some of the questions directly and that will help the citizens learn about the process. She asked Julie Blums to answer questions that came up during the public hearing.

Councilor Butterfield commented that he voted to pass the budget the first time and he will vote for it again.

Council President Henderson asked the Council if staff should respond to the questions that were brought up.

Craig Gibons said he would address some of the questions, the ones that were clear as some questions were not clear. He stated that the asset depreciation fund has not been wiped out, we transferred it back to the individual funds and every year we have increased the reserve, the vehicle and equipment reserve, during the budget process. Councilor Folsom asked Craig to remind us of the reason why we did that, we allocated the asset depreciation fund, and you came back to us in the next cycle, through the Budget Committee process and said we need to do it this way, it's more effective to follow what needs to be maintained, specifically the equipment of the City.

Craig said that is correct and an issue of transparency and said when he first got here, one of the issues was too many inter-fund transfers and said you can't build an asset depreciation fund without transferring money in and out, so let's wipe that out and build reserve within departments. He said the Water Fund has a reserve for water fund replacement equipment. He said the asset depreciation fund was not wiped out, the fund was eliminated, the money was not wiped out.

Councilor Folsom said it's following the equipment we are trying to maintain and said we are trying to be more responsible and referred to 2 years ago in the budget cycle process when the Council adopted standards. She said there used to be no threshold for reserves that we were required to maintain, now the threshold is 20% reserves and in this budget we have a 27% reserve. Craig stated the general fund reserve has gone from a negative number 4 or 5 years ago to a positive number and is now in excess of your goal.

Councilor Folsom addressed the concerns about an audit and she said that we are audited annually and she asked Julie to explain the budget process that we go through with the state to qualify for certain standards. Julie said the Oregon State budget law has strict rules about how the budget

process works and how the budgets have to be put together and presented. She said we go through that process every year and we conform to the budget laws at a higher standard and we qualify for the Government Finance Officers Association Budget Award because we hold our budget to a higher standard than legally required to. At the end of the year an audit firm comes in and audits our budget versus what we actually did to ensure that we conformed to the laws.

Councilor Folsom asked Mr. Gall to speak of the audit and the recent hire of a new audit firm. Craig responded that 2 years ago we did an RFP for a municipal auditor and received 7 responses, we screened them and selected a firm to conduct our audit, we selected a highly recommended firm even though it cost more because the Council wanted the best auditor we could get. That auditor has done 2 audits with us and will begin the 3rd audit. Craig said we are also preparing our annual financial statements to a new standard called a CAFR (Consolidated Annual Financial Report), which is again higher than legally required. He said it is to meet a higher standard set by the Government Finance Officers Association. He said things are in better shape than they were 4 years ago.

Councilor Folsom said we have in the budget process, which may not be common knowledge, and explained that they schedule 3 meeting with the opportunity to do more if needed where we go through the departments and talk about each of the areas. She said the Council understands the phone lease for \$25,000, she asked Julie to explain it to those who did not attend the budget meeting. Julie said we entered into the phone lease 2 years ago and it will be our 3rd year on the lease and at the end of it we will own the system, she said it is not a typical lease where you return the equipment. She said the total cost is \$100,000 for the entire phone system. Councilor Folsom commented regarding the functionality of the city phone system and the ability to take payments, it being a professional broad system made to be efficient.

Councilor Folsom addressed the concerns of staff cell phone and said there are a couple of people that have cell phone but they are the staff members that are required to have them for their job. Craig said managers get a cell phone allowance and are expected to use the cell phone for work related issues 24 hours a day and for keeping tabs on their city email.

Councilor Folsom commented regarding appreciated the detailed review of the budget by an individual and addressed the concerns regarding supplies and said that supplies are not just paper clips and asked Craig to explain. Craig said one of the supplies on that line item, which is over 1 million dollars are water purchases from Wilsonville. Craig said our budget is a 40 million dollar budget and about a quarter is spent on personal services and said that personal services buys supplies and material, such as gravel, fertilizer, computers, etc. and it also engages contractors in the private sector to do work, such as landscape companies, road repair companies, etc. a quarter of our budget is personal services the rest is all money that goes to the private sector to get the work of the city done. He said we contract out services and our budget is the balance between doing things in house and doing things more efficiently out of house.

Councilor Folsom gave a specific example of work done in house is the contract with the school fields where it is more efficient for our community to pay for only one set of equipment and vehicles and the schools have appreciated the supporting help. She commented regarding some people not hearing about this agreement with the schools and there being articles in the newspaper. Craig said that is correct, we provide the grounds keeping service and they reimburse us, we provide the scheduling service and they reimburse us, we provide half a police officer to the schools and they reimburse us, it is a partnership. Councilor Folsom said partnerships are beneficial and referred to a time when the

relationship between the City and the School District was contentious and is appreciative for the work that has been done to save the citizens money and to leverage the dollars.

Councilor Folsom stated that most people don't have a full understanding of PERS and commented that the people here may consider contacting their legislators regarding PERS and asked Craig to explain how PERS affects our personal services budget. Craig said unfortunately with PERS they only have two sources of revenue, revenue from interest earnings and revenue from employers. Craig said if interest earning go down the revenue that employers have to pay in goes up and the Legislature struggles with this every year and tries to bring down the costs. He referred to the major changes when they went from Tier 1 and Tier 2 in 2003, to Tier 3 and said that was the year when they made significant changes and we have felt relief from that but it is just a bear. Councilor Folsom said the State has to address this because the Legislature guaranteed retirees an 8% return on their investment and no one get an 8% return and during the recession we lost lots of money and that is why it costs so much now. She heard the Sherwood School District cost for PERS in 2015 will be 27% of their budget. Craig said ours is lower because we have a different mix of employees. Councilor Folsom said it is a tough deal and we are trying to compensate for a failure that happened years ago. Craig said the rules are set by the Legislature.

Councilor Folsom asked questions based on her notes from the citizen comments and asked Chief Groth to respond to concerned that have been raised regarding his budget and the number of police officers he has. Chief Groth said he supports this year's budget and his issue is that sustainability needs to be addressed. He is looking, as previously discussed in a work session, to establishing a process where the community and the Council can discuss what level of service they want from the Police Department and said once we figure that out we can address numbers. He said he shared information at the budget committee meeting and said he does have concerns about sustainability that we need to focus on. He said if we added three bodies now that would be great, but in three years we don't know if this will mean anything. He said we as a community need to talk about the level of service as a community. Councilor Folsom referred to the work session where the level of service was discussed and said individuals that are here may be interested in that information and asked that the information be put on the city website.

Councilor Folsom asked if all of the questions had been answered. Craig answered the question of number of city employees and he stated 100. Council President Henderson said that information is on page 85, and contains last year's number and this year's numbers. Julie said yes, the projected number for this current budget is 101 and next year's budget is 99.

Councilor Folsom asked Mr. Gall if this is the smallest budget in 10 years. Mr. Gall said yes, if you look at all funds, so all the spending that we are proposing for all funds, for a budget of \$40 million. Council Folsom asked what was last year's budget. Julie responded \$45 million was for the current fiscal year and the actual for 2011-12 was a little over \$45 million and the year before that was \$61 million for 2010-11.

Mayor asked if this includes water. Julie replied it includes all funds. He said the big jump could have possibly been water and the big plans we were doing in building. Julie replied part of that was the refinancing of debt service and if we pulled this out it would still be \$51 million.

Councilor Folsom clarified that \$51 million to \$40 million over the course of 3 years and said that she hoped she helped citizens get some answers and hopes they will be part of the budget process,

which is a yearlong process, and said we have meetings monthly and there are often openings on the Budget Committee. Mayor Middleton said he would like to see a list of what has been cut in the past and where we have increased the spending.

Councilor Clark agreed with Council Butterfield that we have vetted through these issues and we have a balanced budget and in the future we need to plan for issues like the replacement of the artificial turf and parks terming out as far as their life and said she is committed to doing that but as far as this budget goes we need to move forward and adopt the budget. She seconded Councilor's Folsom comments and would love to see additional involvement in the budget process.

Councilor Langer agreed with Councilor Clark.

Council President Henderson asked staff if they had any questions from the public comment period that were not addressed. Mr. Gall said no. Councilor Henderson said this is her 10th budget and every year we have done a better job and it has become more transparent and easier to read. She said the Council serves on the Budget Committee with 7 members of the public, and would like to agree with Neil Shannon that during the budget process we had the opportunity to ask questions. She referred to the diverse background of the citizens on the Budget Committee, such as a retired accountant, a former fireman, a former public employee, a financial analyst, a former member of the Navy who worked as a contractor, a CPA, a building welding construction inspector, and an engineer, and she said that most have been participating in the community for a long time. She said that we can make improvements to the budget, but tonight is not the time and we have an obligation to adopt the budget, and we have staff that is working on projects and we have a short window of opportunity for construction projects in our community, and most start in July and we need to move forward. She said this is her reason for wanting to move forward tonight and said it is not a perfect budget, but it never will be. She said in last year's budget, for the first time since she has served, our property tax receipts decreased, which means we are having compression and the home values are compressing towards their assessed value. She said she has enjoyed working with Craig Gibbons and said he has done our city great service and has made great improvements to our budget process and has been instrumental working on the ending fund balance that you see in our contingency, we had a goal of being at 20% and we are now at 25% or 26% and she said that did not happen overnight. She said he is leaving to go to another taxing authority, not under some controversy or misappropriation, but because he has an opportunity that interest him and we wish him well and will miss him. She said it is time to adopt the budget and she addressed Mayor Middleton and said that she understands that he has concerns and frustration and said we meet every Monday and you never said anything to me in the last two weeks about wanting to do this or wanting to take more input or poll the Council about having a first reading and a second reading which can be done. She stated that as Council President she is placed in a difficult position of wanting to move forward but wanting to address your concerns and wanting to do something about them. She said there was no notice about the Mayor wanting to postpone the budget and there was no information going back and forth from staff. She said we are all available and live in the community and email every day and would have likely been open to consideration but this isn't a very collaborative way to function when we have a deadline looming. She thanked the public for looking at the budget and said having a room full of people is not an indication of bad news but that people are involved and interested.

Councilor Butterfield stated when he first got the budget he was concerned and spent hours going through it and trying to figure it out and understand what was going on. He said he spent a weekend with a friend who is a CPA going over the budget and forming questions which he and Councilor

Langer then took to staff. He said the questions were resolved and that is why he knows the budget is balanced and he supports it.

Mayor Middleton said he knows the budget is balanced and does not have an issue with that. He said that people are saying that he is the minority on the Council when he tries to save money. He said he looked at the budget going line by line in each department and asking them to be reasonable and asked what they could do to trim your budget and commented regarding water and SDCs. He said that parks are not being maintained this year and we pulled out a park that we were trying to maintain and upgrade and put in a study for another park, which means we will have staff here and more staff hours. He said we promoted 3 people in the last 6 months in one department that adds to PERS, benefits and 25% of the budget is staff. He said that is astronomical and we are building position after position here and they always want to raise fees and keep moving down the road and paying all of these salaries. He said it is the citizens not the employees here. He did go back on the budget and tried to make line item cuts and he was not very happy with the last budget committee because he was railroaded and they would not answer his questions and went right over the top because they don't think the citizens are listening. He said this is the greatest thing happening and it is your money and we are not going to have money for parks and we are not going to have money for a lot of things the citizens want and what he wants for this community because we will just rubber stamp this budget and have more employees and keep moving down the road giving perks to people, giving cars to take home, cell phones, etc. He said he pays for his own cell phone and doesn't get a salary and is retired and asked why they can't pay for their own cell phones. He said if you go line by line it is outrageous what they want and that was one of his things. He did not go to the Council to pull the budget because he wouldn't have gotten support. He said he still has questions about the budget and he feels it was generated by city staff and the public didn't have the proper input, but they didn't show up so it is part our fault too. He said that there will be a tax increase this year as one of our biggest budget items, the franchise fee for PGE, stand by that is going up and will be passed onto the citizens. He said he does not understand spending and said if you only have \$50k you are only going to spend \$50k, but if its public money they just take it from the trough. He said he appreciates the concerns of the residents and said he wrote budgets for almost 30 years and he does know how they work and doesn't agree with what the Budget Committee did and he takes a different perspective from the other members of the Council, which is why he ran, and he hopes 3 more people run that are interested in the budget. He said we are living on more taxing and more fees. He referred to the Police Department and said when they ask for more officers, they need to tell us why. He said the Police Department is doing a great job but could do it more efficiently. He said that as long as they continue to spend and keep saying we don't have enough staff it will continue and we will go bankrupt.

With no other comments received the following motion was stated.

MOTION: FROM COUNCILOR BUTTERFIELD TO ADOPT RESOLUTION 2013-029 SECONDED BY COUNCILOR FOLSOM, MOTION PASSED 5:1, (BUTTERFIELD, HENDERSON, FOLSOM, LANGER AND CLARK VOTED IN FAVOR, MAYOR MIDDLETON VOTED AGAINST (COUNCILOR GRANT WAS ABSENT)).

Mayor Middleton addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS

Councilor Folsom congratulated the Sherwood Foundation for the Arts and specific members for putting on their first annual Altered Arts Festival on Saturday and recapped the event participants and said she understands every vendor will be coming back next year.

Council President Henderson asked Chief Groth to provide a brief update on the power outage that affected Sherwood. Chief Groth said we had a tree go down and take a wire out and that caused a domino effect and transformers blew and then a power surge. He said several people lost refrigerators and microwaves, etc. He said a vast majority of Sherwood was affected and it went up the Hwy. 99 corridor. He said it became a PGE and a fire event, but no fire call, the Fire Department was overwhelmed and we sent someone to the Tigard Central Operations Command Center and partnered with TVFR and started checking houses to see that people were safe. PGE was trying to get it resolved and it took time to get some areas back because they wanted to make sure that everyone was safe. Chief Groth spoke of partnerships with other agencies and responding to priority calls.

Councilor Clark said that her son turned 10 today and she reminded everyone to come and support the Cruisin' Car Show this Saturday, June 8, from 9 am to 6 pm in old town and said we have the benefit of having Representative Davis and US Representative Suzanne Bonamici attending the event. She said it was brought to her attention in the work session last night that she made a comment that inferred that she knew what someone's motivation was, and that was Councilor Langer, and she apologized to him and said you can't look into the heart of anyone and know what their motivation is and she is not too proud to admit when she has done or said something against someone else and will try to do better.

Councilor Langer thanked Councilor Clark and also reminded everyone about Cruisin' and said the Sherwood High School Arrows Dance Team are having a dunk tank and challenged Jennifer Harris to participate alongside him to support the cause.

Mayor Middleton interacted with the audience and spoke of receiving citizen comments and asked that if a topic is shared amongst several people to select a representative to speak on behalf of the individuals. He announced that we are working on ordinances from the meeting yesterday.

Councilor Butterfield congratulated the Sherwood High School Bowmen baseball team for winning the 5A State Championship.

Mayor Middleton addressed the next agenda item.

11. CITIZEN COMMENTS:

Pam Shelton, did not come forward

Debra Pearce, 25263 SW Neill Road, approached the Council and said she counted over 120 people at 7:00 pm and said there is only about a quarter of those people left. She said they were all there for one purpose, the discussion of the Walmart, and said the community needs another meeting when everyone is fresher and level headed. She commented that we all have jobs and are very tired and everyone is volunteering for the community, both the Council and the audience, and said we need to keep it civil and be nice to one another.

Mayor Middleton asked staff if it was possible to have a meeting solely dedicated to this issue, and said we can have everyone give their statement. He said, if we are down to that few people, shouldn't we wait and hear it at one meeting. He stated that by law the Council is required to act on certain things. Mayor Middleton interacted with the audience regarding public speaking and focusing on what the public wants the Council to do, not just you not wanting a Walmart, he said we know and we need a list of what you want us to do and said that we are working on the ordinances. Open discussion with the Mayor and the audience occurred.

Councilor Folsom asked staff and said that it would be beneficial to call an extra meeting and just have citizens know that this is their time. She noted that we have agreed to take citizen comment and we should follow the process. She asked the City Recorder to go through the names and call the citizens forward in order. Mayor Middleton said the citizens could defer their comments to the extra meeting.

Ruthanne Rusnak, did not come forward.

Jennifer Harris, 21484 SW Roellich Avenue, approached the Council on behalf of the Sherwood Community Action Committee and requested that Council adopt the ordinances to protect the welfare and safety of our citizens. She indicated she had over 800 letters (see record) in addition to the 700 that were presented two weeks ago, and said that there are 1500 people in town who said these ordinances are important to us. She stated the ordinances need to protect us and do what is right by the citizens. She said the letters have been collected over the past two weeks and urged the Council to protect our way of life. She thanked the Council for the work session on the suggested ordinances and commented regarding information she sent to Mr. Gall via email, the Washington DC Living Wage Ordinance (see record), and said this living wage ordinance could easily be amended for Sherwood and would cut out a lot of time in research and make it a very simple process for the Council. She asked the Council to consider using this as the basis to help protect workers and taxpayers in Sherwood and to draft similar ordinances for our town. She referred to the City's Mission Statement which reads the City of Sherwood will provide services and infrastructure to support the highest quality of life for our residents, businesses, and visitors in a fiscally responsible manner. She stated the mission statement supports the ordinances they are requesting. She asked Council to remember that they are here to represent the city residents, and they have spoken in favor of the ordinances. She noted that the Council has thanked the citizens for coming and finally being involved, and said they are involved and we are not going away, and ask that the Council hear our voice and involvement and do what they ask. Mayor Middleton thanked Ms. Harris and said he just received the ordinance information and has not had time to review.

Brian Harry, deferred his time.

Lori Stevens, 15630 Farmer Way, approached the Council and presented a document (see record) and said she attended the work session and said she is here to rebut some of the information given in the work session and said the Council thanked the citizens for their involvement and said it has brought us citizens together and said nothing will slip by this community again. She said Council will see this type of attendance for the rest of their lives at these meetings and said the meetings will be from 7 pm to midnight for the rest of their lives. She said the budget alone should have been its own agenda item, especially since the Council knew the Maid Marian Court presentation would take time. Mayor Middleton agreed. She stated the work session was self-serving and it was very apparent that most of the Council does not represent the true spirit or feelings of the residents of Sherwood. She

said there were many comments made by Council members that were to their own agenda and very obtuse. She gave examples of the comments that were made regarding RV parking and getting a ticket and commented regarding using common sense. She noted items that she heard at the work session that astounded her and said she did some research and based on Bloomberg Business Report from January 2102, Walmart no longer offers health benefits for employees who work less than 24 hours per week and they do not disclose how many workers are part time and reported an increase in part time staffers even though there are employees reported seeking full time status. She said between July 2005 and June 2011 Walmart settled an estimated 70 state and federal class action wage and hour lawsuits and said they lost one jury trial for over 1 million current and former employees costing the company over \$1 billion dollars. She said the company reports higher numbers, but the average employee makes \$8.81 per hour and an average salary at 34 hours a week, equaling \$15,500 per year. She said either Walmart was not truthful in their discussions with Councilor Folsom and Mayor Middleton regarding their wages for their employees or the employees were not truthful in their interviews. She said this is a matter of public record and this is Walmart being less than truthful and urged the Council to follow up. She said with regard to the RV parking, one Council member indicated that Walmart does not support that, she said this is false and referred to guidelines on Walmart's website on how to get approved for RV parking. She referred to her handout that list US cities that currently prohibit RV overnight camping in parking lots and said don't try and tell her it is something that it wouldn't be easy to do or that we can't enforce, if we have to mark tires. She said it could be like handicap parking, or on an honor system, if you see someone doing it you call the police, you don't have to have the police going out and sticking stuff on peoples tires. She said two of these were specifically geared towards people camping at Walmart, the cities made the ordinances so it couldn't be done at a Walmart parking lot, we could do it for any big box. She referenced her handout and a couple more websites that indicate where you can park your RV and which ones have it.

Mayor Middleton thanked Ms. Stevens for her comments and stated that he wanted everyone to come to the meetings.

Sally Robinson, did not come forward.

Kathy Hollamon, 14735 SW Brooke Court, came forward and referred to an email she sent to the Council and said she is a Sherwood citizen and before the Walmart announcement she did not have an opinion of Walmart, she doesn't shop there and doesn't have any history and had no knowledge of their practices. She said she heard from people that this is not something that we wanted in our town. She said she did some research and said there is a lot out there as you can imagine, and said the main reason she wanted to talk tonight is to let the Council know this is not a vocal minority in our city that is asking you to pass these ordinances. She said she went to 100 homes in her neighborhood and spoke with people and there were only 6 people who were not in favor of the city ordinances and the other 95 were. She said many residents voiced concerns that it was a done deal before they were notified and asked if the city ordinances would even make a difference. She said her reply was its our best chance and said City Council asked for 3000 petitions at the last city council meeting so many of us concerned citizens hit the streets and said she is not sure what number they are at but said it is clear that people made their mark and have voted for a lot of different reasons. She asked the Council will they represent the citizens who elected you and pass the ordinances or your own interest or own agendas. She said the city ordinances will define as a city how we feel about quality of life in our town, so whether or not it's Walmart or some other big box store or other store, people unanimously believe we don't need a 24 hour store, no overnight RV

parking, and health benefit-sick leave for employees. She said she is not aware if the Council knows, Walmart is saturating the Portland Metro area with Walmarts and what they do is they go in for a period of time and pull out the ones that are not profitable enough for them, then we have hundreds and hundreds of empty Walmarts. She said there are over 300 empty Walmart buildings in 41 states because these ginormous buildings cannot be occupied by many large businesses. She urged the Council to consider an ordinance requiring Walmart, if they leave Sherwood, that they come back 12 months later and if their building is still vacant, and they have to pay to tear it down and rebuild or have someone else be able to develop into small parcels that can be developed. She said they did this in Naperville, Illinois and had some success.

June Reynolds, 22438 SW Hall Street, came forward and said as the Council can see, we have a result here where all of a sudden the population has awoken and she is glad to see that what she would consider the new comers to Sherwood, since she has been here since 1962, are beginning to see the value that elders put in our community so many decades ago. She stated there has been no citizen input or any real good notification until recently. She said as she went around asking people if they knew there was a Walmart going in just down their street, not more than 1000 feet from their backyard, people around Hall Street and Nottingham Court area did not even know about a Walmart and hadn't heard anything, some hadn't read the paper, and her neighbors did not receive any notification and she did not receive any notification that this was actually going to happen. She has known through previous spotty meetings that she has gone to over the years, that something was going to happen but nothing specific. She said people asked her when the meeting happened and what was the result, she said she replied she did not know. She said people are worried about the traffic situation and said some of her neighbors are here tonight from the Nottingham and Hall area, and they have probably left now. She said there was a number of people who said they would come and stand with her, she stated this was the old Japanese area where the Japanese school was. She stated we are living in hard times and is worried not so much about the specifics of what is going on, but the fact that she doesn't know if Sherwood can sustain all of this and has spoken of this for many years. She asked what do we make, we make consumers that consume plastic goods from China.

Patti Spreen, 20488 SW Lavender Place, approached the Council and said she delivered the June and Carl Reynolds appeal to the City on May 31, 2013, 18 days after the they found out. She stated for the record, June and Carl Reynolds have done nothing wrong, they were not properly notified. Both the City of Sherwood and Langer Gramor Development, held the responsibility to properly contact all residents within 1000 feet of the proposed parcel. She said June Reynolds was listed on the mailing labels enclosed in the original application, and said what is concerning is that not only were residents not notified but the mailing affidavit filed by Mr. Matt Grady on January 19, 2012, was not legally notarized. She said this is concerning on many levels and the City still accepted an un-notarized affidavit. She said on Friday when she dropped off the appeal initially to Michelle Miller the Associate Planner she attempted to inform me that the 21 days to appeal from the November approval date had passed. Ms. Spreen stated she informed Michelle that this situation was different because the Reynolds did not get noticed of the development until May 6, 2013, concluding by law they and any resident within 1000 feet of the subject site have 21 days from the day they are notified to appeal and we are supposed to start at the city level. She said once they exhausted this process they have other options. She said on behalf of Sherwood residents within 1000 feet from the proposed Walmart development site, I'm asking the Council, to vote to waive this \$6800 appeal fee as this was an administrative mistake on the error of Langer Gramor Development and the City of Sherwood. She stated for the record, a memo was written by Michelle Miller, under the advice of City Manager Joe Gall, this memo was to include an appropriate deposit to charge June and Carl

Reynolds. She said in the interaction Joe had with Michelle, he asked as follows: he asked her how many hours of attorney time would it take the city attorneys to go over this appeal as well as how much administrative time it would take her personally, she then estimated roughly three hours for the attorneys and two hours for herself. Ms. Spreen said from this discussion an arbitrary deposit fee was concluded of \$600. She said also noted within an email, she personally asked City Manager Joe Gall if he could waive the deposit of \$600 or split the difference with her, he replied per city code he could not waive developmental fees and said the power lies with the Council. She stated this is not a development fee, this is an appeal fee, and they are appealing because not all residents within 1000 feet of the proposed site were properly notified due to an administrative error on the behalf of the developer and the city.

Naomi Belov, 22741 SW Lincoln, came forward as well as Patti Spreen. Ms. Belov deferred some of her time to Ms. Spreen to allow her to finish her comments. Ms. Spreen asked the Council to decide on the decision to waive the \$6800 appeal fee tonight. Mayor Middleton stated he would have to get the City Attorney's opinion. Ms. Spreen stated she was referred to the Council. Mayor Middleton replied they just can't make decisions, they have to put them on the agenda. Ms. Spreen stated she emailed Mr. Gall on Friday. Mayor Middleton stated the Council would come back to this at the end.

Ms. Belov stated she would like to reiterate what others have said about going door to door. She said they have been left out of the process and stated it is almost 11 pm and many of us are just getting a chance to speak and said this has to change. She asked if the Council is giving us a chance to talk about Walmart, and asked when is the next time that we will be able to do this. Mayor Middleton said he believes they agreed to have the City Manager have a special meeting where all of this can be dealt with. She asked when and said we are getting close to groundbreaking time and we need to do it next week. Mr. Gall said we will look at next week and will poll the Council for their schedules and the schedule for this room and getting proper notice, which is 24 hours for a special meeting. He said he would start looking at the schedules tomorrow morning and will try to get something scheduled. Mr. Gall asked what time the Council would like to start the meeting and mentioned Monday or Wednesday and stated the need to have a room that will fit everyone and start at a time that is appropriate so you can hear from everybody. She referred to the petitions that she delivered at the last meeting and asked who is in charge of reading the petitions because there is valuable information, people who are concerned mainly about the traffic and others that are concerned for many reasons that you have heard tonight, she said she can't speak for the 1000 people that filled them out. She asked the Council to tell her who reads them.

The City Recorder said all correspondence received by the Council are the Councilors obligation to read and said it is considered part of the record. She said some documents have a permanent retention and others have 5 year retention. She said everything that has been provided to the City Recorder has been cataloged and placed in the records room and it is up the Councilors to read them. Ms. Belov asked what the retention was for these petitions, the City Recorder stated 5 years. She asked each of the Councilors if they have read any of the petitions and if they intended to read them. Councilor Butterfield responded he had not read them that he intends to and said he is still trying to keep up on all the emails. She replied if he is representing us as a Council, it's your job to read the correspondences. Councilor Butterfield replied she did not need to tell him what his job is and he said he would read them. She asked Councilor Folsom if she had read them. Councilor Folsom replied, she believes she can also speak for Councilor Butterfield and herself and they had three meetings yesterday and Councilor Butterfield spent the weekend going through an electrical plan trying to save the citizens money, and said we are reading them and we are listening to the

public and urged Naomi to let the process continue. Naomi said she did not like her use of the word process because the Council is hijacking our word and we are asking you to let us be part of the process. She said next week's meeting will be good. Ms. Belov asked Council President Henderson if she has read the letters given to the Council two weeks ago. There was some confusion on the letters and the City Recorder interjected and said at the previous Council meeting Jennifer Harris submitted a stack of documents that are now part of the record and are located in the records room. She said these 700 documents were not passed out to the Council the night of the meeting and they are in the records room available to the Council if they choose to read them. Ms. Belov asked Councilor Langer if he read them, he responded no and he will certainly read them. She stated that people took a lot of time, all the volunteers and all the people writing, and she has spent a lot of money copying the petitions and she would appreciate them being read. Mayor Middleton said he read 2 of the petitions but is personally trying to respond to all the emails, over 200 and is getting behind. She referred to the document from the Huntington Press that she submitted into the record, (see record). She said one of the volunteers did a brief glance around town and listed all the empty buildings. The list included Sherwood Bus Park - 1, Trees Restaurant Building - 6, Langer Farms Shopping Center - 1, Albertson's - 4, Post Office area - 1, Chevron station - 1, Kohls - 5, Old Town - 6, Ice Arena - 2, Sherwood Crossroads - 6, Regal Cinema - 4 and Tualatin Sherwood bus area - 4. She said the volunteer noted that this information does not include the buildings south of six corners, Hwy 99 or the industrial areas or Tualatin-Sherwood Rd. area. She said this is concerning to her and if we bring in a big box retailer, Walmart, which has a history of going into towns and closing down businesses, she asked if this was a concern of the Council.

Jim Claus, 22211 SW Pacific Highway, came forward and presented documents (see record) and said the City Manager is running his own play. He referred to the degrees and professions of the Council members. He said the City Manager was told to run an RFP for a city attorney and said we are guaranteed applicants and said he knows Mr. Crean saw the RFP before it was sent out. Mr. Crean reminded Mr. Claus to direct his questions to the City Council. Mr. Claus said the problem is the City Manager is now setting public policy and said how he could dare think he can do this and ignore the Charter and dare to think he could have meetings where two codes, put in by Walt Hitchcock so we wouldn't have another Home Depot. He said we can have somebody sit on an Urban Renewal Committee and modify those codes and the City Manager permits it. He said the Council wanted the Walmart badly enough that they are not playing by their own rules.

He commented regarding the need for an audit by a CPA and having discrepancies. He said the Council has a war on their hands and some still want to keep going the way they are going and suggested covering up waste, fraud and abuse of public funds. He said he cannot understand how the City Attorney could put out an RFP that violates Charter and Council doesn't think this is insubordination. He referred to the budget passing and said the Council is at a crossroads and is going to have to answer for what they are doing. He said the contracted city attorney is not a city attorney, never will be as there are too many conflicts of interest, he recommended hiring a salaried city attorney.

Marlinda Newmyer, 16773 SW Stellar Drive, approached the Council and said she helped Commissioner Fritz in Portland craft the final version of the Portland Paid Sick Leave Act. She said she was unable to attend last night, and would like to submit the Portland Paid Sick Leave Act for their review. She said it is not a great bill, nor a terrible bill, they were able to come to a compromise and said there were a lot of town meetings at the Portland City Council. She said it has some value and the fight against Walmart, which she is strongly a proponent of, and believes this would hinder

them in some ways of retaliating against their employees for calling in sick. She said we know Safeway, Target and Albertson's don't do that. She said Target has a 3 to 1 ratio; three part time employees to every full time employee, the employees are benefited and get paid above a minimum wage. She said the 250 jobs Walmart is bringing, how many of them will come from the lack of sales at Target, Safeway and the new Kohl's. She said they are not new jobs and you are kidding yourselves if you think it is. She asked if the Council would look at the Portland language if she presented it to them and asked if it was too late for their next meeting. Mayor Middleton responded yes they would look at the language and it was not too late as we are currently working on the ordinances. She asked what would be the best way to deliver the material to the Council, via email and said her goal is to make it as unattractive as possible for Walmart to break ground. Mayor Middleton said the best way to get information to the Council is email.

City Attorney Chris Crean said that they have been in touch with the Portland City Attorney and they will get a copy of it. He said they have been talking about BOLI and shedding light on implementation. She suggested that it is burdensome for businesses with over 5 employees, from a bookkeeping stand, but the goal is for the City of Portland to present that to the State and it could pass State wide anyway and if Sherwood wanted to get ahead of the game, it would put you there.

Mr. Crean referred to the effort by the Portland City Council to pass the Paid Sick Leave Act statewide in the form of House Bill 3306, which was in House Rules Committee today, but did not know the status of the legislation.

Ms. Newmyer said she left retail after working for 20 years, being a manager at Target and Home Depot, and she is now in construction and said every construction site that Walmart is on has been in so much trouble with the Federal Courts that they have to file an Exhibit L form that proves the workers are legal and documented to work in the US, because they continually get in trouble using undocumented laborers and using subcontractors that use undocumented labor. She said this is not a business she wants in her community, that has to be held accountable. She stated this is a requirement only for Walmart.

Meerta Meyer, 24002 SW Middleton, came forward and apologized for her earlier outburst and stated that she is a fan of due process and citizens have a right to speak in their order. She asked Council, based on a number of different issues, including SW Corridor Expansion, the Sherwood Town Center Plan, Transportation Plan, and other plans, to immediately direct staff to review and modify the City of Sherwood code relating to traffic impact studies, taking into account all trips and net trips and would like to make it clear that net trips should not be excluded going forward. She referred specifically to Langer Farms Phase 7 Development and said there appears to be a discrepancy in a determining factor for traffic impact between 3 different documents. One dated June 21, 2012, Langer Farms subdivision approval; the July 2012 traffic study, and the November 7, 2012, staff decision. Additionally there are general discrepancies between all of those three documents related very specifically to storm, sewer, grading, erosion control and neighborhood meeting requirements. She said this is where she noticed general discrepancy. She said it is important and necessary for the integrity of Sherwood and all jurisdictions that documents be prepared accurately and consistently every time. She said when there are those kinds of discrepancies and typos and dates and errors, it is glaringly obvious and that is when citizens become concerned about how decisions are being made and Planning Commission recommendations are being made to the Council and others. There are also discrepancies in language in regards to storm water facility language in the amended and restated development agreement dated July 26, 2010. She asked staff

to review all of these documents before final permits and certificate of occupancies are granted and said all of these documents need to be carefully reviewed. She referred to proposed ordinances and as Councilor Clark stated at the Planning Commission, while the intention of the ordinances relate in part to Walmart, the goals of the ordinances do indeed better define what residents of Sherwood are looking for in our town. She referred to the goals of limited hours of operation, overnight parking, employee benefits, and noted at last night's meeting, several Councilors including Councilor Grant and Folsom, indicated that the Council should give up on ideas they don't understand and that these things are out of their scope. She said Councilor Grant said we don't have the infrastructure or legal counsel to send staff on a wild goose chase. She said she finds this problematic and the Council exercises policy making and legislative authority and because the Council does make legislative authority as it pertains to bargaining agreements within the City, the Council is able and does in fact provide policy that contains provisions on such matters as salaries, vacation, sick leave, medical and dental, working conditions and grievance procedures for other organizations. She stated these ordinances, to better define this community and should be considered and voted in favor of by all of the Council.

Mayor Middleton asked the citizens to keep the emails coming and said he is reading them all and wants to respond to people.

Stephanie Sass, 17032 SW Lynnly Way, came forward and said this was her first Council meeting and apologized for not attending sooner and was naïve and assumed the Council was working in the best interest of the city and its residents, and assumed the Council and city staff were listening to the residents, and assumed the Council would be transparent and learned she assumed wrong. She said she has learned her lesson and will no longer sit on the sidelines quietly and will be attending these meetings. She spoke to Council President Henderson and said she has emailed the Council several times, as has her husband and have not received a response, so she is asking questions that are not being answered. She urged the Council to pass the ordinances before them and said it doesn't matter what other counties or cities are doing, Sherwood needs to be the example and not a statistic.

Mayor Middleton promised to respond to her email and soon as he gets there.

Nancy Taylor, 17036 SW Lynnly Way, approached the Council and said that she will be here every Tuesday night at every Planning Commission meeting and every City Council meeting because she does not trust any member of the Council, except for the Mayor. She said she has looked in the eyes of every Council member and they are telling her the Council doesn't care what they have to say. She referred to a list of 440 cities in the US, in Canada and in Mexico that were somehow able to keep Walmart out and yet the Council doesn't think it can happen. She said Sellwood, which is not a city but a neighborhood, was able to keep Walmart out because they did not need it and had enough shopping and simply told Walmart to go further out and put their supercenter somewhere else and if people really want to shop you, they will find you. She said she heard there are 17 sites in Washington County that Walmart is looking at, and she understands one is going in Hillsboro. She said she found online what the LLC is and believes that someone in this room probably belongs to that LLC.

Morteza Aleali, did not come forward.

Amanda Stanaway, 16103 SW 2nd Street, came forward and referred to an email that she received during the meeting that said the City Manager needs to be recalled and mentioned that he got angry

when someone asked if the receptionist knew where the petition for No Walmart was located and told me folks like me need to obey. She said that she wanted to remind staff that they work for the City and the City is here and if someone needs to know where the petitions are, people are at Albertson's and said there are a lot of us. She referred to a friend and said 5 houses out of 100 want Walmart and the remainder of us are saying no, go away we don't want it here. She said they are getting bigger in numbers with 1600 petitions that have been signed and the more of us there are, the more are out knocking on doors. She said she would guess that the city council will have a hard time getting reelected and likes some of them and feels a bit bad about that. She said she realizes that due process has been neglected in this situation. She said she owns property in rural Washington County and when any neighbor within a 10 mile radius decides to do something with their property, she gets a public notice in the mail and said she makes a decision on what she will do based on her level of interest. She said she has owned her home in Sherwood since 2001 and got stuck here and does not love Sherwood. She said she has been trying to make a home here for her daughter because they are here, but one reason she does not like Sherwood is people are driving in their SUVs and have no idea what they are doing and going to the store and buying crap they don't need and it is disgusting and eroding away everything our nation was built on. She referred to buying stuff made overseas and referred to pictures from Bangladesh and said she does not want to live in a place like that.

Dean Boswell, 22796 SW Lincoln, came forward and said he is trying to reach out to the Council members and is trying to reach out to these people, referring to the audience, and said he is having problems because the City is broken. He said he understands the people being upset about the budget. He commented regarding his experience with budgets and past employment and said he understands budgets and knows that money has to be spent, but the passing of the budget shows how broken the City is. He said it is not that the budget was wrong, it is because these people are concerned and want more discussion. He said the Council has been saying for years you want people here, and now we are here and want discussion and the Council then turns around and does it their way. He stated that we are at a point now that nothing is going to get solved and a year from now we will be in this same position, being here until midnight a year from now. He said we need to find a way to get the concerns of the citizens heard without this big cluster and get the Council to say we have made some mistakes and need to look at what the citizens want. He wants a community where we can be friends and that is what he thought Sherwood was. He said we are at an impasse and won't make it out if the Council is going to pass budgets when you know people are hurting, wanting to participate and wanting to fix things. He referred to an email he sent to Council and found 2 dozen commercial spots that are open and said the planning commission said we want to plan for the future and asked are we planning for 100 businesses coming here in the next 20 years. He referred to a project in the 1990s down the 1-5 corridor where they laid cable for high speed access and 90% of it never got used, tax payer dollars and consumer dollars were used, he questioned how much stuff are we going to put up that will never get used and eventually torn down. He said we need to stop and refocus and hear the concerns.

Mayor Middleton addressed the next agenda item.

12. CITY MANAGER AND STAFF DEPT REPORTS

Prior to addressing City Manager Report, Mayor Middleton commented that due to the massive amounts of comments they are receiving, which are on video and he appreciated them, he suggested

that the City Recorder be able to paraphrase the minutes, and assured the citizens that we will still get the full message, but it will not be so time consuming and she can deal with the other issues we are dealing with and asked the Council for their opinion.

Councilor Folsom clarified that the meetings are video and audio logged and available on the website and asked if he was referring to the minutes.

City Recorder stated an audio or video recording of public meetings have a one year retention and it's the written record that's permanent retention. She said the Mayor is referring to the written minutes she produces and he voiced they were very lengthy and he is asking that she reduce that by summarizing the comments received rather than the full content of the comments. She said the Mayor has asked her to do this and she asked him to poll the Council.

The Mayor stated that everything will still be in the minutes but she won't have to do verbatim, and they will be available for viewing. The Mayor responded to questions and comments from the audience and suggested we try it and said it is not the law that we have to do it verbatim. He said the Council will take your comments and will listen and it is part of the record and suggested reducing the comments.

The City Recorder asked the Council not to be concerned with her time, but to consider what they want for the written record.

The Mayor asked if the documents submitted at meetings go into the written record and what is the retention of those documents. The City Recorder said they are all part of the record and have a 5 year retention. The Mayor suggested the citizens present their comments in written form. The City Recorder reminded the Mayor the audience is concerned about their statements being wholly noted in the minutes and she has received comments that her summarization does not include enough detail. After hearing comments from the audience, the Mayor said you have to understand that we only have so many hours in a day and we are interested in getting all of your comments in there but to type verbatim for next week will require hours, he suggested that if citizens sent emails it would mean more and it would be in your words and exact as once in a while we make mistakes. The Mayor clarified with the City Recorder what is part of the meeting record. The City Recorder replied what occurs at the Council meeting is the meeting record. The Mayor again suggested submitting written documentation during the meeting.

Councilor Folsom said the citizens are worried that they won't be judged as they would like to be and recommended that we continue with the process.

The Mayor agreed. Councilor Folsom said that they would find efficiency but not at the expense of the citizens voices.

With no other announcements received, Mayor Middleton adjourned the meeting and convened to a URA Board meeting.

13. ADJOURN

Meeting adjourned at 11:45pm.

Submitted by:

Sylvia Murphy, CMC, City Recorder

Bill Middleton, Mayor