



*Home of the Tualatin River National Wildlife Refuge*

**SHERWOOD CITY COUNCIL MINUTES  
22560 SW Pine St., Sherwood, Or  
August 22, 2013**

**REGULAR CITY COUNCIL MEETING-Special Meeting**

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 5:32 pm.
2. **PLEDGE OF ALLEGIANCE:** Mayor Middleton waived this formality.
3. **COUNCIL PRESENT:** Mayor Bill Middleton, Councilors Bill Butterfield, Matt Langer and Krisanna Clark. Councilor Dave Grant arrived at 5:34pm. Councilor Linda Henderson and Robyn Folsom were absent.
4. **STAFF PRESENT:** Tom Pessemier Assistant City Manager, Julia Hajduk Community Development Director, Brad Kilby Planning Manager, Colleen Resch Administrative Assistant and City Recorder Sylvia Murphy.
5. **NEW BUSINESS**
  - A. **Resolution 2013-049 a Resolution repealing Resolution 2013-048 and calling an election on and approving a Ballot Title, Summary, and Explanatory Statement for the annexation of 12 tax lots comprising 97.5 acres of land in the Brookman Road Plan Area for the November 5, 2013 Election**

Mayor Middleton referenced a new map provided by staff (see record, Exhibit A) and said this is the third map we received and asked Planning Manager Brad Kilby how comfortable he was with this and said it seems like we are moving very fast and there's a lot of errors. Brad replied 120% comfortable and said he verified the map with the applicant and went through it. Brad stated he is not a GIS guy and is not making excuses for GIS, and the person that created the map is not here and wasn't here to make the corrections and he tried to make the corrections on his own and he is now 120% positive the map is correct.

Mayor Middleton asked what about the rest of the packet. Brad replied the rest of the packet is correct, as well and there was some word-smithing that was recommended based on some of the testimony provided Tuesday night. Brad explained from the meeting held on Tuesday, there was one property that had three property owners and the resolution indicated we had 100% and it should have said the majority.

Assistant City Manager Tom Pessemier added staff has spent the last day and a half going over this in detail and said we had issues with a ballot title that was done a year and a half ago and said there were minor issues, but minor issues are a big deal on ballot titles and explanatory statements. He said we have been through this 3 or 4 times as have the city's attorney's and Brad verified every single tax lot on the map and has spent a lot of time between Tuesday and tonight making sure it's the best that it can be.

Mayor Middleton stated the little word of “majority” is a lot different than “all”, and we would have paid for that. Tom confirmed and said rather than trying to quantify it, we are meeting the state law requirement which indicates “majority”. Tom explained if the applicant wants to do something in the ballot indicating a percentage that is up to them, but we did not want to take responsibility for anything other than what we are required to do under state law.

Mayor Middleton stated he does not want to rush anything through like this again. If we have time, we can always wait and do it right.

Councilor Butterfield stated his contention was that we work hard and have everybody take a look at us and know that we are transparent and honest and this made us look, I felt, silly and that we were not prepared or did not have correct information and the audience took it as we were trying to pull something over on them. He said we need to avoid that at all costs and everybody knows why, we need to have that in the back of our heads, we shouldn't have to worry about that, but it is a problem.

Tom replied we couldn't agree more and moving forward... we don't do these very often and doesn't think we have done this particular process exactly, we have done variations of it. He said he has heard a number of things that we as staff can take away from this; we probably need to be having these conversations a lot earlier, weeks before we near a deadline on a vote. We need to think about meeting all the requirements and we met the Metro and State requirements regarding notice, but we need to think about going beyond so we let people know in the area. He said there are a couple of issues we can learn as far as noticing and getting information to the Council and the public sooner. We will consider doing this as an internal policy or maybe come back with a resolution for Council to consider adopting, stating that we can go beyond the state requirements for annexations.

Councilor Grant stated he agrees and it's not fun to be up here and this is something that is new to us and said you see people out there rolling their eyes and we are perplexed as much as they are and they are thinking we are just trying to pull something.

Councilor Grant said it was his understanding on the far right of the map, the southeastern piece was the piece that was causing the people to roll their eyes and this was the part that they didn't say yes on. He said maybe he misunderstand that. He said he did understand the piece that had the three owners and only one signed and that was not that piece. He referred to the woman that came up and said no, I'm not on board and said it was his understanding that it was only the map that was hatched but the actual list did not include the far southeast corner. He asked if he understood this correctly.

Brad replied, you're correct, none of the spreadsheets have changed, and it's still 12 parcels and 97.5 acres.

Councilor Grant stated this map appears to have changed a bit, it still has that piece crosshatched. Brad corrected and said it was the piece next to it that was crosshatched. Councilor Grant confirmed he understood the correction.

Councilor Clark referred to the new crosshatched piece, oblong shaped and said her concern is that we are sending this to the voters and creating three islands, because the property below Brookman Road is all Sherwood property, is that correct. Brad replied, it's not Sherwood property. She said so we did not create

an island. Brad replied, no, because we did not take in that right-of-way around....Councilor Clark said she knows there have been other cities that have had problems, Beaverton, Gresham, with creating islands that then have trouble with police contact and working with jurisdictions if there is a large crime in the area. She confirmed, those pieces enter into the large land that is not annexed. Brad confirmed this was correct.

Councilor Langer said he read the paragraph indicating background/problem and said it makes sense to him. He said it's a good catch and good corrections and said it would have been great to catch it on Tuesday night, there was a lot happening and a lot of drama that kind of distracted our focus on work. He said a lot of times Councilors or staff will catch it and amend something and there was a lot of activity that night and understands how we were distracted.

Mayor Middleton addressed the Resolution 2013-049 under New Business and asked for a motion.

Councilor Langer motioned to approve Resolution 2013-049, seconded by Councilor Grant. Brad Kilby indicated adoption of the resolution with the amended map. Councilor Langer confirmed.

Tom Pessemier reminded the Council of the proper process of amending the resolution first by adding the map (Exhibit A) and doing a second motion to approve the resolution as amended.

Councilor Langer withdrew his motion and Councilor Grant withdrew his second. Prior to Councilor Langer restated his motion, Councilor Clark asked about repealing Resolution 2013-048, the City Recorder indicated that by adopting this Resolution 2013-049, the title indicated 2013-048 is being repealed.

The following motion was received.

**MOTION TO AMEND: FROM COUNCILOR LANGER TO AMEND RESOLUTION 2013-049 TO INCLUDE THE NEW REVISED MAP, SECONDED BY COUNCILOR GRANT, MOTION PASSED 5:0, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR, (COUNCILOR HENDERSON AND FOLSOM WERE ABSENT).**

**MOTION: FROM COUNCILOR LANGER TO APPROVE RESOLUTION 2013-049 AS AMENDED, SECONDED BY COUNCILOR BUTTERFIELD, MOTION PASSED 5:0, ALL PRESENT MEMBERS VOTED IN FAVOR, (COUNCILOR HENDERSON AND FOLSOM WERE ABSENT).**

**6. ADJOURN:**

Mayor Middleton adjourned at 5:42 pm.

Submitted by:

  
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Sylvia Murphy, MMC, City Recorder

  
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Bill Middleton, Mayor