



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
July 15, 2014

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 5:15 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Bill Butterfield, Robyn Folsom, and Krisanna Clark. Councilor Matt Langer was absent.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Finance Director Julie Blums and City Recorder Sylvia Murphy. City Attorney Chad Jacobs.

4. TOPICS:

- A. Labor Negotiations pursuant to ORS 192.660(2)(h).

5. ADJOURN:

Mayor Middleton adjourned the Executive Session at 5:32 pm.

WORK SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 5:35 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Bill Butterfield, Robyn Folsom, and Krisanna Clark. Councilor Matt Langer via conference call.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Finance Director Julie Blums, Police Chief Jeff Groth, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy. City Attorney Chad Jacobs.

4. TOPICS:

A. Police Advisory Board

Police Chief Groth recapped the history of the City Council and staff discussions of a Police Advisory Board, (see record, Exhibit A). He informed the Council of other jurisdictions with similar Boards. He reminded the Council of their most recent discussion in January 2014 and their agreement of the concept. Chief Groth explained the need for a Board to build stronger community participation and receive input. He explained the general purpose of the Board is to explore solutions to community issues, improve the

delivery of police services by assisting in the development of long-range plans and a public policy of policing, establishing expectations regarding the types and levels of service and improving relationship between police and the community. Chief Groth explained the makeup of the Board as a nine member Board composed of residents, business owners or representatives, faith community, youth community and the Sherwood School District. He stated the Board would operate in a similar fashion to other City Boards.

He stated staff was seeking the support of the Council to move forward with legislation establishing the Board by October 2014. Discussion followed.

Mayor Middleton adjourned the work session at 5:45 pm and stated the City Council would reconvene the work session at 6:15 pm to meet in a joint session with the Charter Review Committee.

B. Charter Review Committee joint work session

City Manager Gall provided a brief overview of the committee's work of proposing seven ballot titles to discuss with the Council. He said the committee and the Council went through a similar process this last spring. He stated we are looking for direction from the Council on which ballot titles they would like to move forward on as staff needs to move quickly to get them on the November ballot.

Charter Review Committee Chair Pat Allen thanked staff for their support and the committee members for their work. He stated he would review the draft ballot titles (see record, Exhibit B). He also referred to the charter with redlined track changes, (see record, Exhibit C) and said they would not review this document unless necessary. He stated he would discuss other committee recommendations that were not charter amendments, and discuss topics the committee considered and decided not to recommend amendments too.

He referred to the draft ballot title of **Title and Effective Date** and said this addresses the issue of removing the date of 2005 from the charter and said the substantive change to this is to require a periodic review of the charter. He said the idea was a review at least every six years or more frequently, by a committee established by the Council.

He referred to the draft ballot title under **Section 6-Distribution** and said this addresses the issue of appointments to boards and commissions. He said the Council has been dealing with this issue for the last several months and the committee tried to provide clarity to the manner of how the system should work. He said it's a blend of current experience as well as what has been adopted in Council Rules. He said it's an appoint and approve system where the Mayor makes the appointments to boards and commissions subject to the Council's approval. He explained if the Council does not approve the Mayor's appointment, the person is not appointed. He said it's a shared responsibility amongst the Council and is referred to in the Council Rules.

Chair Allen referred to the draft ballot title addressing control of the agenda, **Section 7-Council, Establishing Agenda**. He said the Council has discussed this issue for the last several months. He said we didn't disturb the existing system where the Mayor and Council President sets the agenda, but the committee discussed the notion of if a majority of the Council wanted to consider something for a future agenda, the majority should be able to cause that business to be scheduled on an agenda. He explained the committee clarified the language of a "future agenda" to allow for proper public noticing. He said the

notion of this amendment is if the Mayor and Council President wish to avoid a subject on an agenda, they cannot override the wishes of a majority of the Council.

Chair Allen referred to the draft ballot title addressing **Section 16-Ordinance Adoption**. He said this amendment adds more specificity to the ordinance adoption process. He said the committee patterned this amendment to the processes of the City of Beaverton. He said it is a two-reading model where an ordinance needs to be read twice at two separate meetings. He said there is an emergency adoption procedure that is provided. He said the committee spent time discussing adoption of an ordinance without a second reading. He said the committee decided that unanimity of the entire Council was needed to adopt at one meeting. He explained if a Council member was absent, the Council could not adopt on an emergency basis, it would require all seven members of the Council.

Chair Allen referred to the draft ballot title addressing **Section 33-City Manager** and the language of coercion of staff by a member of the Council. He said this issue has come up in the past. He said we didn't disturb the structure that you are not allowed to coerce members of staff, but we do propose deleting the language regarding "removal from office". He said the committee decided that this provision empowers four people to overturn the results of an election and said this did not seem to be an appropriate balance of power considering there is a recall process and the term of the Mayor is every two years and Councilor's every four years. He said the provision about coercion remains as it's important to protect staff.

Chair Allen referred to the draft ballot title addressing **Section 35-City Attorney** and said this clarifies that the City attorney does not need to be specifically an employee of the City and the City attorney is a function. He said this clarifies that the attorney can either be a direct employee of the City or by a firm contracted by the City.

Chair Allen referred to the draft ballot title addressing **Section 37-Compensation** and said this is an issue that has come up with the Council in the past and the committee recommends two things with the proposed amendment; calling out that compensation for Council members is prohibited. He said what this means is that for there to be compensation for Council members it would need to be by a vote of the people to amend the charter. He said the committee also addressed the language of expense reimbursement and proposed minor cleanup of the language. He stated the language of "reimbursed for actual expenses" already exists in the charter and they are proposing language of "actual and reasonable expenses." He said this language is defined in the accounting and reimbursement and legal arena.

He asked for committee comments or discussion.

Councilor Grant asked regarding ordinance adoption and declaring an emergency and the requirement of needing all seven members present to adopt. Discussion followed regarding passage at one meeting after declaring an emergency and that passage requires a vote of all seven Council members. Discussion followed regarding the committee's consideration of language to address a vote of all seated Council members, in the event the Council does not have seven seated members. Discussion followed regarding the commonality of a two reading process and the discussion of the committee to consider this process was to allow the public an opportunity to address or provide comments on ordinances.

Mr. Shannon addressed the language regarding Mayoral appointments to boards and commissions and said he was against the change and did not feel the change was needed. He said the language is referenced in the Council Rules and he was reluctant to take the authority away from the Council.

Chair Allen stated the committee also recommends the Council establish a utility advisory committee to address all utilities, water, sewer and could include broadband and SDC's. He said the committee recommends not putting this in the charter. He said another topic the committee discussed but would not recommend as an amendment is considering run-off's in election. He said there was a citizen recommendation to consider run-offs. He explained what a run-off system would look like.

Chair Allen said one of the principles of the committee was for the language in the charter to be constitutional in nature and not statutory in nature. He said there are two sections in the charter, one that is statutory and deals with solid waste incineration. He said the provision has been in the charter for 20+ years and said the committee checked with DEQ regarding the language being obsolete and DEQ confirmed it was not obsolete. He said the committee discussed and decided to not amend the language. He said the committee discussed the Willamette River Water provision and removal of the language and decided to not consider an amendment to this section.

Mr. Stecher addressed Section 33 and the language referencing coercion and the removal of the violation. He said it does not prevent Council Rules from taking over and said the committee did not want to put a punishment in the charter that they were not all in agreement with. He said there is certainly the thing of having the Council having the ability to remove someone the voters elected, but we don't prohibit you from doing that in the charter, we just don't talk to it at all. He said there is no reason you couldn't go to the Council Rules and set up your own punishment for anything including coercion.

Councilor Folsom addressed appointments to boards and commissions and said it looks a bit too big to her. She said in understanding the process of appointments, it is not laid out in the charter. She explained the process she has been familiar with for the past six years. She stated the process of advertising for a vacancy, and a current member being allowed to be reappointed after one term and if having served two terms they reapply and go into a pool of applicants. They then interview with the Board Chair, staff liaison and Council liaison and upon a consensus of the three they then make a recommendation to the Mayor. She said this does not seem to capture that process.

Chair Allen confirmed the process was not captured and said this is the notion of having constitutional language versus procedural language and said we think the simplest capture of this is the Mayor appoints and the Council approves the appointment. He said there may be a lot of procedure that gets you to the point of Mayoral appointment that you may or may not follow. He said the process just described is a process we mostly currently use, but it is not the only process he has been involved in. He said the procedural steps are left to the Council to setup through your rules or practices. City Manager Gall stated this is common in other communities around Oregon. Discussion followed.

Council President Henderson addressed Section 37-Compensation and said there are municipalities that have a small stipend for Council and we are having a vote to require a vote of the public. She said if we have a vote in the future who determines what the vote will be about, amounts, increases and decreases. Discussion followed that the Council would specify and the voters would vote. Discussion continued.

Chair Allen said by adding the language in this format what we are taking off the table is having the charter ever again be silent on the issue. He said currently the charter is silent on the issue and the Council could by ordinance adopt compensation. He said what we are doing is putting in a prohibition and to give yourselves compensation you would have to remove the prohibition. Discussion followed

regarding what is allowed by the State, voting in compensation but not being able as a seated elected official to benefit from that, it would benefit an incoming elected official.

Discussion followed and Councilor Grant said if we do this it will be hard for any Council in the future to change it. He said he likes it the way it is.

Chair Allen explained how the committee decided upon the decision to amend with prohibition language.

Councilor Folsom asked if there is a concern for having seven ballot titles and Chair Allen said the previous ballot had five and there did not seem to be a challenge. Comments were received that voter turnout was not great with 23% and the proposed ballots being on a general election ballot.

City Manager Gall stated with the Council having seven ballot titles to consider they could have a discussion to select five and they may need to decide as a Council which ballots they would consider now and which ones to consider at a future date. He said a number of the ballots are clean up.

Discussion followed regarding considering ballots at a future date and adding to other proposed amendments. Chair Allen clarified that the committee believes they are done with their work.

Council President Henderson asked if any of the proposed ballots should be reviewed by a future Council.

Councilor Folsom replied she needed time to process the information and asked the City Recorder to explain the timeline to meet deadlines for a November ballot.

The City Recorder stated the Council is scheduled to consider adopting a resolution at the August 5th Council meeting adopting ballot titles and explanatory statements to make the November ballot. She said at the August 5th meeting the resolution needs to be adopted to allow time for the required public noticing and meeting the County's submission deadline.

City Manager Gall stated the Council could select from the seven ballot titles and decide as a group to consider five. Comments were received that the Council could discuss this the night of adoption.

Chair Allen suggested not overthinking the number of ballots in terms of what the voters will or will not look at. He said if there are things on the list of the seven ballots the Council members don't like they should not recommend them. Comments were received that with the general election and Council positions on the ballot voter turnout will be better.

Chair Allen commented regarding the proposed ballots being fairly straightforward.

City Manager Gall stated not seeing anyone that feels strongly about not moving forward with any of the proposed ballots, staff will bring all seven to the August 5th Council meeting for consideration and will format the materials to allow the Council to be selective if they choose. Mr. Gall commended the City Recorder and the committee members for their work.

5. ADJOURN:

Mayor Middleton left the meeting at 6:40 pm and Council President Henderson adjourned the joint work session at 6:48 pm stating the regular session would begin at 7:00 pm.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 7:00 pm.
2. **PLEDGE OF ALLEGIANCE:**
3. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Bill Butterfield, Robyn Folsom, and Krisanna Clark. Councilor Matt Langer via conference call.
4. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Police Chief Jeff Groth, Finance Director Julie Blums, Community Development Director Julia Hajduk, Community Services Director Kristen Switzer, City Engineer Bob Galati, Planning Manager Brad Kilby, Senior Planner Michelle Miller, Engineering Associate Craig Christensen, Administrative Assistant Colleen Resch, and City Recorder Sylvia Murphy. City Attorney Chad Jacobs.

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

5. **CONSENT AGENDA:**
 - A. **Approval of June 17, 2014 City Council Meeting Minutes**
 - B. **Resolution 2014-047 Approving the City Recorder's Canvassing of the returns of the May 20, 2014 Washington County Election and directing the City Recorder to enter the results into the record**
 - C. **Resolution 2014-051 Appointing Naomi Belov to the Budget Committee**
 - D. **Resolution 2014-052 Appointing Susan Claus to the Budget Committee**
 - E. **Resolution 2014-053 Appointing Andy Jensen to the Budget Committee**

MOTION: FROM COUNCILOR FOLSOM TO REMOVE RESOLUTIONS C, D, AND E AND TABLE TO A DATE NOT CERTAIN SO THAT WE CAN REQUEST STAFF TO BRING BACK THE DATE OF APPLICATIONS FOR THESE BUDGET COMMITTEE POTENTIAL MEMBERS, THE NUMBER OF APPLICATIONS THAT WE RECEIVED AT THAT TIME, WHO DID THE INTERVIEW COMMITTEE CONSIST OF, WHAT WAS THE PROCESS AFTER THE INTERVIEWS WERE DONE, WHEN WERE THE APPLICANTS CONTACTED AND NOTIFIED THAT THERE WAS NOT AN OPENING BUT THEY HAD BEEN CHOSEN AND WHETHER OR NOT THEY WERE ABLE TO FULFILL THIS OBLIGATION AND IF THERE IS INDEED AN ADMINISTRATIVE POLICY ABOUT HOW OUR BOARD AND COMMISSIONS ARE SEATED, SECONDED BY COUNCILOR GRANT.

Mayor Middleton said he would like to vote on each one separately.

Councilor Folsom stated that she moved all three of the resolutions, C, D and E and said that is the motion on the floor.

City Attorney Chad Jacobs noted that the motion was to table to a date not certain items C, D and E. He stated a motion to table is not debatable and is just voted on and if it is the will of the body they can divide

it into three separate ones and that would require the consent of the motion maker and the person who made the second.

Mayor Middleton said there is a motion on the floor and asked for a vote.

MOTION PASSED 5:2, (COUNCILORS HENDERSON, GRANT, FOLSOM, BUTTERFIELD AND LANGER VIA CONFERENCE CALL VOTED IN FAVOR, MAYOR MIDDLETON AND COUNCILOR CLARK VOTED AGAINST).

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO ADOPT THE AMENDED AGENDA ITEMS THAT ARE COVERED UNDER CONSENT UNDER A AND B, SECONDED BY COUNCILOR GRANT. MOTION PASSED 7:0, ALL PRESENT VOTED IN FAVOR, COUNCILOR LANGER VIA CONFERENCE CALL.

Mayor Middleton addressed the next agenda item.

6. CITIZEN COMMENTS

Nancy Taylor, Sherwood resident approached the Council and said she watched the last Council meeting on YouTube and suggested bringing the psychologist back because she was ashamed of the City of Sherwood once again. She said we are not making it in the local newspaper as a great place to live anymore because it seems like we are under federal investigation for a number of different things and if you Google the school system you will find all kinds of things that go on here in Sherwood. She asked the Council to become model tonight.

Lana Cole, Sherwood resident came forward and thanked the City, the Police and TVF&R for their work with Cruisin' 2014. She thanked the City for allowing the Chamber to have the annual dinner in Old Town and said it was a great event.

Jim Claus, Sherwood resident approached the Council said he went to the Bar Association and asked about Beery, Elsner and Hammond's relationship with the City in that we send down the only contact I know you signed and he showed them some minutes where Mr. Crean says over and over that he is the City Attorney. He said that is an interesting dilemma because if he is the City Attorney look in the Ethics Committee he is a public official and that is a more interesting problem because part of the problem with the budget is that you are not honest. He commented regarding government using a lot of smoke and mirrors but aren't honest. He said you hide the things you don't want us to see. He commented regarding Chris Crean being a public official, but he is not sure about Mr. Crean and said he used to be a partner and he is of counsel now, but if they have a 401k and they do work for the City and the money goes into the 401k and he sits here and directs it to that law firm his understanding from Ethics is there is a potential if not an actual conflict of interest. He said that is where the problems always start with these structural conflicts of interest where you bill somebody that needs something but then they build it into the decision. He commented regarding having a public official help with an RFP for a new attorney when it is written basically to favor their law firm and that is a potential conflict of interest. He commented on making ethical complaints starting with the RFP for a new attorney because the least we could do was open that bidding to a fair representation without having the specifications slanted so far they dictate who you hire. He referred to situations and if it is with a public official that gets into substantial violation and said he is assuming they will applaud his effort because the last thing we want to do is not have 14th amendment

compliance and this doesn't aim anything at the staff but he is tired of directing when you hire out timed consultants.

Colleen Swihart, Sherwood resident came forward and said she has been a resident for 18 years and asked if this was the proper time to talk about the Sherwood Dog Park. She stated that she drives to other cities to exercise her dogs and for a town that has been named livable it is a shame we don't have a dog park. She encouraged the Council to give it consideration and find funding for it.

Mayor Middleton addressed the next agenda item.

7. PRESENTATIONS

A. Tri-Met update on Local Transit Enhancement Plan

Community Development Director Julia Hajduk gave a brief background and stated that we have been working with neighboring jurisdictions on the Southwest Corridor Plan and said one element is enhanced local transit service which Mr. Mills will discuss.

Tri-Met Senior Planner Tom Mills approached the Council and reminded the Council that he spoke with them in October 2013 about the project. He stated they have made a lot of progress and he provided a presentation (see record, Exhibit D) of what they have learned and their recommendations. He stated the Service Enhancement Plans are a meaningful public engagement for creating a shared vision for making transit better and it is a long range plan for improved transit service in the southwest region, meaning Sherwood, Tualatin, Tigard, Durham, King City, Southwest Portland, West Linn and Lake Oswego. He said the region is growing and we are coming out of the recession and there are more jobs and people are trying to get to those jobs. He said the region has grown faster than Tri-Met has been able to keep up with and there has been interest in new transit service through the region and this project is about finding a way to do that. He said they have done public outreach, researched existing plans, and collected travel pattern data and census data and stated they took that information and based on that they developed a draft plan which they want to gather feedback on. He said they want to hear from the public and he will be at the Robin Hood Festival to talk to residents. He noted they hope by early 2015 they will have a general consensus about the future transit system.

He referred to the data they collected to show where people live and work and said now they can start to make connections. He commented on the community meetings they held and said they also held focus meetings for groups that would normally not attend big public meetings. He stated they had over 200 people participate in the meetings and they have also been holding stake holder meetings. He said in Sherwood there was interest in service to the YMCA, the industrial area between Sherwood and Tualatin, downtown Tualatin and Bridgeport Village. He stated they conducted a survey with over 1800 respondents and said they received great responses. He referred to a map and commented that originally the service was designed to get riders in and out of Portland every day and over time new job centers emerged but the transit system has remained the same and doesn't serve these new areas very well. He said the Service Enhancement Plan tries to address these trip patterns. He referred to assumptions made and said this is a long term vision and unfortunately there are ideas that are too expensive for them to implement today but hopefully as the economy grows they may be able to incrementally make improvements towards the full vision. He said this does not include high capacity transit that is being discussed as part of the Southwest Corridor Plan however this can be adapted to whatever is decided. He stated they tried to be bold but realistic. He referred to the legend in the maps and clarified that

“commuter bus service” is service that is typically from 6 am to 9 am and from 3 pm to 6 pm, “standard bus service” is service that is generally all day long and sometime on the weekends and runs every half hour, “frequent bus service” is service that runs all day long every day every 15 minutes in both directions, and “community connector service” is a new type of service where Tri-Met partners with jurisdiction or other entities to find third party funding to provide the service at a lower cost than they can provide.

He referred to the map of the current bus lines and said Sherwood has the 93 and the 94 and the 93 goes between downtown Sherwood and Tigard transit center and the 94 goes between downtown Sherwood and downtown Portland. He said both run all day and the 93 runs on the weekend and the 94 does not. He said it only serves the eastern part of the City and doesn’t service Tualatin Sherwood Road. He recommended service along Tualatin Sherwood Road and possibly extending to Sunset Road and the YMCA. He said that would give the connection to the job center, downtown Tualatin and Bridgeport Village. He referred to a detailed map showing a route starting at the YMCA, going along Sunset through downtown and through the Sherwood Town Center along Tualatin Sherwood Road to downtown Tualatin and Bridgeport and continuing up 72nd Avenue and ending at the Tigard Transit Center. He stated they currently don’t service Sunset but would like to discuss this with the community and particularly the neighborhood associations.

He commented on the community connector service and said it is modeled on a new service that they helped start in Forest Grove. He said they have an area in Forest Grove that can’t support a tradition fixed route transit service with a 40 foot bus and if they can provide another provider and other funding they can do it at a lower cost. He said there are a number of areas around the region like this. He said the Tualatin industrial area is being recommended for this service and noted they do have the Tualatin shuttle but they want to make it look more like a real transit service but operate it with another provider. He said they are working with Ride Connection that provides transportation to senior and people with disabilities and are expanding into the general market.

Council President Henderson clarified that it is conceptual and asked if there is an estimated time when we will have service from Sherwood to Tualatin and asked if they are still trying to decide on the type of service or frequency. Mr. Miller said the vision is for a standard service.

Councilor Henderson asked if it would go to the YMCA every time. Mr. Miller said that would be a conversation and said there is an issue in Sherwood with buses and where they turn around and where they lay over. He said that can be confusing for the customers and having a place at the end of the line such as the YMCA where every bus could lay over. He noted that is a neighborhood that doesn’t have service. He said Tualatin Sherwood Road is a high priority and there is a lot of interest from TriMet in providing that service and he noted it would be expensive but could be done in phases.

Councilor Henderson asked how the connector service in Tualatin is funded. Mr. Miller said the Tualatin shuttle is funded with federal Job Access Reverse Commute (JARC) funds from the FTA and in the last transportation bill they funded only two more years. He said that funding will be moved into other flexible funding programs some of which TriMet does have access to and that may a place to get funds to keep that program running. He said they would like to expand it because it is popular and there are areas in Tualatin that want service but can’t support a fixed route.

Councilor Henderson asked if the rider pays a fare. Mr. Miller said they do not. He said the Tualatin Chamber operates the shuttle. He noted most of those riders are coming from a TriMet bus and have

already paid a fare and if TriMet were operating the shuttle it would be a transfer so it would be free anyways.

Councilor Clark asked if the Tualatin shuttle is the equivalent to the community connector service. Mr. Miller replied yes.

Councilor Clark asked if they are proposing using a community connector service type of service on Sunset Blvd. or a regular bus. Mr. Miller said he is proposing a regular bus and noted that TriMet has bought over 200 new vehicles and they are buying more and the older fleet is being moved out of circulation.

Councilor Clark commented on cost effectiveness and asked why they were recommending a larger bus as opposed to a community connector. Mr. Miller said community connector services generally have smaller buses that can get into neighborhoods but they have capacity constraints the problem with adding another small bus is the primary cost of the bus is the operator.

Julia Hajduk added that this is a draft and they are going to be getting input from the public including Sunset Blvd. and feedback will be critical and said there will be a link on the website.

Mr. Miller said the outreach will run into September.

Councilor Henderson said it seems like the community connector service model works if you can get someone to pay for it or a grant or partnership. She clarified that there is funding for only two more years. Mr. Miller said the funding was moved into programs that are more flexible. He said they are looking for long term funding for this program.

Councilor Henderson asked if Sherwood would be a candidate for asking for federal money for such a service. Mr. Miller said if we are at a point where we are looking for advocates he would come to the City of Sherwood and ask for help.

Julia mentioned that Forest Grove has more of a fixed route community connector service that they implemented as a result of the service enhancement plan on the west side. She said it is very successful and suggested asking them to present the information to Council.

Councilor Folsom noted that a lot of the federal funding is based on population served and Sherwood is still in the small town category and asked if that is why Tualatin is able to leverage those federal dollars. Mr. Miller said the existing JARC funding has more to do with jobs and job density than residents. He said 90% of the employees in Tualatin who work in Tualatin live somewhere else and about the same amount live in Tualatin and work elsewhere so every day there is a big exchange. He said that is what helped them get the funding for the shuttle. He said the shuttle has been there for 17 years.

Mayor Middleton thanked Mr. Miller for keeping them informed and listening to our citizens.

Mayor Middleton addressed the next agenda item.

8. NEW BUSINESS

A. Resolution 2014-048 Adopting an amended City of Sherwood Home Rule Charter as approved by City Electors at the May 20, 2014 Election (Joseph Gall, City Manager)

Mr. Gall said this will officially adopt the new Charter language that was approved by the voters in the May 2014 election.

With no questions or comments Mayor Middleton asked for a motion.

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO ADOPT RESOLUTION 2014-048, SECONDED BY COUNCILOR FOLSOM, MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR, COUNCILOR LANGER VIA CONFERENCE CALL.

Mayor Middleton addressed the next agenda item.

B. Resolution 2014-049 Authorizing the City Manager to enter into an Intergovernmental Agreement (IGA) with Metro to concept plan the Urban Reserve Areas west of the existing City of Sherwood Urban Growth Boundary (UGB)

Planning Manager Brad Kilby provided a presentation (see record, Exhibit E) and stated the City received a \$221,000 Construction Excise Tax grant from Metro in August 2013 to fund a concept plan intended to look at how the City would serve the area with transportation, utilities, land uses, natural resources and capital facilities and said they talked about phasing and funding and he clarified that this is not an area that will be brought into the City today or for a long time. He said the urban reserve areas were adopted by Metro this year and referred to the map and said they are the small dark areas around the City and this is dealing specifically with the area west of Elwert and south of Scholls Ferry and north of Edy and it is about 1,291 acres. He said they will be looking at what the orderly and efficient provision of services would look like over time, how the City would fund those services and a good phasing plan. He said as Metro considers where they are going to extend the urban growth boundary and allocate their populations they are going to say over the next planning horizon you will have to accommodate a certain number of people. He said we are going to have to be ready to address that when they bring this area in and this is the preliminary step of preparing for that. He reminded the Council that this is recent that Metro has allowed cities do the concept planning early. He asked for questions.

With no questions or comments Mayor Middleton asked for a motion.

MOTION: FROM COUNCILOR FOLSOM TO ADOPT RESOLUTION 2014-049, SECONDED BY COUNCIL PRESIDENT HENDERSON, MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR, COUNCILOR LANGER VIA CONFERENCE CALL.

Mayor Middleton addressed the next agenda item.

C. Resolution 2014-050 Authorizing the City Manager to execute a construction contract for the Columbia Street Regional Stormwater Facility Project

Craig Christensen, Engineering Associate came forward and said this is a required project as part of the Cannery improvements that were recently performed and it is an agreement with CWS (Clean Water Services). He provided the Council with an amended resolution (see record, Exhibit F) and said the information in red pertains to the bid opening. He said they are proposing to execute the contract with

Banzer Construction Company with a base contract amount of \$595,909 with construction contingency of 10% and professional services amount of 2.5% of the base contract amount.

Council President Henderson said in the original resolution the base bid was \$536,000 but the award came in at \$595,000 and she asked if that was the lowest qualified bid. Craig said they were the lowest responsive bidder.

Councilor Henderson noted that the contingency and the personal services amounts have also been adjusted and lowered. Craig said they adjusted the numbers to fit within the budget.

With no other questions or comments Mayor Middleton asked for a motion.

MOTION: FROM COUNCILOR BUTTERFIELD TO ADOPT RESOLUTION 2014-050, SECONDED BY COUNCILOR CLARK, MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR, COUNCILOR LANGER VIA CONFERENCE CALL.

Mayor Middleton asked to receive additional citizen comments before the Council recessed.

Naomi Belov came forward and said she walked through the Lincoln Street area and asked residents for their input on safety improvements and presented that information to the Council and she asked the City Engineer how to modify the driver's habits regarding speed. She said they did a speed study and found out that people do go above 40 mph at certain times during the day. She asked about putting in a speed hump and she understands that they can't put in a speed bump. She asked if a formal request could be submitted for a speed hump or two on Lincoln Street. She asked if the cedar of Lebanon tree was being cut down and asked if there is anything in place for historical trees. She asked what the qualifications are to run for City Council and asked if you need to live in the City limits and asked if someone has multiple residences does the primary residence need to be in the City limits.

City Manager Gall said that he would direct those questions to the appropriate staff. He said there is information on the city website about the tree that is being removed later this month. He said they would discuss the speed humps with the Public Works Director, City Engineer and Police Department.

Naomi Belov asked again about residency and said if you don't live full time within the City limits can you still be on Council. She asked Councilor Langer whether he lives full time within the City limits. She said if that is true why is he still on the City Council.

Mayor Middleton said he would refer that to staff.

Naomi Belov asked about the process for if he is not supposed to be on City Council because he is not residing with his family within the City limits what is the process for filling his position on Council.

Councilor Clark asked Mr. Gall about the Lebanon tree and asked if it would come before Council. Mr. Gall said it is a staff decision and he will have Julia discuss this during City Manager Reports.

Mayor Middleton recessed at 7:47 pm and reconvened the meeting at 7:55 pm.

Mayor Middleton said Councilor Butterfield had to leave at 8:00 pm and asked him to provide his Council Comments before he leaves.

Councilor Butterfield commented on the dog park and said a site has been identified and they are in the process of deciding what will be in the dog park and once that is decided they can determine what kind of funding they will need. He said they are moving on the issue and they are going as quickly as they can with the limited amount of funding. He referred to questions about private fund raising and directed them to the City Manager.

Mr. Gall responded to audience questions and said once we have a final design and a cost we can respond to the interest of private fund raising. He said they will need input on the design and they want to build a dog park that will benefit the community 12 month out of the year. He said they will probably have an open house in August or September and once they determine the cost they will have to do some budget amendments. He said he has heard that citizens want to contribute and they will try to make that happen.

Councilor Clark asked for a timeline. Mr. Gall said it depends on the amenities that go into the park, there may be some land use processes. He commented that if the design is completed by September 1 and we have a cost estimate there is a chance that it would have to go through a land use process with the Planning Commission.

Julia Hajduk said they have looked at different scenarios and said it may have to go through a site plan modification process.

Assistant City Manager Tom Pessemier said we would probably need to do a Parks Master Plan update as well as a conditional use permit application.

Mr. Gall said there is a process that they have to go through and said construction probably won't start until spring of next year. He said that will vary and they want to hear from the dog owners in town that visit other dog parks to determine the ground cover and they need to consider maintenance for the City. He said they will try to do a better job of communicating with the advocates and said there is a Sherwood Dog Park Facebook page. He said we are committed to building the City's first dog park and there is support to do it as soon as possible.

Councilor Butterfield added that the Parks and Recreation Board meet the first Monday of every month and encouraged people to come and provide their comments or concerns.

Councilor Henderson asked if the concept design has been presented to the Parks Board.

Councilor Butterfield stated they are still in the process of the concept design.

Councilor Butterfield left the meeting at 8 pm.

Mayor Middleton addressed the next item on the agenda and the City Recorder read the public hearing statement for Ordinance 2014-013.

9. PUBLIC HEARINGS

A. Ordinance 2014-013 Approving a Planned Unit Development (PUD) to be known as Cedar Brook Planned Unit Development including application of a Planned Unit Development Overlay on the Comprehensive Plan and Zone Map and approving the sixty-five lot subdivision

Senior Planner Michelle Miller provided a presentation (see record, Exhibit G) and said the issue before the Council is to approve the Cedar Brook Planned Unit Development (PUD) which is a 65 unit high density residential development with a mix of single family detached homes and attached townhomes. She said PUDs allow a project to have some flexibility in the Code requirements for challenging parcels for the tradeoff of innovative design and a benefit to the community. She said part of the process is a type 5 process with the Planning Commission who held a couple of public hearings in June to review the proposal and then forwarded a recommendation to the Council. She stated the Council is the decision maker and any appeals would be heard before LUBA. She said if the Council approves the PUD it will go back to the Planning Commission for final development plan review. She said this project is under the 120 day clock which means that a final decision needs to be made within 120 days after receiving the application during completeness review and that date is August 20. She noted that if Council is not able to make a decision or needs more information there are opportunities in August to have further hearings. She referred to the vicinity map and said the development outlined in red is located near Hwy. 99W, the Cedar Creek apartments and SW Meineke Parkway. She said the applicant is proposing to extend Cedar Brook Way to the roundabout. She said it was previously zoned general commercial and the Council rezoned it to high density residential with density of 16.8 to 24 dwelling units per acre. She said this site had about 2.74 acres of developable land which means about 65 dwelling units is the minimum threshold for a high density zone. She stated in 2005 this was part of a minor land partition dividing all of these parcels with the improvements to the Meineke roundabout.

She commented on the proposed housing types and said the applicant is proposing three different general housing types and said there are approximately 38 two story townhomes with a one car garage in front, 15 two-story detached with rear loaded garages, and 12 two-story townhomes with two car alley-loaded garages. She stated the dwelling unit size and lot range is provided in the exhibit. She commented on the parking problems in that area and said they made the applicant aware of the issue and the Planning Commission reviewed that issue closely. She said the Planning Commission realized that the applicant could not solve the parking problem for the entire area and needed to just be responsible for what they were developing. She stated with the extension of Cedar Brook Way and the public street A there will be about 79 new parking spaces on site and there will also be parking spaces for each housing unit accounting for 4 parking spaces per dwelling in total. She said that more than adequately meets the parking requirements for our housing type standard. She commented on the breakdown of spaces and said the two-story townhome with one car garage will have 38 garage and 38 driveway spaces.

She commented that PUDs are required to have at least 15% open space in total and that can be maintained privately or publically by the development or HOA. She said this PUD has several different tracts of open space but there are two large areas in the development and one is in the center and one is on the side, referred to as tract K. She said tract K will contain a trail that will extend from the intersection and roundabout on Cedar Brook Way and extend and connect with the Vineyard's existing trail and that will go all the way to the school area. She said tract K is about 9,000 square feet.

She commented on the code standards as to whether the area should be dedicated to the City or retained by the HOA and said the Parks Board recommended to the Planning Commission who agreed that the property should be retained by the development and there is a trail easement that will connect to the trail. She said the amenities and costs should be borne by the developer and the fees paid in lieu.

She highlighted a few of the Planning Commission's recommendations to Council. She said they recommended that they include restrictions in the CCRs that garages need to be used for vehicles. She stated there are new code amendments and a parking district may be a possibility. She noted they also recommended the trail connection to the Vineyards could be constructed along with the majority of the dwelling and because of the permitting issues through the wetland area that may take a year and so as to not hold up the development as a whole the developer will be allowed to proceed both with the construction of housing units and building the trail until leaving one townhome unit or 3 single family homes at their discretion before the trail needs to be completed. She said all the areas of open space would be maintained by the HOA and monitored through the CCRs and each lot that has a deviation from the standard code setback requirements were identified in the follow up Planning Commission meeting. She referred to street modification and said there will be a private street for the rear loaded townhome units.

With no questions from the Council the applicant came forward.

Steve Miller from DR Horton approached the Council and provided a presentation (see record, Exhibit H) and discussed the overview map of the area. He said this overview was discussed at the time of the zone change and noted that if they did not accept the proposal the alternative would be another apartment complex with parking lots and that type of development. He said it was clear from the Planning Commission that is not what the City wanted and they wanted something unique. He said they tried to blend different types of housing styles and bring in diversity. He commented on the renderings of the two-story single family home detached model, the front loaded townhomes, and the rear loaded townhomes that will be located in the central part of the project with garages in the alley.

Jeff Simpson with Simple Landscape Architects and Urban Planners discussed the open space design approach and their proposed solution. He referred to an illustration that showed the relation to the Cedar Creek master plan where the Cedar Creek trail connects over to Hwy 99W and crosses Hwy 99W and goes through the southern portion of the property abutting the master plan route. He showed the difference between private lots and community open space and reiterated their approach with the open space and recognizes the PUD requirements to be an innovative design and benefit to the community. He said they distributed the open space throughout the community and provide a diversity of amenities, provided some connectivity and invited the community as a whole to experience the entire site. He said they used a pocket park open space layout approach and he referred to the center circle which is the large open space with a play structure and the other spaces wind throughout the community to the Cedar Creek trail and across the street over to the proposed 9,000 square foot open space that is along Cedar Brook Way. He said it will encourage the community to come use these small spaces and it will give better solar access to the properties and they have taken the single family homes on the west side of the project and splayed them to allow for better sunlight penetration through that building and envelop into the inner part of the community. He commented on the spacing and arrangement of the open spaces which have significant value in terms of their usability. He discussed a number of renderings of the project and said they are proposing an exercise station scenario throughout the project. He said there will be a community garden space at the corner and an opportunity to draw people in from the public right of way into the community between the buildings with public infrastructure and sidewalks that draw people into the series of open spaces and pocket parks.

Steve Miller added that on the west side where they have tract K, which is the 9,000 square foot area they are using for open space and said they brought this to the Parks Board to see if the City would be interested in accepting this land as a public park for the community as a whole because the trail that will

go through the park and connect over to the existing trail on the west side of the ravine is on the Transportation System Master Plan so they are putting that in to comply with the plan but see a lot of public use coming through this and being a burden on the HOA. He said they would like to give it to the City but get benefited by getting reimbursed through the Park SDCs for building the park. He stated the Parks Board basically said they don't want pocket parks but he said they just heard there is a pressing need for dog parks and they are proposing a dog park in this area. He said they would be interested in working with the City on trying to develop and at this time it would be a private dog park only for the residents of this community. He noted that would be a burden for the residents to make sure that others aren't using it but it will be an asset for the area. He said the Planning Commission fell in line with the Parks Board but they are still interested in partnering with the City to create something special in this area that benefits the community as a whole.

Councilor Grant asked Steve Miller to clarify the dog park issue. Steve Miller said they would build it and they will get reimbursed for the SDCs that are generated from the project and said it will be over \$500,000. He said a fraction of those dollars would be needed to create a park for the whole community instead of just the PUD.

Councilor Grant clarified that if the City participates it will be an open park and if they don't it will be an exclusive park. Mr. Miller said if the City does not agree to maintain the park and take the land on as a public park then it will remain part of the PUD and it would be private.

Councilor Folsom clarified that the dog park they are proposing is about 9,000 square feet. Steve Miller said the entire tract K is 9,000 square feet and the dog park would be a portion of that, about 2/3.

Councilor Folsom said the parcel at Snyder Park that they are considering is larger, maybe 4 acres. She said the challenges the Parks Board and the Planning Commission had with this proposal was parking accessibility and they didn't feel like the pocket park will serve enough of the community to justify the action.

Julia said that is often the problem with pocket parks that they don't serve that large of a community need and they were reluctant to give up the SDCs that would be able to better benefit the community.

Councilor Folsom said she liked the work that has been done on the plan and appreciates the attempts to serve and partner but agrees with the Parks Board and Planning Commission.

Mayor Middleton noted that it would be a good selling point for your product to have your own private dog park.

Council President Henderson commented on the challenges of parking in the area and said her mother lives in Cedar Brook. She asked if there will be a need to issue parking permits and she is concerned that parking from the existing development will flow over to the street. Steve Miller said on the existing arm of Cedar Brook that is constructed now there is parking on only one side but when the extension goes through to the roundabout there will be parking on both sides.

Councilor Henderson asked if there will be permitted parking in the center of the unit. Steve Miller said on the street that runs north and south there will be parking on one side which is the A street.

Councilor Henderson noted in January they proposed 265 parking spaces. Steve Miller said they are proposing 263 and they lost a few due to fire hydrant spacing but will further revise with the final master plan approval with the Planning Commission.

Councilor Henderson clarified that they will not issue parking permits. Steve Miller said they are prepared to do that and they proposed it but it is not a condition of approval but are willing to work with the Police Department if it becomes a burden.

Councilor Henderson asked if they are putting fencing in on the east side of the property between the two developments. Steve Miller said they will have 6 foot cedar fencing.

Councilor Henderson asked if there was a walk through. Steve Miller said there is a connection on the east side into the apartment complex so they will be able to come through and get to the trail without having to go all the way out to Cedar Brook.

Councilor Henderson referred to the connection to the trail that already exists and asked if they will need Fish and Wildlife or CWS to approve that and what the cost will be. Steve Miller stated getting it permitted will take time and money but he is not sure how much.

Councilor Henderson asked what surface they will use on the trail. Steve Miller said they are proposing a soft trail because it switches down a steep grade and getting a hard surface in that area is a challenge. He said there is a culvert that the trail would go over the top of and said in terms of ADA they could go down the existing sidewalk to Hwy. 99W and come back up the other side and be on hard surfaces the whole time so there is still an alternative route for ADA.

Councilor Henderson asked if the private alley would be maintained by the HOA. Steve Miller said yes. She clarified that a fire truck could get down there without trouble or having to back up. Steve Miller said yes and referred to the southwest corner where they have a bulb so they can make that turning radius and come out the other end.

Councilor Clark said that around the complex you have sidewalks and parking and in the alley there are no sidewalks or parking. Steve Miller said that is correct it is a very odd shaped property with constraints so to get the alley to work out it had to be just for access to these homes so every home that is on the alley has a two car garage.

Councilor Henderson asked how long the driveways are. Steve Miller said 20 feet. She asked if public street A is a right-in and right-out off of Meinecke. Steve Miller said yes.

With no further questions Mayor Middleton asked to receive public testimony.

Jim Claus, 22211 SW Pacific Hwy, approached the Council and said he is neutral but supportive of the project. He asked to have the record opened for two weeks because he believes the Department of Interior should modify heavily any support for the Tualatin National Wildlife Refuge. He commented on when the refuge was approved and said now there is a loss of wetlands and headword erosion. He thanked Mr. Gall for arranging a meeting to start looking at that but he said the Department of Forestry had that completely restored. He commented on the support for a dog park and said he is surprised and said Fish and Wildlife doesn't get along with dog feces. He asked to keep the record open because he is writing a couple of letters to committees in Washington DC and he is watching this because you have

headword erosion, destruction of the environment, destruction of endangered species and no one is doing any more than trying to develop. He referred to structural decisions and a need to support the staff and said we need to progressively add as much as we can and we need the density. He said there is an alternative but we can't do that when we have a Councilor that is a major developer. He encouraged Council to consider the policy statement they are making and he said he supports DR Horton because they will restore the wetland and they have agreed to spend money down there. He said he is not seeing any efforts to restore wetland and preserve the drainage for the refuge but what he is seeing is us marching on and acting as if we should destroy the wetlands and the riparian that goes into the refuge so we can have density. He commented on the DR Horton's support for the environment and said that is not happening. He said Mr. Gall would support it because that is his ethics but he can't do it without Council. He stated they have put in a rain system for \$100,000 and it is treating non treatable water and he did that because it will recharge the water table and the wells and that is where you get your cheap water and make your money. He said to go over and see what is draining Walmart and said it is at the bottom of a hill and it is draining the entire area and that is why the Refuge manager quit.

Daniel King came forward and commented that he is for the project and said he lives on Handley and the parking is a problem. He asked them to have a permitted parking area and said he will look into having a permitted area for his neighborhood. He recommended permitted parking for the development.

Mayor Middleton said there is a request to keep the public hearing open for two weeks and they will do that. He referred Mr. King to the Police Chief regarding parking permit areas.

Michelle Miller responded to earlier comments and said the cost to develop tract K was \$108,000 and she said the maintenance costs would be approximately \$4,000 a year and that was part of the consideration the Parks Board had with taking on tract K. She clarified that this is separate from the Cedar Creek Trail at least for the portions going north and they don't have the actual alignment for the portion of Hwy 99W to Roy Rogers and said they are still in the planning process. She said the southward yes, along Meinecke Parkway that will be part of the Cedar Creek trail improvements so it will definitely connect southward into Old Town. She said when the trail is developed they will have to go through a planning process and the permitting approval process which will go through CWS and DSL will also take a look at the trail and make sure that it is compliant with their requirements as well as the City's requirements.

City Engineer Bob Galati said when they look at the trail system and the crossing of the stream corridor they will be looking at what conditions CWS, DSL, US Army Corp of Engineers and possibly NMFS want to deal with. He said there are a lot of restrictions to go through crossing stream corridors and the existence of that culvert might not be a condition that they would accept it remaining in place if they are trying to upgrade environmental habitat, stream flow and fish passage conditions and it might be a condition that they have to remove it and replace it with some sort of bridge structure. He commented that is why they have the requirement that they have the crossing in the trail done at the same time before they get occupancy for the site isn't realistic and it is a complex issue and that is why they said to get most of the stuff done and they will hold out occupancy for at least 3 single family or one multiple family unit because that is proportional to the cost and impact of what that trail system might require as far as trade off. He stated it is a complex system and nobody can say what that configuration will look like until the applicant goes through the permitting process and presents it to the appropriate agencies for comment.

Councilor Henderson commented on the developers offer to put in a dog park and asked what permitting or sign off from other agencies would they need to put in a dog park that close to a greenway. Mr. Galati

said if it is not within the vegetative corridor area then he is not sure if there is anything in land use that would be prohibitive for that use other than it would need approval. He said if you are talking how to protect the vegetative corridor and how to prevent dog feces from getting washed down into the stream corridor then the Army Corp of Engineer and NMFS would probably have a comment about that and a design criteria that would have to be incorporated.

Councilor Henderson asked who follows up to make sure that doesn't happen. Mr. Galati said if it is a regulatory requirement the local jurisdiction agency would be the local agency to make sure that is being adhered to and provided the example of similar agreements where the City has the authority and the responsibility to make sure it is maintained correctly.

Councilor Henderson asked where the stormwater will drain for this and noted we are taking essentially a field and covering it with hard surface. Mr. Galati said the stormwater treatment has a couple of options and it is a technical issue right now and they could do a treatment center on site. He said these are technical item that get covered in the design process to make sure we follow requirements with CWS and that they meet permit requirements for discharge. He said there are a couple of different options available to them.

Councilor Henderson asked if given the size of the development would they normally have their own facility. Mr. Galati said it is a possibility and they could have a small system to deal with it, a combination of systems, so long as the onsite stuff through their private development, which is the private road has to be treated before it gets discharged to a public system then the rest of it, the public street has to be treated before it gets discharged to a stream. He said how they deal with that could be with a pond on site and we don't accept cartridge systems for the public street but they could do that for a private site but it would be expensive. He said most likely in this case it would be some kind of pond system, either the existing one or an additional small one to treat this.

Councilor Henderson referred to the open space requirements and asked if they are met outside of tract K. Michelle Miller said the applicant has 21% of the area for open space and the requirement is 15%. She said tract K is included in the 21%.

Councilor Henderson asked if part of tract K had to be used for a water treatment facility would they still meet the requirement. Michelle Miller said they have some room to maneuver.

Councilor Henderson said she thought there would be a water treatment facility in tract K and is surprised it is a park instead. She said there is a lot of surface to drain. Mr. Galati said as long as they don't violate the limit of 15% than any other space above that could be used for a stormwater treatment if that would be a benefit to their site. He said how they meet the treatment requirement is up to the developer so long as they meet the standards by CWS.

Julia Hajduk reminded the public that this is a PUD and is coming before the Council for a conceptual approval and ultimately they will come back with a more detailed plan. She said there will be another public process to review the final plan. Mr. Galati said there are several options available to them for meeting the treatment standards and he discussed a few and said these technical details will come out in the final review of the project and they will have to provide all the stormwater calculations to make sure they meet those requirements and the City will go through those diligently before they accept the plan and CWS will also have to sign off before they give a permit for connection.

Councilor Folsom asked for clarification on the acronyms. Mr. Galati said DSL is Department of State Lands and NMFS is National Marine Fisheries Services. He said NMFS and Army Corp of Engineers work with fish, wildlife and corridors and they try to improve existing stream corridors to get a better habitat.

Councilor Langer commented on the suggested restrictions on how garages were used and asked if that is possible. Michelle Miller said it will be part of the CCRs and they have agreed to provide language that will be reviewed by the Planning Commission. She said in terms of enforceability the onus is on the HOA.

Councilor Henderson asked if the parking requirements include the garage. Michelle Miller said for single family detached homes they don't include the garages. She said the townhome standards include the garage as parking and they meet the minimum standard.

Julia commented regarding procedures and said the Council has taken applicant testimony, taken public testimony and she is not sure if the public hearing has been closed. She requested that the Council be clear as to whether they are continuing the public hearing and allowing additional testimony at the next meeting as well as applicant rebuttal and staff comments or if they are just leaving the written record open in which case the applicant should still be given the opportunity to give additional rebuttal in writing and not verbally.

Mayor Middleton said it would be open for two weeks.

Councilor Folsom asked for clarification about the request to keep the record open.

Mayor Middleton said the request was for the written record.

Mr. Gall suggested since they are within the 120 day deadline, to keep both written and verbal open for the next meeting on August 5.

Councilor Folsom asked if they could avoid printing all of this material again for the next packet. Julia said they will work on that. Mr. Gall said we need to make sure that the information is available to the public that is not here tonight.

Steve Miller approached the Council and also asked for clarification about the record and asked if they are continuing the hearing. Mayor Middleton said that is correct.

Steve Miller responded to the drainage questions and said the property slopes to the north and the east so the low point on the property is in the top corner and that is a potential location for a retention pond. He said there is another pond that exists but it has issues in terms of getting there and they would have to do street destruction and reconstruction so they are trying to avoid that. He said they are considering onsite but not where the 9,000 square foot tract K is because the topography would not allow it.

Councilor Henderson asked if the development would be built all at once. Steve Miller said yes, they will build them out and sell as available. He said they will put in all the public infrastructure then start building homes and may have a model home going while putting in the infrastructure.

Councilor Henderson asked what measures they would take concerning the apartments to the east and businesses to the south. Steve Miller said they will be taking all the normal measures in terms of silt fencing and depending on the time of year they may have a water truck to keep the dust down and it will be the standard construction project with all the measure that are required from all the agencies to address those concerns. He said there are a lot of safeguards that are required now to make sure those issues are addressed.

Councilor Henderson asked if there will be a site manager. Mr. Miller said there will be a construction manager who will not necessarily be onsite all the time but will be visiting weekly and he will also be available.

With no other questions or comments the following motion was received.

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO CONTINUE PUBLIC HEARING RECONVENING ON AUGUST 5, 2014, SECONDED BY COUNCILOR CLARK, MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR, COUNCIL LANGER VIA CONFERENCE CALL. (COUNCILOR BUTTERFIELD WAS ABSENT).

Mayor Middleton addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS

Councilor Langer announced that the YMCA Executive Director Renee Brouse has been selected for promotion to be a Regional Director due to outstanding management of our YMCA. He said the YMCA will have a booth at the Robin Hood Festival. He announced there is a dual relay on July 25 at the High School at 6 pm and on July 26 at Our Table Coop there is a blueberry pick for the YMCA. He said there is a family triathlon with a barbeque on Saturday August 16 at 10 am and the barbeque will go from 11 am to 1 pm and is cohosted by the YMCA. He announced the Chamber of Commerce has a named Lana Cole the new Executive Director. He said the Chamber Golf Tournament is Thursday September 18 at Meriwether. He stated there will be a mixer at Sweet Story on July 29. He said the Chamber has new members: Smockville Montessori, Wild Horse Mountain Ranch and Stella and Dot. He said the next Chamber breakfast will be hosted by the School District in the High School commons in August. He said he wanted to let the community know that last month Sherwood lost a close member of our community, Jen Vranizan, and her family asked him to thank the entire Sherwood community for three years of support during her fight against cancer. He said Jen was the founder and organizer of the annual Friar Trot Run where she will be alive forever and greatly missed. He said unfortunately most of us have been affected by cancer and one way we as a community can help fight this disease is by participating in the Sherwood Relay for Life on August 2 starting at 10am at the Sherwood High School.

Councilor Folsom said the Cultural Arts Commission is supporting a booth at the Music on the Green with the VAP and the SFA and there is a raffle and Community Center renderings. She referred to the survey regarding the movie series and said 70% voted to move the movies back to Stella Olson Park. She said the sponsor this year is the Gardner Team and the movies are: Frozen, Despicable Me 2, the Lego Movie and Goonies. She announced there will be an Italian festival on August 15 and the Cultural Arts Commission will be helping them through the process and the VPA is their supporter. She said the 60th Robin Hood Festival starts on Friday and the Knighting Ceremony starts at 6:30 pm. She said there will be visitors from our sister city in England in town for the Archery Competition which starts on Saturday at the Ridges campuses at 8:30 am and Sunday. She said the parade starts at 10 am and the VPA is doing

an encore performance of Beauty and the Beast in the Cannery Plaza. She announced the Boy Scout pancake breakfast at the Senior Center was at 8 am. She stated she was in Washington DC last month with Community Services Director Kristen Switzer and met with the EDA, EPA, NEA and the USDA and our congressional delegation and said she learned a lot and will be talking to the Council about the trip. She said they made such a good connection and networking time and said Kristen Switzer will be acting as a panelist for the USDA this weekend on one of their grant cycles. She stated our Representatives and Senators need to hear from our citizens and that was the universal thread in all of our communication.

Councilor Clark asked when and where the Italian festival will be.

Councilor Folsom replied it will be in the Cannery Plaza on August 15 from 4 pm to 7 pm and the movie will follow at Stella Olson Park.

Councilor Clark reported the Wild Cat Haven had their Dog Walk and she attended and thanked the volunteers that helped in her booth so she could attend Jen Vranizan's memorial. She thanked Jennifer Flannigan from Natures Pet for organizing the event. She thanked Woodhaven for having the July 4th parade. She said her children participated in the Missoula Children's Theater and thanked the SFA for having that program. She said she attended the Special Olympic Bocce Cup in Newberg and thanked the Special Olympics. She reminded everyone that the summer library program is on Tuesdays at 2 pm at the Cannery Plaza. She announced that the Main Street meeting will be Thursday at 4 pm at the Rebekah Lodge.

Council President Henderson announced the 60th Annual Robin Hood Festival is this weekend. She recognized those being Knighted: Filipe Castelan, Russell Griffin from the Planning Commission, and City Recorder Sylvia Murphy. She said the entire list is on the Robin Hood website and she said the Knighting starts at 6:00 pm in Veteran Park. She announced the Boy Scout breakfast at the Senior Center. She commented on the Missoula Children's Theater and said it is a partnership between the SFA and the Cultural Arts Commission and it works well because a previous Council approved a grant to set up a separate website from the City. She announced the summer live performance of Les Miserable runs July 24th through the 26th at 7 pm in Stella Olson Park and thanked the City for their help with the venue.

Mayor Middleton said he would be reading the proclamation for the Robin Hood Festival before the Knighting Ceremony. He introduced the club president from his motorcycle group and all the members that attended.

Mayor Middleton addressed the next agenda item.

11. CITY MANAGER AND DEPARTMENT REPORTS

City Manager Gall asked Julia to respond to previous questions about the tree.

Julia said there is information on the City website and said there is not a historic tree ordinance. She said we have tree regulations that regulate the removal of trees on private property associated with a development application and tree removal on private property not associated with a development application. She said there is an exemption that you can remove up to 5 trees or 10% of the trees on site without a reason. She said the tree at 16001 2nd SW Street is very large and prominent and the removal will be noticed so the City wanted everyone to be aware of it. She said the property owner has not made the decision lightly and has talked with staff for several years regarding the issues and property damage.

She stated they have done pruning and had arborist over the years and have now made the decision to remove the tree at a substantial cost to them. She commented there will be flaggers for the traffic and it is expected to by July 29-30.

City Manager Gall asked Assistant City Manager Tom Pessemier to address the question about the Community Center update and the question about the speed study.

Tom said they had a request to look at the speed on Lincoln Street and the Police did the study for 6 days in May and the average speed was 24.9 mph. He broke down the information and said 0 to 15 mph was 1.5%, 15 to 20 mph was 10.9%, 20-25 mph was 41.3%, 25 to 30 mph was 32.6%, 30 to 35 mph was 11.1%, 35 to 40 mph was 2.2% and 40 to 45 mph was .3% of the total traffic.

Tom commented on the Community Center and said they had a conversation with the contractor and they responded well and are making up the schedule. He said they will be working on the front shortly and are pleased with the progress and are on schedule for opening at the end of the calendar year.

Councilor Langer asked what the average speed was on Lincoln. Tom responded 24.9 mph.

Mayor Middleton addressed the next agenda item.

12. ADJOURN

MOTION: FROM MAYOR MIDDLETON TO ADJOURN, SECONDED BY COUNCIL PRESIDENT HENDERSON, MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR, COUNCIL LANGER VIA CONFERENCE CALL.

Mayor Middleton adjourned the meeting at 9:35 pm.

Submitted by:


Sylvia Murphy, MMC, City Recorder


Bill Middleton, Mayor