



Home of the Tualatin River National Wildlife Refuge

SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
March 5, 2013

WORK SESSION

1. **CALL TO ORDER:** Mayor Bill Middleton called the meeting to order at 6:02 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Robyn Folsom, Matt Langer, Bill Butterfield and Krisanna Clark.
3. **STAFF PRESENT:** City Manager Joseph Gall, Tom Pessemier Assistant City Manager, Jeff Groth Police Chief, Craig Sheldon Public Works Director, Kristen Switzer Community Services Director, Mark Daniel Police Captain, Julia Hajduk Community Development Director, Jason Waters Civil Engineer, Craig Gibbons Finance Director, Michelle Miller Associate Planner, Colleen Resch Administrative Assistant and Sylvia Murphy City Recorder.
4. **TOPICS DISCUSSED:**
 - A. **Cedar Creek Trail Update:** Michelle Miller, Associate Planner presented information (see record, Exhibit A) and briefed the Council on: Cedar Creek Trail background and reviewed project boundaries. Michelle explained Project 1 and Project 2 and referenced the maps in the exhibit. Michelle briefed the Council on preliminary grant timeline and decision making structure. Michelle explained the selection process for the trail committee and explained next steps in the process. Discussion occurred regarding makeup of committee, grant funding and meeting federal requirements. The Council discussed meeting schedule and Council liaison and staff representation on committee.
 - B. **Sherwood Youth Substance Abuse Concept Presentation:** Police Chief Jeff Groth presented information (see record, Exhibit B) and briefed the Council on historical influences and current issues and problems with marijuana and other illegal drug use by Sherwood youth. Chief Groth briefed the Council on stats provided by the School District dated 2010 to September 2012. Discussion occurred. Chief Groth explained solutions as indicated in the exhibit and discussion occurred regarding process implementation of solutions and benefits of implementation.
5. **ADJOURN:**

Mayor Middleton adjourned the work session at 7:00 pm.

REGULAR CITY COUNCIL MEETING

1. **CALL TO ORDER:** Mayor Bill Middleton called the meeting to order at 7:08 pm.
2. **PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**
4. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Robyn Folsom, Bill Butterfield, Matt Langer and Krisanna Clark.
5. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Tom Pessemier Assistant City Manager, Craig Sheldon Public Works Director, Craig Gibbons Finance Director, Community Development Director Julia Hajduk, Police Chief Jeff Groth, Police Captain Mark Daniel, Community Services Director Kristen Switzer, Associate Planner Michelle Miller, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy. City Attorney Chris Crean.

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

6. **CONSENT:**
 - A. **Approval of February 9, 2013 City Council Meeting Minutes**
 - B. **Approval of February 19, 2013 City Council Meeting Minutes**

MOTION: FROM COUNCIL PRESIDENT LINDA HENDERSON TO ADOPT THE CONSENT AGENDA, SECONDED BY COUNCILOR BILL BUTTERFIELD, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next agenda item.

7. **PRESENTATIONS:**
 - A. **Eagle Scout Recognition**

No Scouts were present.

Mayor Middleton addressed the next agenda item.

- B. **TVFR State of the District Report**

Fire Chief Mike Duyck introduced Division Chief Allen Kennedy and Public Affairs Officer Lysa Vattimo and presented information to the Council (see record, Exhibit C). Chief Duyck stated that 2012 was a great year for TVFR. Chief Duyck reported 1085 incidents occurred within the Sherwood city limits in 2012. Of this number, 864 were emergency medical in nature, followed by fires and public assists. He reported district wide, TVFR runs approximately 33,000 incidents in the 210 square mile area, which accounts for 82% being medical, and in Sherwood, about 80% are medical.

Chief Duyck stated in Sherwood, we are fortunate to have a paramedic, a least one, in every vehicle, some having two. He stated they are staffed with EMT's and paramedics which allows us to provide a high level of care. He reported they are equipped to allow them to essentially bring the emergency room to someone's living room, and said they work closely with area hospitals to make sure we have the highest level of care the industry has to offer. He reported on 2012 medical dispatch types. He stated healthcare is a common topic across the country and referenced healthcare reform in his presentation and stated they are actively participating in healthcare reform. He reported the goal is to help lower healthcare costs for everyone, and make sure the system is as efficient as possible.

Chief Duyck explained how the district is allocating resources effectively by augmenting the schedule between fire engines and fire trucks throughout the service district with a variety of different resources, such as 4 cars that have been in service since 2010. This program has been extremely successful working on a peak staffing model at 40 hours per week, focused on the busiest time of their incident load. He explained the cars are available when it's not necessary to deploy a fire truck/engine with 4 staff. He reported TVFR is one of the first in the nation to implement a resource model like this and they are receiving inquiries from other fire departments. He stated in this economic downturn, most fire departments have cut back on services, while we have been able to increase services by providing a more efficient model.

Chief Duyck stated they want to be a good partner in safer communities and have done a lot of infrastructure updates since 2006. He reported the capital bond program the voters approved provided \$77.5 million to update fire stations and purchase updated equipment. He reported the Sherwood Fire Station was one of the first to receive a substantial remodel and stated the King City station, which supports Sherwood, is slated for a major remodel in the next phase of the program.

He reported another way in partnering is providing inspections in building were we work, play an pray. The district did 120 inspections last year in buildings that can statutorily be investigated, and investigated 16 fires. He commented regarding the partnership with the City to identify and address issues.

Chief Duyck reported on getting out into the community and educating on fire prevention and stated in 2012, TVFR conducted 735 community events across their service area which interacted with over 60,000 citizens. Within Sherwood, this includes the Community Service Fair with over 800 people attending in 2012 and approximately 700 people attending the 2012 Santa Rides event. The district also provides various educational programs, such as Fire and Life Safety. He reported for many years they have presented their nationally award winning Apartment Management Program and stated that of the 15 apartment complexes in Sherwood, 11 of the apartment managers attended the program and TVFR is working on the final few that have not. He reported of the managers that attend the program, they have a 98% chance of never having a significant fire in their complex. He reported the training is conducted four times a year at their Sherwood Training Facility.

Chief Duyck reported they conduct S.K.I.D Programs at area high schools, which is a simulation of a significant traffic accident, usually tied to an impaired driver. The Chief noted the S.K.I.D will be presented at Sherwood High School on April 17, 2013, and encouraged everyone to attend. He reported they work with adult foster care providers and have a well-established youth fire-setter intervention program.

He stated the district is also very proud of being only one of a dozen fire departments nationwide to provide a smartphone app called Pulse Point. He explained the app notifies you if a CPR emergency is within a 1/8 mile. He stated cardiac survival rates are increasing because of programs like Bystander CPR and Hands Only CPR. He reported TVFR has a wonderful relationship with the Sherwood Police Department and they are already responding and providing CPR, and have AED's in their vehicles.

Chief Duyck stated it takes about 20 minutes to learn how to perform CPR and offered training to anyone interested. He stated they have been working with area 8th graders to teach how to perform hands-only CPR. Chief Duyck shared a story of a Beaverton school whose 8th graders were challenged to train as many people as they could, which resulted in 1000 people being trained.

Chief Duyck stated TVFR strives to provide a very high level of emergency response and know they need to do community fire and life safety education throughout the service area. He stated they are fortunate to have a great interaction with the City on talking about transportation and community planning. He stated their ability to respond in a quick fashion is incumbent on a great transportation network and the street network the City has opened up recently has helped tremendously.

Chief Duyck offered to answer questions.

Councilor Folsom thanked TVFR and one of their inspectors and shared a story of an event and the services provided by the inspector.

Mayor Middleton thanked Chief Duyck and expressed his appreciation for TVFR and the services provided and said in his 18 years of residing in Sherwood he has never heard a negative comment about TVFR and said this is another thing that makes our community great, is to have a great fire department.

Council President Henderson commented regarding the unique partnership between TVFR and the Sherwood Police Department. Chief Duyck commented regarding the unique relationship and Sherwood Police Chief Groth always asking what else can we do to help the community be successful and safer. Chief Duyck said Sherwood is creating a model in the region and was one of the first who embraced the desire to respond to cardiac arrests and carry AED's. Chief Duyck stated the relationship has opened a lot of doors with other jurisdictions.

Ms. Henderson commented regarding encouraging ride-a-longs with TVFR and expressed appreciation for use of the public community room available at the Sherwood Fire Station.

Mayor Middleton thanked Chief Duyck for the report.

Mayor Middleton addressed the next agenda item and stated Citizen Comments would be addressed after New Business.

8. NEW BUSINESS

A. Resolution 2013-009 Authorizing the City Manager to sign a leasing agreement with Auto Leasing Specialists for the leasing of police vehicles

Police Captain Mark Daniel came forward and stated the City is seeking to continue leasing police vehicles from an established vendor and currently has a lease through Wire Works, located in Salem, an outfitter of police vehicles. Captain Daniel stated this is through a State of Oregon bid. He stated

the financing arm of this vendor is Auto Leasing Specialist. He said authority to sign previous leases was provided to the prior City Manager and Pro tem City Manager and the same authority needs to be granted to the current City Manager.

Mark provided background information and stated this is keeping with the City Council goal of fiscal responsibility in an effort to save upfront budgeting costs. He informed the Council that police staff has looked at several options in procuring police vehicles including leasing them. He stated signing the lease agreement would allow staff to continue the practice of procuring police vehicles from Auto Leasing Specialist on a lease to own program. He explained we pay a certain amount of lease costs every year for a period of four years, for example, and at the end of that lease we pay \$1 for the vehicle and we then own it. He stated the leasing agreement has been reviewed and approved by legal counsel and said this lease option fits within our current budgeted allowances.

Mayor Middleton asked for Council questions.

Councilor Butterfield asked how many vehicles were being leased. Captain Daniel replied two.

Mayor Middleton asked what is the cost of the vehicle fully equipped. Mark replied for these two vehicles fully equipped, the total cost financed is \$83,733, roughly \$37,000-40,000 per fully equipped vehicle, and said we recycled equipment from previous vehicles for these two vehicles for added savings. He gave examples of a light bar at \$1500 and light controllers worth \$350-500 each and said all radio equipment has been recycled from other vehicles and will be used in these cars.

Mayor Middleton asked how many miles do we normally put on a vehicle before it's replaced and asked whether we eliminate the other vehicle when a new one is brought in? Mark replied that is correct and said several years ago we met with public works staff and hired our own mechanic who assured us we could get our vehicles to 120,000 miles as opposed to the norm which is between 80,000-100,000 miles. He said we are pushing our cars longer and trying to maintain them better and we currently have cars that are approaching 120,000 miles that need to be replaced.

Councilor Butterfield asked what we do with the vehicles after we buy them. Mark replied at the end of the lease when we purchase them for \$1, they will still have low enough miles that we continue to have them in our fleet for several years until they reach 120,000 miles and at that time we take them off the road, decommission them, remove all the police equipment and probably send them to the state auction.

Mayor Middleton asked how many total vehicles the police department currently has. Mark replied he believes we have 9 marked cars.

Councilor Clark asked if these vehicles will be marked or unmarked. Mark replied one will be unmarked and the other fully marked. She asked how many unmarked vehicles we have. Mark replied we will have 6 unmarked cars, one of which is over due to go away.

Mayor Middleton confirmed that will be 6 unmarked and 9 marked. Mark replied he believes that is correct but didn't have a list with him.

Police Chief Groth clarified and said there might be some confusion of patrol and investigative vehicles and said when the Council speaks of unmarked cars, those cars are being added into these

numbers and said the unmarked car will be the second car, and the other car needs to go, in terms of patrol cars. He stated generally speaking, we don't operate unmarked patrol cars. He said we will have this one and when it needs to go into patrol it will get marked if we need to do that. He informed the Council we have other vehicles that are not patrol cars that investigator's drive and are used for surveillance and other things.

Mayor Middleton asked how many are take home vehicles. Mark replied 4, including 1 motorcycle.

With no other questions, the following motion was received.

MOTION: FROM COUNCIL PRESIDENT LINDA HENDERSON TO ADOPT RESOLUTION 2013-009, SECONDED BY COUNCILOR KRISANNA CLARK, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next agenda item.

B. Resolution 2013-010 Establishing the decision making structure and appointing the Local Trail Advisory Committee for the Cedar Creek Trail

Michelle Miller, Planning Associate came forward and stated last fall the City received a \$5.7 million grant for design and construction of the Cedar Creek Trail which is roughly a 2.6 mile trail through the center of Sherwood, through the Cedar Creek Greenway Corridor, running north and south. Michelle stated as staff has been briefing the Council over the past year it has been determined that the Parks Board would serve as the primary advisory board for the project. Michelle stated this resolution formalizes the decision making structure. Michelle said two subcommittees will be formed, one being a Technical Advisory Committee and the other called a Local Trail Advisory Committee. Michelle said this committee is comprised of various neighbors and citizens that reside in the Cedar Creek Greenway Corridor. This will allow us to get their input on the project and address their issues and concerns and to help inform the Parks Board of the concerns of neighbors involved with the project.

Michelle stated the Council has before them the recommendation from the Parks Board. She informed the Council of the processes used to find citizens and neighbors interested in serving on these committees, starting with an informational kick-off event in December 2012. She reassured the Council that the names before them are a good representation of the various neighborhoods on both sides of the Cedar Creek corridor.

Michelle offered to answer questions.

Mayor Middleton thanked Michelle for all her work and keeping the Council informed on this project.

With no questions or comments from the Council the following motion was received.

MOTION: FROM COUNCILOR KRISANNA CLARK TO ADOPT RESOLUTION 2013-010, SECONDED BY COUNCILOR ROBYN FOLSOM, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next agenda item.

C. Resolution 2013-011 Authorizing the City Manager to enter into an Intergovernmental Agreement between the City of Sherwood and the City of Wilsonville regarding cost, construction, ownership, and operation of waterline segment 3b

Craig Sheldon Public Works Director recapped the staff report and stated that segment 3b is the last section of water transmission pipe from Wilsonville to Sherwood. He said the difference is we are up-fronting the cost, with Wilsonville paying us back in the end. Sherwood will have 50% ownership, as we do in the other segments. He said there is some work to be done at the Wilsonville Distribution System, so in the end 53.8% of the total cost will be paid by Wilsonville, and 46.2% paid by Sherwood. Wilsonville has 180 days after substantial completion of the project to pay Sherwood back. Craig stated that the department is asking for \$3.497 million, with a 5% contingency, for a total of \$3,671,850. He stated we have \$4 million in our budget for the project.

Mayor Middleton asked for Council questions.

Councilor Folsom asked City Attorney Crean if the contract had been reviewed by legal counsel.

Mr. Crean replied that they were involved in the drafting of the agreement and stated that it is ready for approval.

With no other questions from the Council, Mayor Middleton asked for a motion.

MOTION: FROM COUNCILOR KRISANNA CLARK TO ADOPT RESOLUTION 2013-011, SECONDED BY COUNCILOR BILL BUTTERFIELD, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next agenda item.

9. CITIZEN COMMENTS:

Jeff Roberts 21705 SW Wheat Place Sherwood came forward and stated that he was following up on a request he made to Council about a month ago regarding a reduction of a fee on setbacks, a Class A Variance, and confirmed the City Recorder received the documents he submitted to the Council.

The City Recorder distributed documents to the Council and informed them they were receiving 3 documents this evening: A copy of the documents submitted by Mr. Roberts at the previous Council meeting (see record, Exhibit C); A document provided today by Mr. Roberts referencing code from the City of Wilsonville (see record, Exhibit D); and a Staff Recommendation Memorandum, (see record, Exhibit E).

Mr. Roberts stated in the documents he submitted he wanted to discuss the reduction of the fee in minimal instances where there is a minimal impact, and in that, he provided information of some of the adjacent cities and their fees. He stated he has been waiting for Wilsonville to get back to him and has learned a lot in the process. He said what he feels is a burden and a concern of his is that our city has three options; a variance to do a reduction of.....he stated he believes the process is too broad and what he is asking for is when there are minimum impacts, such as in this case, where there is one neighbor that is being affected and has submitted a letter supporting the reduction and

the setback, and said we should have a process here that is more flexible and is not a burden on the community.

Mr. Roberts referenced the document he submitted regarding the Wilsonville code and explained rather than going through an entire variance process for a setback, Wilsonville has a Reduced Setback Agreement and explained the agreement. He said when two neighbors agree to a setback they can fill out a simple form, which is signed by both parties and recorded, and pay the fee of \$160. He stated this process seems more reasonable than \$4410, which is required to do the same thing in Sherwood. He stated he understands the process and works in real estate and understands there are processes for a reason and said the process has to fit the request and in this case as well as from what staff told him, over the last 12 years, there has only been 10 such requests.

Mr. Roberts said the City Manager stated there were only 8 Class A Variance requests in the last 10 years. He said if there have been only 8 and if they are so small in impact, as in this case, then there should be a process to at least hear those people out and to reduce fees and waive fees, or something to that effect.

Mr. Roberts stated that rather than just asking for a fee reduction in his case, he is trying to help fix what he sees is a problem. He referenced the bottom portion of his request and said he is asking for a reduction in this instance from \$4410 down to \$260 which is the cost to do the mailings. He said he would pay this and go through the process of notifying neighbors and go through the hearing. He said in the meantime, he is requesting that there is code language and stated by copying the language from Wilsonville, Mr. Roberts reiterated Wilsonville's process and said let's streamline this and think outside of the box and not tie up city time, Council time and Planning Commission time and not burden the citizens who pay taxes and keep it as streamlines as possible. He stated in the case of larger variances, he understands this and supports it, and small things like this he does not support.

Mr. Roberts stated he wanted to address some of the fees and referenced adjacent jurisdictions and information provided by the City Manager and stated he doesn't consider Gresham as being adjacent. He stated Beaverton is still half the cost, Cornelius is half the cost, and when comparing local; Newberg, Tigard, Tualatin and Wilsonville you can see, he believes he has a point. He stated he feels this is a great way for the City Council and the City to address something that is a burden to people. He stated it becomes a barrier for 8 people in 10 years to build a house for their families and have a backyard that is as big as possible and the only person he is affecting is on board. Mr. Roberts stated he feels he is being reasonable and this is up to the Council to decide and said he is not only trying to ask for a waiver in this instance but to try and help fix a problem. He stated he is happy to help if the Council wants his input.

Mr. Roberts offered to answer questions.

Mayor Middleton informed Mr. Roberts that the Council does not make decisions on consent items, and said we will have to review this and said he appreciates Mr. Roberts coming forward and said he guarantees we will get back to you in a timely manner. Mayor Middleton stated he wants to take more time and review the information.

Mayor Middleton asked for Council comments.

Councilor Folsom asked City Manager Gall to explain the process for getting back to the citizens and how do we as a group get together to review this request.

Mayor Middleton asked City Manager Gall if the item could be discussed at their Monday meeting.

City Manager Gall stated that Council can certainly give their input at their individual meetings, but staff is looking for some direction as we have a variety of issues and the fee waiver and said as indicated in the staff memo the code isn't really very definitive in the terms of criteria, but is clear that the Council has the authority to waive or reduce fees. He stated the Council has a recommendation from staff based on the analysis in the memo and the burden is on the Council to weigh whether or not it's a valid example to reduce or waive a fee. He stated another issue that came up late, is the Wilsonville code, which is very interesting and said he has never seen it and in speaking with Julia Hajduk she was not familiar with it. He stated he doesn't know how it works or how long it's been in place or know of unexpected consequences. He stated we would like to have time to explore the code if this is the direction the Council is interested in and said we would need time to work with legal counsel, staff and Wilsonville.

He said, with Council direction, we can schedule this item on the next agenda and give the Council time to weigh the pros and cons. Mr. Gall stated the Council can speak with staff individually, schedule it on the next agenda, explore the Wilsonville code, either way staff would appreciate clear direction tonight. He stated if the Council is not interested, staff would not waste the time exploring something they are not interested in.

Councilor Butterfield agreed with City Manager Gall and said he would like to asked staff to look into it, especially if Wilsonville has something similar or something that could make sense and said he would like things to be open and easy and the more code we can clean up going through this the better off we are.

Mayor Middleton directed staff to move ahead and the Council members will meet individually with staff next week and staff will know the Council's direction after the meetings and said he would like to explore the Wilsonville code as well.

City Manager Gall commented regarding finding consistency with code language amongst other jurisdictions, and not reinventing the wheel.

City Manager Gall addressed Mr. Roberts and stated that he appreciated his diligence and the Wilsonville code language may be a solution. Mr. Gall stated his only question is Mr. Robert's timeframe for a decision to purchase the property. Mr. Roberts replied he has to decide by tomorrow if they are moving forward with the purchase and said at this point they are planning on it. Mr. Roberts commented their home will not be as big as the other homes in this partition because they want a backyard. He commented regarding the code not addressing being on a corner and referenced the pictures he submitted and explained. He reiterated his purpose of requesting the setback is to have a larger backyard and have a detached garage and explained his issue and the burden in the code. He commented regarding being happy with 10 feet.

City Manager Gall asked if City Attorney Crean had any advice for the Council and wanted to hear from Julia Hajduk as well, as we may need to address code amendments.

City Attorney Crean stated that a text amendment is a legislative land use decision and has to go through a legislative process set out in the code. He stated being cognizant of what's in the staff report, the City may want to take a broader fee study as it's been some time since this was done. He stated there are two questions the staff is looking for direction on; do you want us to investigate the advisability of a text amendment and secondly, do you want folks to take on the review of the fee structure and said he would defer to Julia to explain as he believes this is a big task.

Community Development Director Julia Hajduk stated that it is a big task and said in speaking with someone this afternoon in what the scope of a fee study might entail, they said depending on the size and complexity it could cost \$20,000 to \$60,000. She said it's involved as we are looking at the hours involved, average hours and the philosophy and said she has not explored all the different jurisdictions and gave examples of philosophy's and fee structure of other jurisdictions and said it's the Council's decision on how they want to handle it. Julia stated a fee study is a question and whether or not we want to explore a code amendment. She referenced Mr. Roberts question on whether or not the Council is willing to grant a waiver. Mr. Robert interjected and said just a reduction. Julia continued and said a waiver or reduction to a fee that is established and pays for a process. Julia stated the Council would not be able to modify the process and if the Council was to waive the fee, there would still be an application submitted and we would still be spending time and resources on that application.

Mr. Roberts asked Julia in this case when it's something small like this setback does her hours involved change. Julia replied not necessarily and said the process is the process, we still have to do the notice, send out agency comments, do the same mailing, the same level of review, the same level of analysis and it's a 75% reduction and said it may seem small but the reduction that is being requested is still quite a bit. Julia stated the process is still the same.

Mr. Roberts replied he would accept a 50% reduction. Julia reiterated the reviewing, findings and planning commission process still needs to occur.

Mayor Middleton asked if the Council has the option on virtually any project to reduce the fee, for instance in a down economy, but leave the fees intact for when the economy recovers.

Julia responded that the Council has the authority to set the fees and can waive a fee and said this comes with ramifications as our budget assumes certain revenues.

Mayor Middleton responded that this is assuming we want to be a fee based city.

Mr. Crean stated that financial considerations aside, waiving or reducing fees on an individual basis raises possible legal concerns without any standards for the exercise of that discretion, to an outside observer this may look like arbitrary decisions or granting favors to certain citizens and starts raising equal protection concerns and said he is more comfortable with the City having set standards or established processes that you follow and apply to every citizen, rather than grant waivers and reductions on a case by case basis.

Mayor Middleton asked if the Council could go and look at the fee structure and make modifications to certain fees.

City Attorney Crean responded that the Council can charge any fee or all fees but it has to be done to the structure and applied uniformly to everyone that seeks that application.

Council President Henderson stated the fee schedule we have in place is not arbitrary, correct?

Julia stated that this was her understanding and said it was set when she started at the City and in 2008 we increased it a percentage to cover costs.

Craig Gibbons, Finance Director responded that it is not arbitrary and said the fees relate to the cost of providing the service, so by reducing the fees means some other sources of revenues have to be used for the service provided.

Council President Henderson commented the cost of doing a fee schedule review is five figures or six as you have to look at things that are essentially cost accounting, correct? She commented on the full scope of a fee review.

City Manager Gall stated its been at least eight years since we have done a review and commented regarding his current tenure at the City being 9 months, he has heard from a number of people and the Council has been approached by two people for refunds thinking fees are too high. He commented about hearing from the Council about barriers on development and believes this is a good time to explore that idea as it's probably long overdue. He stated looking at the fee schedule raises policy questions.

Mayor Middleton agreed that we need to be competitive. Mayor Middleton asked Mr. Gall if we are competitive with other cities.

City Manager Gall stated he believes we are higher, but he has not done much research or analysis. He said, in terms of SDC's we are high, but I don't know in terms of development fees.

Councilor Folsom addressed Julia and expressed an interest in staff conversations with Wilsonville concerning their code. Julia replied in a quick review of their process, it's probably similar to what we would do in a Type 1 process in which certain criteria is met and there is not a lot of staff time and the fee would be lower. Julia stated she is curious about what that review is, are there consequences and she is also concerned with what if you don't get along with your neighbor or if there had been subsequent property owners have there been issues, she stated she wanted to explore all this a bit more with Wilsonville on what their long term issues may be and if they have any concerns.

Councilor Folsom stated she appreciated what was said by City Attorney Crean to not open ourselves up to that and being very careful as we go through this process.

Councilor Butterfield stated that this seems to him to be a 2 to 3 month ordeal.

City Manager Gall responded that it depends on what the Council defines as the end line. He stated in exploring the Wilsonville code and if this works, this can be a fairly quick process and if we find out this process works and is an easy process, it could turn into a text amendment, but it still has to go to the Planning Commission and go through a process and said we have not had previous conversations with the Planning Commission. Mr Gall stated he would like to expedite the Wilsonville

scenario and see if it might work here, versus exploring a fee waiver, reduction thing as this presents a lot of other unexpected consequences in terms of consistency.

Mr. Roberts commented he understand this makes the City Manager nervous, but it is in the code for a purpose and said there are situations when it should be or can be waived and if they can justify that...he commented to City Attorney Crean and said it's easy to say this is the law and it's another thing to say this is the law and this is the spirit of the law and in this situation we made this decision because of these reasons. Mr. Robert's continued and commented that he believes there should be some consideration and believes this is why it's in the code.

Mr. Crean stated whether or not it makes sense, it is a policy decision of the Council and said as a word of caution on the timing, if you have to do a text amendment to the code, the first step is a 35 day notice to the state planning agency, DLCD, before you have the first hearing. He said you're looking at something closer to 4-6 months rather than 3-4 months.

Councilor Clark asked Julia how long the Wilsonville text amendment has been in effect.

Julia replied she did not know.

Councilor Clark asked Julia to find out how long the text amendment has been in place and how many times applicants have gone through, how many times they have utilized it.

Mayor Middleton said he has read through most of the fee structure and it seems fairly fair, the SDC's are another conversation and believes this is the driving force for a lot of businesses not coming in. He commented the fee structure in comparison to other jurisdictions is comparable.

Mayor Middleton thanked Mr. Roberts for bringing this matter to the Council's attention and said we will get back to him.

Mayor Middleton asked for any other citizen comments, with none received he addressed the next item on the agenda.

10. CITY MANAGER REPORT:

City Manager Joseph Gall reported on the grand opening of Dutch Bros. Coffee and reported on Kohl's Department Store soft opening over the past weekend and said a scheduled ribbon-cutting event will occur the morning of March 6th.

Mr. Gall informed the Council he has been focusing on the proposed budget and met with the Sherwood School District Superintendent and said they are facing challenges with their budget as well.

Mayor Middleton addressed the next agenda item.

11. COUNCIL ANNOUNCEMENTS:

Councilor Folsom informed the Council of an Antique Appraisal event scheduled for this Saturday, 11am-2pm, to be held at the Sherwood Senior Center. Councilor Folsom stated they are in need of volunteers to help set up and tear down.

Councilor Folsom reported on the 2nd Annual All Bands Festival held at the Sherwood High School and recapped the event.

Mayor Middleton reported he and Councilor Clark attended Capital Day for Cities at the Capital in Salem and stated that there have been 2500 legislative bills introduced for this session.

Councilor Clark commented that they spent time with Representative Davis and Senator George and encouraged all citizens to express their concerns to these state legislatures by writing them letters. She briefly explained the current communication process and encouraged written letters.

With no other announcements received, Mayor Middleton adjourned the meeting.

12. ADJOURN:

Meeting adjourned at 8:20 pm.

Submitted by:


Sylvia Murphy, CMC, City Recorder


Bill Middleton, Mayor