



SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
February 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, Bill Butterfield, Matt Langer and Krisanna Clark.
3. **OTHERS PRESENT:** Kendra Kurtz with Hungry Raccoon and Ray Pitz with the Sherwood Gazette.
4. **STAFF PRESENT:** City Manager Joseph Gall, Tom Pessemier Assistant City Manager, Craig Sheldon Public Works Director, Kristen Switzer Community Services Director, Jeff Groth Police Chief, Julia Hajduk Community Development Director, Craig Gibbons Finance Director, Colleen Resch Administrative Assistant and Sylvia Murphy City Recorder.
5. **TOPICS DISCUSSED:**
 - A. **VLDR Text Amendment/SE Sherwood Master Plan Update:** Julia Hajduk presented information to the Council (see record, Exhibit A) and recapped the status of the SE Sherwood Master Plan currently being addressed by the Planning Commission and informed the Council this business would be coming to the Council in March 2013. Discussion occurred regarding the Master Plan and previous actions of the Planning Commission to accept the plan via resolution and the plan not coming before the Council for adoption. Julia explained the status of the plan and discussion followed. Discussion occurred regarding citizen communications received by the Council.
 - B. **School District Property Maintenance:** City Manager Joseph Gall informed the Council that staff has been working with the Sherwood School District on a future IGA (Intergovernmental Agreement) to address grounds maintenance needs of the District and said Council can expect to address this business in the near future. Craig Sheldon explained the history of this business going back to 2006, he explained the current status of the District and their staffing levels and briefly explained their maintenance standards in comparison to the City's. Craig explained the future IGA coming before the Council, costs of maintenance services and equipment, scope of services and staff needed to perform the additional work. Discussion followed.
 - C. **Newsletter Redesign Project:** City Manager Gall introduced Kendra Kurtz with Hungry Raccoon and informed the Council he has been working on redesigning the City Newsletter, The Archer. Mr. Gall explained the process of changing the newsletter, changes in content, redesign and color

scheme. He stated the cost would remain the same in comparison to the City's current newsletter and informed the Council of reducing the number of publications from 12 issues annually to 10 issues. Kendra briefed the Council on the various areas of the newsletter designated for specific City departments, including a section for the Mayor and Councilors. Discussion followed.

6. ADJOURN:

Mayor Middleton adjourned the work session at 7:02 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 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, Community Services Director Kristen Switzer, Police Captain Mark Daniel, Police Officer Corey Jentzsch, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.

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

6. CONSENT:

A. January 29, 2013 City Council Meeting Minutes

MOTION: FROM COUNCIL PRESIDENT LINDA HENDERSON TO APPROVE THE CONSENT AGENDA, SECONDED BY ROBYN FOLSOM, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next agenda item.

7. PRESENTATIONS:

A. Introduction of Police Canine

Police Captain Mark Daniel presented a power point presentation (see record, Exhibit B) and recapped the information. Captain Daniel stated Officer Jentzsch, a veteran police officer is the handler of Irma, the police K9. Captain Daniel informed the Council of his 23 years of police K9 experience, and said he is currently a state trainer with the Oregon Police K9 Association and certifies dogs across the State of Oregon and is a former handler of two police dogs with the City of Salem. Captain Daniel stated Irma is a 3 year old Belgian Malinois and weighs about 45 pounds and is from Germany. Captain Daniel stated Irma is trained in Schutzhund, which is a protection sport and

is trained in tracking and obedience. Captain Daniel informed the Council that Officer Jentzsch and Irma went to the Washington County K9 School and together underwent 400 hours of initial K9 training. Captain Daniel explained Irma's training of searching for articles, something that may have been dropped or hidden, trained to search for people and trained to protect Officer Jentzsch and citizen of our community. Captain Daniel explained the training of the handler and training of commands, roughly 40 words in German and said training occurs every day and every time the handler and dog get out of a vehicle. He explained they are certified annually with the Oregon Police K9 Association and said they will probably be taking this certification training several times throughout the year. Captain Daniel explained what Irma will do for Sherwood; track suspects, search open areas and search for articles. Captain Daniel shared an experience of Irma's while supporting Washington County and her recovering of a knife. Captain Daniel informed the Council of using Irma for a sociological effect, he explained how the public should stay away from a K9 vehicle and said while a K9 is working people should stay away and keep out of the area as it's very easy for the K9 to become distracted. Captain Daniel explained Irma is not a pet but is a working dog and goes home with Officer Jentzsch and lives with his family.

Chief Groth informed the Council that similar to swearing in of an officer, the City has a badge for Irma and said it's important for people to know she is part of the City's team and that others know she is a police animal and carries specific protections under state statute.

Captain Daniel informed the Council that Irma came to Sherwood as a fully certified California post certified narcotics detection dog and in Oregon as a patrol dog and said we will work towards getting Officer Jentzsch certified along with Irma as a narcotics detection team.

Council President Henderson asked how the scheduling works for the K9 unit and asked how the police department works the asset into the needs of the community and how we introduce the K9 to the public. Captain Daniel replied and explained that with training schedules and partnering with other agencies swing shifts generally work the best. He explained the paging system that is used to get the closest K9 unit available to a call. Captain Daniel explained it's a matter of getting Irma and her handler and everyone else accustomed to each other through training and experience, which will take time.

Councilor Grant commented regarding the City having a donation to purchase the dog and asked what would it cost for a city to outright make such a purchase. Captain Daniel replied just to procure the dog would be about \$10,000 and informed the Council that staff made a smart decisions with Irma and put the City in a great position.

Councilor Langer inquired on the unique collar Irma was wearing. Officer Jentzsch replied it's an electronic collar and said it's used for training and obedience and said primarily it's a long distance leash and gave examples of Irma searching an area without her handler or if she approached an area with traffic.

Councilor Langer asked regarding Irma's California narcotic certification and said until she is certified in Oregon can she be used for this type of work. Captain Daniel replied not officially and asked Officer Jentzsch to share a recent experience with the Council. Office Jentzsch shared a story of Irma detecting drugs that were in a vehicle used by the City's Evidence Department.

Councilor Henderson asked how is she trained to find a weapon. Office Jentzsch replied she is trained to track human scent. Councilor Henderson asked how is she acclimated into Office Jentzsch' family. Officer Jentzsch replied each dog is different and he will have her socialize with his family on occasion.

Councilor Folsom asked for her age and Officer Jentzsch replied she is 3 years old.

Mayor Middleton asked how much training was needed to have her certified in Oregon. Captain Daniel replied a very short period of time and said it is more of getting Officer Jentzsch acclimated to the drug work and alerting her to do the proper work.

Councilor Folsom asked Chief Groth how this impacts his budget and stated she knows we received a donation. Chief Groth replied we selected a vendor that is very reputable and said the vendor has a guarantee. He explained that all decisions including decisions on equipment and vehicle rolled over from the previous K9 and the only additional impact was approximately \$290 for costs associated with staff going to California to meet Irma and bring her back. He stated there as a small fee to register her with the County and said they have been great partners. Chief Groth added that he attended the graduation and everyone that has been in contact with our team has had nothing but positive things to say, he informed the Council of references made of Irma and she being "dialed in and ready to go". Chief Groth shared a story of an experience Irma had here in Sherwood in tracking and recovering an article tossed from a vehicle.

Mayor Middleton addressed the next agenda item.

8. CITIZEN COMMENTS

Eugene Stewart 22595 SW Pine Street Sherwood came forward and expressed concern with the downtown street construction and lack of signage indicating businesses were open. He stated communications with businesses has taken a step back and although they attended one meeting informing them the streets would be done in a certain manner and the following week there was a change and stated some of the people have been affected and some have not been notified. He stated he knows staff is working on this but needs to watch it closer, the City needs to get signage up to encourage people to come into town. Mr. Stewart informed the Council of a local hairdresser with several customers that use the handicap access and the business needing 4-5 weeks of notice to schedule her customers and stated when revenue is lost, it can't be recaptured. Mr. Stewart commented regarding the Italian restaurant not having information of the street construction. Mr. Stewart stated staff was doing a good job and asked that they work a bit harder.

Mayor Middleton asked to receive additional citizen comments.

Jeff Roberts 21705 SW Wheat Place Sherwood came forward and provided documents to the Council (see record). He stated his family has lived in Sherwood for about 9 years and informed the Council his family has outgrown there home and they have an opportunity to purchase a lot in Sherwood located at 15373 SW Sunset Blvd, he said this is the last lot of a three lot partition from 2005. He informed the Council this is a challenging lot to build on and the main challenge is getting onto the lot and said it is restricted in the space they have to drive onto it. He said due to how the lot is laid out, and trying to maximize the yard for his family and private area, the front of the house would face Sunset and that makes the setbacks 20 feet to the back setback. Mr. Robert's referenced

the aerial photographs provided to the Council and said the 20 foot setback is tough to do to get in and out of a garage and having an area for his kids to ride bikes. Mr. Robert's informed the Council he would like to build a detached garage with an ADU (accessory dwelling unit) above for family, to rent or for office space and would like to reduce the area on the setback to 5 feet. Mr. Robert's informed the Council the documents he provided indicate support from the neighbors to the north, the Dowdles, who would be most impacted. Mr. Robert's informed the Council the main issue he has is the cost, he referenced the documents provided, indicating a variance of more than 20%, 20% being 4 feet going from 20 feet down to 16 feet and he would like to go to 5 feet and anything over 20% requires over \$4400. Mr. Robert's stated he can't pay this, that he doesn't have it and is asking for a waiver of this and said he would pay for the standard mailing fees and believes he was quoted \$260 for this. He said he would still make the application and still do the public hearing and get approval and staff support. Mr. Robert's again stated he is asking for a waiver of \$4145. Mr. Robert's offered to answer questions.

Mayor Middleton informed Mr. Robert's that Council does not normally make decision here under Citizen Comments and Council will need to get back with staff and gather more information. With no other comments or questions from the Council, Mayor Middleton thanked Mr. Robert's.

Mayor Middleton addressed the next agenda item.

9. NEW BUSINESS

A. Ordinance 2013-001 of the City of Sherwood amending provisions of Sherwood Municipal Code (SMC) Chapter 8.20 relating to the definition of "Solid Waste" and franchise enforcement

Craig Sheldon Public Works Director informed the Council that the City received a letter from Pride Disposal wanting to bring forward a definition of Solid Waste and to add language of Organic Food Waste, Electronic and associated components, mattresses, junk and other waste. Craig stated the Council held a work session in November 2012 to discuss this topic and said the enforcement language needed to be updated and give the City Manager a bit more of a process, as well as if the City Manager or City doesn't come through, it allows the franchisee to step in and deal with the issue.

Craig informed the Mayor that per legal advice, the Council may open this business to a public hearing and receive testimony, but it was not required.

Mayor Middleton asked to receive public comments, with none received he closed the comment period and asked for questions or comments from the Council.

Council President Henderson referred to page 10 of the Council meeting packet and asked in regards to Liquidated Damages and a fee of \$500 and asked if this is what staff is proposing. Craig replied yes, this matches up with other items and explained in the ordinance there are other fines of \$500 or \$250 and informed the Council that currently there are no fines and referred to the current language in the ordinance.

Craig explained if we have another non-franchisee come in, where we collect franchise fees from Pride, this fee would be a deterrent.

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

MOTION: FROM COUNCILOR DAVE GRANT TO READ CAPTION AND ADOPT ORDINANCE 2013-001, SECONDED BY COUNCILOR BILL BUTTERFIELD, MOTION PASSED 7:0, ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next agenda item.

10. CITY MANAGER REPORT

City Manager Joseph Gall called forward Library Manager Pam North to introduce a new library employee, Tracy Malek a new Youth Services Librarian, dedicated to programming, outreach, readers advisory and a reference for kids. Pam stated Tracy comes to Sherwood from Scappoose Public Library and has served as a Youth Services Librarian in Michigan and Louisiana and has her Master's Degree in Library Science from Wayne State University.

Council President Henderson asked how youth services are provided and will Tracy be seated at a desk or area. Pam North replied the information desk has been equipped with a computer and Tracy will have regularly scheduled hours and will be working at this desk to support youth, families, homework help and internet support.

City Manager Gall reminded the Council of their upcoming retreat this Saturday from 8am to noon and said it will be held at the Community Room at the Ridges Campus.

City Manager Gall informed the Council of two letters of support that Julia Hajduk and Tom Pessemier will be explaining to the Council and seeking their support.

Community Development Director Julia Hajduk stated she will explain a "letter of interest" and said the Metro Construction Excise Tax is a tax that has been in place since 2006 and its charged with new construction with the intent to help pay for planning activities within the Portland Metro area to get land ready for development. Julia informed the Council that Sherwood has received grants in the past to fund the Brookman Area Concept Plan, Tonquin Area Concept Plan and a small portion of the Area 48 Concept Plan. Julia stated there are cycles for this and we did not apply during the second round of grants and said they are gearing up for the third round of grants and we are interested in submitting a couple of grant applications. Julia stated the first step in the process is submitting a letter of interest and one of the criteria for the letter is to indicate we have spoken with the Council and you all are in support of submitting the letter. Julia stated specifically, what we are considering is asking for funds to do a concept plan for the urban reserve area west of Sherwood, not necessarily to bring it in immediately but to identify how the area could develop and hopefully a sequencing strategy so we can better advocate for bringing it in or not and how much land we might need over time as Metro considers urban growth boundary expansions.

Julia stated the second one (grant) would be for a master plan for the Tonquin Employment Area and informed the Council we did a concept plan for this area and we are thinking about something more in depth that will help identify specific strategies that may need to occur and pieces that need to be in place to help incentivize development. Julia stated the next steps after we do the letter of interest is to get feedback from Metro staff as well as the screening committee on whether or not they think these are good candidates and how to improve the applications. Julia informed the Council she is on the screening committee and will not be able to vote on our projects.

City Manager Gall asked for questions or concerns in regards to submitting the letter of interest. No concerns were expressed by the Council and they conceded to proceed with the letter of interest and asked about the timeline. Julia replied the letter of interest is due in a couple of weeks, the screening will then occur and applications are due mid-April and grant awards in June 2013.

Assistant City Manager Tom Pessemier stated along with this letter of interest, we received last Thursday a request from the Port of Portland and Washington County, related to this same grant cycle Construction Excise Tax. Tom stated this letter of support is a number of jurisdictions getting together from Washington County, and the County and the Port will be putting together the information and gathering letters of support from multiple jurisdictions to ensure everyone is in agreement for them to submit an application on our behalf. Tom explained this pertains to all the large lots, industrial lands in Washington County, 21 large lots that are potentially eligible for industrial uses. Tom stated these are large acreage areas and said there are actually only 15 in the entire Metro region that are in the tier 1 or tier 2 classifications. Tom stated there are very few large industrial lots available and this is a big concern for everyone as you want to have a reasonable supply for different industries that might want to consider coming in from other parts of the country or other parts of the world and need that type of acreage. Tom stated the goal is to try and get businesses to come that will produce products that will be shipped around the country and bring dollars back into the local Portland economy. Tom informed the Council there was an industrial needs analysis that was done and it identified a number of sites and this effort is to do a more detailed investigation on particular sites. Tom stated this is different from the master plan which looks at the entire Tonquin Employment Area and this would look at just one individual site in the Tonquin Employment Area, which is the Biles property approximately 40 acres in size that has been for sale for quite some time. Tom stated a previous effort on the Orr site which is a 90 acre parcel in the Tonquin Employment area was done a few years ago and we got a lot of information about the site and what it needed in order to develop. Tom stated this is a cooperative effort and believes there is going to be about 10 sites that are considered and said this is something that will add value to the site and add understanding to our knowledge from an economic, timing and utility standpoint for development of that site and stated he believes a master plan would probably serve our purposes more. Tom stated if we move down this path and find that we can benefit more from a master plan we might pull out of this.

Tom stated he was looking for the Council' support of understanding that Sherwood will be working with other jurisdictions to gather better information for this property and its future development in the Tonquin Employment Area.

Mayor Middleton stated it references \$1500 in support and asked if it should be \$15,000. Tom replied, no and said each site is about \$15,000 in total to study and they wanted some type of a match and we will be spending some time providing them with information that we have from our concept planning efforts. Tom stated this is a guesstimate and staffs time that we've put into it would be about \$1500.

Mayor Middleton asked for Council questions, with none received and no objections to proceed, Council conceded with submitting the letter of support.

City Manager Gall informed the Council he is in his second year of a three year term on the Board of Directors with the Oregon City County Management Association and he will be in Silver Falls through

Thursday of this week for their annual board retreat. He stated Tom Pessemier will be acting City Manager in his absence.

11. COUNCIL ANNOUNCEMENTS

Council President Linda Henderson reminded that the downtown streetscape construction project will begin this week and stated she was concerned by Mr. Stewart's comments that businesses were not aware of this. She commented that it was possibly employees of businesses that were not aware. Tom Pessemier replied the City produced a number of signs that will be posted tomorrow that indicate businesses are still open.

Mayor Middleton asked staff to ensure they communicate with Kacia's Hair Salon as she utilizes the handicap parking for her customers. Tom confirmed staff would make the contact.

No other announcements were received and Mayor Middleton adjourned.

12. ADJOURN

Meeting adjourned at 8:02 pm.

Submitted by:


Sylvia Murphy, CMC, City Recorder


Bill Middleton, Mayor