



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
June 21, 2022

WORK SESSION

- 1. CALL TO ORDER:** Mayor Mays called the work session to order at 5:30 pm.
- 2. COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Kim Young, Doug Scott, Renee Brouse, and Taylor Giles. Councilor Sean Garland participated remotely.
- 3. STAFF PRESENT:** City Manager Keith D. Campbell, IT Director Brad Crawford, Public Works Director Craig Sheldon, Planning Manager Erika Palmer, HR Manager Rebecca Tabra, City Attorney Josh Soper, Police Chief Ty Hanlon, Records Technician Katie Corgan, Legal Extern Caitlin Tolleson, and City Recorder Sylvia Murphy. Community Services Director Kristen Switzer participated remotely.

OTHERS PRESENT: John Ghilarducci with FCS Group, Mike Pierce, Debby Liew, Mary Consani-Kramer, and Laurie Jackson resident representatives of Orland Villa Mobile Home Park.

4. TOPICS:

A. Parks SDC Discussion

Planning Manager Erika Palmer explained that this was a follow up work session to the May 3rd work session on the Park SDCs analysis update. She introduced John Ghilarducci with FCS Group and explained that at the May 3rd work session, Council had asked for more information on when other jurisdictions had updated their SDCs as well as a request for examples of a phasing implementation plan. Mr. Ghilarducci presented the "Parks SDC Analysis" PowerPoint presentation (see record, Exhibit A) and provided an overview of the agenda for the SDC discussion. He stated that system development charges (SDCs) were one-time charges that were paid at the time of development. He reported that under Oregon law, SDCs were available for water, wastewater, stormwater, transportation, and parks. He stated that SDCs were for capital projects only, in both their calculation and in their use, and that SDCs included both existing and planned future infrastructure cost components. He stated that SDCs were for system facilities, not local facilities. Mr. Ghilarducci explained that SDCs were covered under ORS 223.297 – 316 and provided an overview of how SDCs were calculated. He provided an overview of Sherwood's current parks SDC rates on page 6 of the presentation and explained that the \$93.57 SDC charge for non-residential was charged per employee and the number of employees were calculated based on the square footage of the type of building that was being constructed. Councilor Giles asked for clarification on the SDC charge for a single-family dwelling versus a multi-family dwelling. Mr. Ghilarducci explained that the SDC charge for a multi-family dwelling was per-unit, not per dwelling. Discussion occurred. Mr. Ghilarducci stated that all of the SDC charges were based on population and explained that they looked at the average occupancy by the type of dwelling unit in order to

calculate the different charges by dwelling type. He stated that Sherwood's total cost basis of the eligible portion was \$68 million, which when divided by the 13,000 Residential Equivalents equaled an SDC per Resident Equivalent of \$5,249 and provided an overview of the updated calculated Parks SDC on page 7 of the presentation. He outlined that SDCs for accessory dwelling units were now included in the updated calculation and explained that they assumed a Residential Equivalent of 1.0. Council President Rosener asked where the data for that information came from? Mr. Ghilarducci replied that the number was an assumption because there currently was no census data available to determine average occupancy of ADUs. Mayor Mays asked if Park SDCs or any of the other SDCs were currently being charged for accessory dwelling units? Planning Manager Palmer replied that she did not think Park SDCs were currently being charged for ADU development but other SDCs were being charged for ADU development. Mr. Ghilarducci commented that he did not believe there was an ADU category for Transportation SDCs. Mayor Mays asked if the expected growth in plexes was differentiated in state law? Mr. Ghilarducci replied that the city had a lot of leeway in that category and explained that certain cities had a single charge per dwelling unit, regardless of dwelling unit type. He continued that he believed it was more equitable to have SDCs charged based on dwelling unit type because the data showed that the average occupancy was different in different dwelling unit types, so it made sense to have a schedule. He commented that some cities were not charging SDCs on ADUs because they wanted to encourage ADUs and were treating them as part of an existing single-family residence and foregoing the potential revenue. He provided an overview of the comparisons chart on page 8 of the presentation with the added data of the last adopted date column added. He addressed the two phasing examples and explained that the examples included an estimated inflation rate adjustment going forward. He reported that both a three year and five year phasing schedule was very common and commented that housing developers often requested a phased approach. Councilor Giles asked if there was any evidence that showed developers choosing to develop in a different city based on their SDCs? Mayor Mays replied no, that was not typically the case. Discussion occurred. Mr. Ghilarducci commented he had not seen developers choosing to develop elsewhere based on a city's SDCs and remarked that he had heard that SDCs do factor into what type of structure a developer decided to build. Council President Rosener commented that because of the property tax system, unless the city wanted to go out for a levy, this was one of the only ways to pay for infrastructure. Mayor Mays asked if the city should use a phased-in approach to implementing the new Parks SDCs and commented he knew that developers would appreciate a phased-in approach. Discussion occurred and Council agreed to a six month phased-in approach. Mr. Ghilarducci recapped next steps and explained that per state law, it was required to publicly notice the proposed changes 90 days prior to the public hearing in order to adopt them in August. Councilor Scott asked if it would have cost indexing no matter what? Mr. Ghilarducci replied that it was in the city's code and would remain in the city's code. Council President Rosener asked which index would be used? Mr. Ghilarducci replied he believed it was based on ENR index, specifically the Engineering News Record Construction Cost Index. Councilor Scott asked what would happen if an existing single-family unit was redeveloped into a triplex, would the developer have to pay two new SDCs? Mr. Ghilarducci replied that was correct and added that depending on the code, the developer might pay the multi-family unit rate three times minus the single-family unit rate.

B. Discuss Recruitment for City Attorney Position

Mayor Mays recapped that City Attorney Josh Soper had sent out RFPs to recruiting firms for filling the City Attorney vacancy and had forwarded the responses to Council along with information regarding the process for filling the position internally or partially internally (see record, Exhibit B). Councilor Young asked if it was true that some cities had started with an internal process but ended up going with a recruiting firm? City Attorney Soper replied that both McMinnville and Tualatin were currently recruiting for city attorneys and

McMinnville was using an in-house process but were currently exploring hiring a recruiter. Tualatin had successfully completed an in-house process for a city attorney, but the candidate had backed out and Tualatin was now looking to switch to a recruiter process. Mayor Mays recapped that when City Manager Keith Campbell was hired, the city had hired a firm, but the city's HR department had assisted with the process and commented that if the city went with a recruiter, assistance would still be needed from HR. Since the position would report to Council and because of the workload demands on the HR department, Council agreed to use a recruiter. Council discussed the pros and cons of each recruitment firm's proposal. Discussion regarding the recruitment process occurred. Mayor Mays explained that the process would involve deciding on a pay range, description of responsibilities, advertising the position both inside and outside of Oregon, etc. Councilor Scott asked City Manager Campbell what his experience was with SGR as a candidate? City Manager Campbell replied that he had nothing but nice things to say about SGR and he appreciated the ongoing level of communication he had received from them during the process. City Attorney Soper commented that from a staff's perspective, working with SGR had been great. Council agreed to use SGR to recruit for the city attorney position with assistance from the HR department. Mayor Mays explained that from a process standpoint, hiring SGR for the recruitment of the city attorney position fell within the scope of what City Manager Campbell could engage in for contracts. Mayor Mays asked that City Manager Campbell and City Attorney Soper coordinate the hiring of SGR for filling the City Attorney vacancy. Mayor Mays reported that he had spoken with acting City Attorney Alan Rappleyea to gauge his interest in serving as the City Attorney while the position was being filled, and Mr. Rappleyea had replied he needed to look into his availability.

C. Discuss Orland Villa Mobile Home Park

Mayor Mays explained that the landowner of the Orland Villa Mobile Home Park had given notice that they intended to sell the park. City Attorney Josh Soper presented the "Orland Villa" PowerPoint presentation (see record, Exhibit C) and provided an overview of the process a mobile home park owner must use to sell the park. He reported that many of the steps in the process had already occurred and explained that under ORS 90.800 et seq, an owner of a park is required to give written notice to all tenants of the owner's interest in selling the park before the owner marketed the facility for sale or when the owner received an offer to purchase that the owner intended to consider. The notice must include information about the right to purchase the park and must be sent to all tenants/the tenants committee and the Housing and Community Services Department. The process also stated that within 10 days after delivery of the notice, the tenants must form or identify a single tenants committee for the purpose of purchasing the facility and notify the owner in writing. Mr. Soper explained that the tenants committee had an opportunity to request financial information about the park from the owner in order to perform due diligence, including the asking price, rental and related income information, utility costs, insurance costs, etc. He continued that within 15 days after receiving the financial information, or after the end of the initial 10-day period if no financial information was requested, the tenants must form or associate with an entity that was legally capable of purchasing the property and submit a written offer of purchase. City Attorney Soper reported that residents of the mobile home park had formed an LLC and asked Mr. Pierce if the steps in the process he had recapped had been completed and they had made an offer? Mr. Pierce replied that they had been completed and they had made an offer. Mr. Pierce explained that their attorney had made contact and requested the information and were told that the information would be provided within 45 days, but they had not received any of the requested information as yet. City Attorney Soper provided an overview of the Orland Villa map (see record, Exhibit D). Council President Rosener asked if the owner had marketed the property or did they receive an offer? Mr. Pierce replied that the owner had received an offer after which the tenants of the park received notice. He explained that he believed that they

planned to redevelop the land to remove the mobile homes and develop “stick homes” in their place. Discussion occurred. Mr. Pierce reported that of the 30 original plots, 24 were rented and six plots were owned. Ms. Consani-Kramer explained that they had previously sought bank financing to purchase their plot and were denied because the lots were not a legal-sized lot for single-family homes, and lots had to be at least 5,000 square feet. Mayor Mays commented that the bank’s loan denial reasoning was odd, and discussion occurred. Mayor Mays recapped that the owner was obligated to respond with the requested information within a certain number of days and asked Mr. Pierce if when they submitted their offer, had the owner stated what amount the offer was for? Mr. Pierce replied that they had received no information about the offer, nor had they received any of the requested information. Councilor Scott asked if the LLC had the right of first refusal? City Attorney Soper replied that the LLC had the right to compete to purchase the property, but the owner was able to decide who to sell to. Discussion occurred. Council President Rosener asked what the statute said regarding failure to comply with providing requested information? Mr. Soper replied that he believed that there was an obligation to comply with the request for information before they could complete the sale of the property. Mayor Mays commented that he hoped that the LLC was successful in their effort to purchase the park and asked them to keep City Manager Campbell informed of any updates. Discussion regarding financing options occurred and City Attorney Soper explained that the Oregon Housing and Community Services Department was able to lend money for these types of purchases under certain circumstances. Discussion regarding financing options and processes occurred. Council encouraged the residents to speak with the press to tell their story and to keep the city updated on their progress.

5. ADJOURNED:

Mayor Mays adjourned the work session at 6:35 pm.

REGULAR SESSION

- 1. CALL TO ORDER:** Mayor Mays called the meeting to order at 7:00 pm.
- 2. COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Kim Young, Doug Scott, Renee Brouse, and Taylor Giles. Councilor Sean Garland participated remotely.
- 3. STAFF PRESENT:** City Manager Keith D. Campbell, IT Director Brad Crawford, Public Works Director Craig Sheldon, City Attorney Josh Soper, Police Chief Ty Hanlon, Legal Extern Caitlin Tolleson, and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA:

MOTION: FROM COUNCILOR YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

5. CONSENT AGENDA:

- A. Approval of June 7, 2022 City Council Meeting Minutes**
- B. Approval of June 13, 2022 City Council Meeting Minutes**
- C. Resolution 2022-030, Reappointing David Scheirman to the Parks and Recreation Advisory Board**

- D. Resolution 2022-031, Reappointing Joy Kuczer to the Parks and Recreation Advisory Board
- E. Resolution 2022-032, Reappointing Rodney Lyster to the Parks and Recreation Advisory Board
- F. Resolution 2022-033, Reappointing Justin Kai to the Sherwood Planning Commission
- G. Resolution 2022-034, Reappointing Brian Dorsey to the Police Advisory Board
- H. Resolution 2022-035, Reappointing Chris West to the Police Advisory Board
- I. Resolution 2022-036, Reappointing Mike Smith to the Police Advisory Board
- J. Resolution 2022-037, Reappointing Lisa Patterson to the Traffic Safety Committee
- K. Resolution 2022-038, Reappointing Tiffany Yandt to the Traffic Safety Committee
- L. Resolution 2022-039, Authorizing the City Manager to Sign an IGA with Clackamas County for Sharing of Conduit and Cost Reimbursement

MOTION: FROM COUNCILOR BROUSE TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

6. CITIZEN COMMENTS:

Bill Sikkens, President of the Sherwood Chamber of Commerce, came forward to address Council regarding Cruisin' Sherwood. He commented that the event required a lot of time and effort from many people to organize. He stated he specifically wanted to recognize the City of Sherwood for supporting the event throughout the years, but particularly this year's event and he thanked the city.

Council thanked the various city staff for their hard work in helping to put on the event.

Mayor Mays addressed the next agenda item.

7. PRESENTATIONS:

A. Introduction of New Sherwood Police Officers

Police Chief Hanlon introduced Officer Newman and Officer Rondon and explained that they had joined the Police Department in the last few months. Officer Newman provided a brief background on himself and stated he grew up in Newberg and explained that he had always liked Sherwood and had enjoyed spending time in the city. He stated he was happy to now be working in the Sherwood community. Officer Rondon provided a brief background on himself and stated he was born in Colombia and came to the US when he was nine years old. He stated he served in the Marine Corps after which he became interested in becoming a police officer. He stated he decided to join the Sherwood Police Department because he loved the community-feel of the city and stated he was grateful to be given the opportunity to serve the community. Council welcomed both officers to the Sherwood Police Department and the City of Sherwood. Police Chief Ty Hanlon explained that Officer Rondon would head to the Oregon Department of Public Safety Standards and Training Academy in September and Washington County's pre-academy in July.

Mayor Mays addressed the next agenda item.

8. CITY MANAGER REPORT:

City Manager Keith Campbell reported that he attended the Cruisin' Sherwood event and commented he and his family had enjoyed the event. He thanked Public Works Director Craig Sheldon, Public Works Operations Supervisor Harry Bannister, Police Chief Ty Hanlon, and Sergeant Kris Asla for their hard work in supporting the event.

Police Chief Ty Hanlon reported that the Boots and Bling event would be held on June 24th and stated that tickets were nearly sold out. He explained that the event was organized by the Sherwood Police Foundation and thanked them for their support throughout the years. He commented that he felt that the Sherwood Police Foundation helped to foster the community atmosphere in Sherwood.

Mayor Mays addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS:

Council President Rosener reported he attended the WRWC meeting where they continued their discussion on how to divide the unused acre feet of water that was available in the Willamette Basin. He reported he attended the NLC Technology Committee policymaking meeting where they asked him to moderate a webinar on middle-mile infrastructure for broadband.

Mayor Mays reported he attended the LOC board meeting last week. He reported he attended the Washington County Coordinating Committee meeting last week where they continued their work on reaching a consensus in the Roy Rogers region of Washington County to put at least one project on the MSTIP list. He commented that he hoped the general improvements to Edy Road project made it on the list.

Councilor Garland reported that June 23rd would be the Old Town Art Walk from 5:00 pm-8:00 pm. He reported the Sherwood Foundation for the Arts was putting on "Cinderella" as their summer play and stated tickets were now on sale and the show would run from July 22-24th and July 29-31st. He reminded drivers to slow down and be aware of children playing nearby with the nicer weather and summer vacation.

City Attorney Josh Soper introduced the city's Legal Extern Caitlin Tolleson. He stated Caitlin was a law student at Willamette and started working for the city as an extern on May 31st. Caitlin provided a brief background on herself and stated she grew up in Salem and graduated from Western Oregon University in 2015. She commented City Attorney Soper had given her interesting projects to work on and she had been enjoying her time in the city.

10. ADJOURN:

Mayor Mays adjourned the regular session at 7:25 pm and convened an executive session.

EXECUTIVE SESSION

- 1. CALL TO ORDER:** The executive session was called to order at 7:33 pm.
- 2. COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Kim Young, Doug Scott, Renee Brouse and Taylor Giles. Councilor Sean Garland attended remotely.

3. **STAFF PRESENT:** City Manager Keith Campbell, Police Chief Ty Hanlon, HR Manager Rebecca Tabra, and Labor Attorney Steven Schuback.

4. **TOPICS:**

A. **ORS 192.660(2)(d) Labor Negotiations**

5. **ADJOURN:**

The executive session was adjourned at 8:27 pm.

Attest:



Sylvia Murphy, MMC, City Recorder



Keith Mays, Mayor