

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

A special meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Thursday, January 5, 2017. Mayor Knapp called the meeting to order at 7:12 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

- Mayor Knapp
- Councilor Starr - excused
- Councilor Stevens
- Councilor Lehan
- Councilor Fitzgerald
- Councilor-elect Akervall

Staff present included:

- Bryan Cosgrove, City Manager
- Jeanna Troha, Assistant City Manager
- Barbara Jacobson, City Attorney
- Sandra King, City Recorder
- Chris Neamtzu, Planning Director
- Nancy Kraushaar, Community Development Director
- Delora Kerber, Public Works Director
- Jon Gail, Community Relations Coordinator
- Amanda Guile-Hinman, Assistant City Attorney
- Pam Munsterman, Municipal Court Clerk
- Jamie Nightingale, Finance Clerk
- Angela Handran, Community Liaison Coordinator
- Adam Phillips, Chief of Police
- Keith Katko, Finance Operations Manager

Wilsonville Scout Troop 194 led the audience in the Pledge of Allegiance.

Swear In Newly Elected Councilors and Mayor – the Honorable Judge Gleeson

Judge Gleeson read a brief bio for each of the Councilors. He then administered the oath of office to Councilors-elect Stevens and Akervall, to Mayor-elect Knapp and to Judge Weinhouse.

Mayor Knapp invited the newly sworn-in Councilors to say a few words.

Councilor Akervall recalled she was introduced to local government by attending an ELGL conference because she was interested in how communities were built and how at the time she had no intention of running for office. As she has been involved on the Development Review Board and the School Board Budget Committee she has been impressed with the level of care that the boards apply to their work. The Councilor has seen people with different perspectives and who may not agree, but they are still working together. Councilor Akervall thanked her husband and daughter for their support. She encouraged those who were thinking about volunteering to take action to do so.

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Councilor Stevens welcomed Councilor Akervall to the Council. Councilor Stevens was honored to serve another four years on the Council, and stated she has learned a lot during the past four years from citizens, fellow Councilors and the Mayor. She agreed appreciation for different perspectives is important as is keeping an open mind and felt the Council is strong since it can comfortably express different points of view and still work together.

Mayor Knapp commented elected officials know they will not find perfect solutions to every problem, but they try to find the best route forward. In addition a part of being an elected official is the time taken away from family, and he expressed his appreciation to his wife, Melodee. He thanked staff for their work, their skills and the professionalism they bring to their work which reflects positively on the City.

Mayor Knapp recognized and thanked retiring Judge Michael Gleeson for his many years of service in the position of Municipal Court Judge for the City.

Judge Gleeson indicated he has served as Wilsonville's Municipal Court Judge since 1988, and he has watched the community change and grow. The past 29 years have been a time of growth for the City and the Municipal Court deals with different issues than it did in 1988. The Judge appreciated the autonomy the City afforded the Court, which is important especially in a municipality. It can get to be a blurry distinction in the idea of separation of powers and it is easy for a court to become a part of the other parts of the city, but the City has always respected the autonomy of the Court as a separate branch of government.

The Mayor invited Judge Weinhouse to say a few words.

Judge Weinhouse provided his background, and acknowledged his wife. He thanked Judges Gleeson and Sartell and the Court staff who taught him about the Municipal Court procedure. Judge Weinhouse felt the Court was important since it had to do with community safety as far as traffic is concerned and making sure defendants are treated fairly and with respect.

The Mayor invited outgoing Councilor Fitzgerald to provide her perspective on the past four years.

Councilor Fitzgerald enjoyed the opportunity of serving on Council and agreed it is a great learning experience. Although it does take considerable time, city staff does what they can to make it manageable for citizens who have jobs and family to serve on the Council. The Councilor thanked her husband for his support. She stated the decisions made by the Council are complicated, and are dependent on existing laws. Councilor Fitzgerald felt the staff and the Councilors were responsive and willing to meet with citizens to explain process. She advised citizens to contact the City if they want to know why things are happening, attend Council meetings, ask questions, and find ways to change and improve things.

The Council members, City Manager and City Attorney conveyed their appreciation for Councilor Fitzgerald's work on the Council.

Mayor Knapp declared a recess for refreshments and reconvened the meeting at 8:22 p.m.

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Motion to approve the order of the agenda.

Motion: Councilor Stevens moved to approve the order of the agenda. Councilor Lehan seconded the motion.

Vote: Motion carried 4-0.

MAYOR'S BUSINESS

A. Elect City Council President

Motion: Councilor Lehan moved to elect Councilor Starr as City Council President for the next two years. Councilor Stevens seconded the motion.

The Mayor and Councilors felt Councilor Starr had done an outstanding job in his role as Council President.

Vote: Motion carried 4-0.

The Mayor announced the next Council meeting will be January 19th which is a Thursday.

B. Proclamation in Honor of 2017 Martin Luther King, Jr., Day

Mayor Knapp felt the upcoming Martin Luther King, Jr. Day was a significant holiday, more so today due to the dialogue and discussion that occurred during the prior election season which seemed to enable a certain amount of coarseness in what people were feeling empowered to say or do in ways that surprised many people in the country.

The opportunity to observe Martin Luther King Day in a way that acknowledges the ideals that Dr. King expressed is upon us and we have prepared a proclamation to honor that day. Mayor Knapp read the proclamation into the record.

COMMUNICATIONS

A. WilsonvilleSTAGE Theater Presentation "The Laramie Project" by Moises Kaufman

Terry Kester, artistic director for WilsonvilleSTAGE thanked the Council for the timely proclamation. He said the organization has pledged to perform in each theatrical season a drama that addresses the issues stressed in the proclamation. This winter WilsonvilleSTAGE is presenting *The Laramie Project* by Moises Kaufman and the Tectonic Theater. The play is based on hundreds of interviews conducted in Laramie Wyoming after the 1998 murder of University of Wyoming gay student Matthew Shepard. The play includes how 60 different characters reacted to the hate crime that spurred many states to enact new hate crime laws.

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CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

This is an opportunity for visitors to address the City Council on items *not* on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. Please limit your comments to three minutes.

Diana Cutaia thanked the Mayor and Council for the proclamation. Ms. Cutaia believed it was one's responsibility to speak out against hate and as a newer resident to Wilsonville she felt welcome in the community.

Charles Smith spoke as the HOA president of Wilsonville Meadows. He thanked the Council for the residential parking program ordinance and believed it would help; however, he felt good weather would bring the return of the parking problems.

Mary Ott indicated she lives two doors down from Wilsonville Road on Meadows Loop, and she does not believe the parking problem has gotten better. She approved of the parking program ordinance but felt the cost for the permits was too high and suggested a one-time fee to be paid by homeowners.

Jason Abernathy, a homeowner in Brenchley Estates appreciated staff attending their HOA meeting; however, the overflow parking problems continue due to the number of adults living in the Jory Trail apartments resulting in the tenants parking on their street. He also pointed out there is increased vandalism, Republic Services cannot collect trash, the Post Office is unable to deliver mail because of cars parked in front of the mail boxes, and homeowners are moving and renting out their homes. He invited the Councilors to visit his home to see the situation first hand.

Jarrod Prater of Brenchley Estates endorsed the residential parking permit program as do all of the homeowners.

John Mohatt a resident of Landover subdivision expressed concern about the future development of the Frog Pond area and the increased traffic. He said large trucks still use Wilsonville Road they are speeding, and he does not see any police presence issuing tickets. Mr. Mohatt contacted Target and Martin Trucking who both said there were not aware of the truck restrictions on Wilsonville Road or the "No Thru Truck Traffic" signs. He thought Wilsonville was deteriorating with too many people, cars and construction.

Jan Johnson a resident of Landover subdivision complained the "No Thru Truck Traffic" signs are ineffective and are not visible. She thought more trucks are using Wilsonville Road, and speeding, there is no police enforcement, and high school students are driving too fast. Ms. Johnson said her yard is unusable due to the truck traffic. She suggested putting out "traffic change ahead" signs to alert the trucks.

Lyneil Vandermolen suggested installing cameras on Wilsonville Road to identify semis that are using Wilsonville Road illegally.

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Mr. Cosgrove pointed out cameras cannot cite vehicles, officers have to do that. Cities have to have special legislation from the State legislature to implement photo radar, and the city cannot do that on its own.

Ms. Vandermolen held that cameras would be an inexpensive fix for the problem. She thought the Martin Luther King Proclamation carried a negative sub text within it that Americans were narrow minded.

Mayor Knapp asked staff what the next steps might be.

Mr. Cosgrove stated Wilsonville Road is being patrolled by the police and citations have been issued to trucks for violations in the past month. The program is a trial and data will be collected after three months and again after six months. If the Council wants to leave the “No Thru Trucks” signs in place for an additional period of time that can be done. He understood the issues are emotional and people’s quality of life is being impacted. Staff will continue to monitor the situation and will do what is within our power to mitigate the problems with the resources we have. The City is not ignoring the citizens’ concerns and for now we will monitor what has been done and see if after six months it is having any actual impact in terms of the types of trucks using Wilsonville Road.

Continuing, Mr. Cosgrove said an important aspect of this is how the community is laid out, flanked by I-5 and I-205, there will always be traffic issues which will only get worse with the influx of people moving to Oregon in the next 10-15 years. The issues are not going to get better until the State addresses transportation issues regionally.

Regarding the residential parking permit program ordinance, Mr. Cosgrove said the first reading of the ordinance will be January 19th, with the second reading February 6th. He noted if the ordinance passed on first reading, there was nothing that precluded him from conducting community meetings from neighborhoods.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Councilor Akervall – (Development Review Panels A & B Liaison) noted the January DRB meetings have been cancelled.

Councilor Stevens – (Library Board and Wilsonville Seniors Liaison) announced the next meeting date for the Wilsonville Community Seniors.

Councilor Lehan – (Planning Commission, CCI and Tourism Promotion Committee Liaison) reported the Commission will be addressing the Frog Pond Master Plan and Water Treatment Master Plan at their next meeting.

CONSENT AGENDA

Ms. Jacobson read the title of the Consent Agenda item into the record.

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A. Resolution No. 2608

A Resolution Of The City Of Wilsonville To Enter Into An Intergovernmental Cooperative Agreement Regarding Future Transfer Of Roadway Authority On Portions Of Stafford Road And Advance Road From Clackamas County To The City Of Wilsonville.

Motion: Councilor Stevens moved to approve the Consent Agenda. Councilor Lehan seconded the motion.

Vote: Motion carried 4-0.

PUBLIC HEARING

A. Ordinance No. 804 – first reading This *item to be continued to Jan. 19th*.

An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 5 By Renumbering Section 5.245 As Section 5.250 And Adding A New Section 5.245 To Create A Residential Parking Zone Program.

Ms. Jacobson reported the continuation of the public hearing for Ordinance No. 804 will allow the new Police Chief time to review the ordinance.

Motion: Councilor Lehan moved to continue Ordinance No. 804 to the January 19, 2017 meeting. Councilor Akervall seconded the motion.

Vote: Motion carried 4-0.

CONTINUING BUSINESS

Ms. Jacobson read the title of Ordinance No. 803 into the record on second reading.

A. Ordinance 803 – 2nd reading

An Ordinance Regarding Road Maintenance, Authorizing A Fee For The Purpose Of Road Maintenance Services And Repealing Ordinance Nos. 484 And 540.

Motion: Councilor Lehan moved to adopt Ordinance No. 803 on second reading. Councilor Stevens seconded the motion.

Vote: Motion carried 3-0-1.
Mayor Knapp - Yes
Councilor Starr - excused
Councilor Stevens - Yes
Councilor Lehan - Yes
Councilor Akervall - abstain

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NEW BUSINESS

A. Employment Contract for Municipal Court Judge Weinhouse.

Motion: Councilor Lehan moved to execute the Employment Contract for Municipal Court Judge Weinhouse. Councilor Akervall seconded the motion.

Councilor Stevens impressed with credentials, demeanor, and open-mindedness of Judge Weinhouse.

Vote: Motion carried 4-0.

B. **Resolution No. 2612**

A Resolution Of The City Of Wilsonville To Establish A Methodology And Billing Rate For The Road Maintenance Utility Fee And Repealing Resolutions No. 1394, 1424, And 1748. Resolution –Road Maintenance Fees (staff - Ward)

Ms. Jacobson read the title of Resolution No. 2612 into the record.

Mr. Ward presented the staff report. As previously discussed in staff reports regarding Ordinance 803, a Task Force of residents and businesses was formed to study the road maintenance fee. FCS Group presented several topics to the Task Force for consideration that are intended to make the methodology more transparent and better situated against a challenge. The Task Force recommended the following changes:

- 1) Change the methodology to remove truck counts. Truck counts are a factor in pavement wear, however the data are difficult and time consuming to accurately establish. None of the task force members were first aware that trucks were a component in their fees. However, proposed changes to the methodology will result in each trip having a charge; hence heavy trip generating entities will pay higher road maintenance fees than a single family resident, which will offset the lack of trucks as a factor in the billing method.
- 2) Remove specific reference to the edition of the Institute of Transportation Engineers (ITE) Manual on Trip Generation. The manual is currently in its 9th edition, with a 10th edition anticipated. The ordinance specifies the use of the 5th edition.
- 3) Change the methodology to reflect costs per Equivalent Residential Unit (ERU). Charges per account would be based on the number of trips generated by a customer according to the ITE Manual. Those site-specific trips would be converted to ERUs, using a factor of 9.45 which is the number of trips generated by a single family home. This establishes a unit of measurement with a single family home paying 1 unit and a multifamily home paying 0.65 units.
- 4) Update the categories (bins) that non-residential customers are placed in to be in line with current clusters of businesses. In looking at a graphical presentation of the number of trips generated by Wilsonville businesses, there are apparent breaks at 20, 40, 60, 80,

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120, 200, 400, and 600 ERUs. Utilizing bin averages the road maintenance fees are charged over ranges of non-residential trip generation. Businesses may move slightly inside a bin, but will seldom move from one bin to another. This allows for most typical modifications to business operations without needing to be re-evaluated for a new road maintenance fee.

- 5) When the fee was initially determined the rate was designed to split the costs evenly between residential and non-residential. Because there have been no changes to the fee since 2002 the balance of the fund had become 54% residential. With the change in methodology to a trip paying for a trip, the residential funded portion is estimated to be 47%.
- 6) Include cost recovery for staff administrative time for project management and design contracts when necessary. This more clearly aligns the actual costs of the program with fee and provides transparency regarding actual costs. This is not allowed in the current program.
- 7) Specify that Federal, State, and City requirements are included in the acceptable expenditures list. The City is required by the Americans with Disabilities Act to bring pedestrian ramps on roads that are improved by more than a slurry seal into compliance with existing ADA policy. This change would clarify that the Road Maintenance Fund may pay for that work where required.
- 8) Perform an interim rate increase. The Task Force recognizes that the next logical increase would occur at the beginning of the fiscal year (July 1), however, they feel strongly that current limitations in the fund will increase the backlog of needs and does address timely maintenance. The Task Force recommends a stepped increase in the Road Maintenance Fee, starting this winter, to provide sufficient funds for work in summer 2017.

The updated methodology provides for equity and fairness among those served by the road maintenance utility. Increasing the monthly rate allows for a sustainable fund to maintain Wilsonville roads and preserves significant past public and private investments in the system.

The new fees are expected to be implemented 30 days after this resolution is effective. Higher revenues will be received for approximately the last quarter of the 2016-17 budget cycle.

With the new method of categorization, many businesses will be billed different amounts than they would have paid since 2001. The new methodology and billing rate will result in higher revenues for the Road Maintenance Fund which is needed to adequately fund the upcoming 5-year road maintenance program. This will benefit the users because the roads they use will be maintained at a level of service that is more cost effective than allowing the pavement structure to decline to a condition that requires far more expensive rehabilitation measures. Preventive road maintenance also serves the community by protecting and maintaining past public and private investments in the road infrastructure.

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Mr. Ward introduced Patricia Zimmerman, Chair of Task Force, and Al Steiger, Task Force member who both spoke in support of the resolution and the methodology process. In addition, they felt it was imperative to maintain the city's road infrastructure and not to "fall behind".

Mr. Ward explained engineering technicians conducted a survey of the pavement conditions throughout the city. From this pavement survey, Mr. Ward established a pavement management program for the next five years. He then explained the different types of maintenance work that would be used based upon the condition of the pavement. The Task Force recommended increasing the fee to insure the funds were available to do the street maintenance during the five year period.

To make the repairs identified in the survey of street conditions an increase in the monthly fee is necessary. The current monthly fee for a single family home (\$4.30) has been in place since 2002 and the task force recommended an increase to \$5.23 per trip with an additional increase to \$7.62 the next November. Yearly increases will begin the following November based on the *Engineering News-Record Seattle Construction Cost Index*. The Task Force also recommended implementing billing categories based on groups of 20 ERUs (equivalent residential units).

The Task Force recommended removing truck counts, and to charge a fee based on the number of trips. Every trip generated will be charged a set fee.

Councilor Lehan asked how staff would insure the capital improvement projects do not drift into the road maintenance fund and provided a scenario regarding the upgrade of sidewalks for ADA compliance.

Mr. Ward said upgrades to an ADA ramp would be triggered by the type of maintenance treatment and anything greater than a slurry seal may trigger an upgrade. There are instances where it is legitimate to use the fund for street rebuilding, specifically when there are more damaged sections than good sections, and at that time it is more cost effective to replace the street than it is to piece it together.

Ms. Kraushaar added taking a street down to its structural replacement is considered a maintenance tool in a pavement management program.

Ms. Cole pointed out the ordinance restricts the funds to pavement management, and it is part of the Finance Department's job to insure that funds are used as intended. The auditors also test to insure expenses are in line with city ordinances and policies.

Mr. Ward noted the street maintenance work to be done in Charbonneau over the next five years is directly pulled from the Charbonneau Consolidated Plan.

Mayor Knapp asked for clarification on the need for major changes in the methodology.

Ms. Kraushaar said there had been a lot of experience over the last twenty years, and from a cost of service standpoint to make sure we are using this as a utility the consultant recommended that

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every trip pay the same as a change to the old ordinance, which is more widely accepted throughout the experiences learned over the past two decades.

Mr. Cosgrove added when the City adopted the original ordinance it was pioneering new territory. What we know now is based on the learned experiences over the years, and treating a trip as a trip is, from a best practices standpoint, makes the most sense. The appeal process in the ordinance and resolution is there to address anomalies and the bins and averages from the ITE manual helps to smooth out extreme cases. If someone wants to make a particular case of why their particular circumstance is unique, they may appeal. Mr. Cosgrove explained further a fast food restaurant is an “attractor” generating a certain number of trips that are identifiable in the ITE manual because it is known how many trips a fast food restaurant generates.

Mr. Ward said there was a certain amount of maintenance that needs to be performed over the next five years, so a certain dollar amount is necessary to pay for that, and the fees are split between the restaurant and local driver. Based on taking trips at every point, we’ve lowered the fee per trip to reflect the spread out nature of the fees.

Ms. Cole said the engineering department conducted a rigorous review of the city’s streets per the pavement management index, and forecasted the needs into the next five years. She was unsure if this type of review had previously been done, or whether the City was aware of the costs it was facing for the program. The department did an excellent job of reviewing all of the costs, and tried to reflect the true costs of maintaining the streets to a certain condition index of 65 as a minimum. The FCS Group took the costs and helped to define the rates for the next five years.

Mayor Knapp was concerned local businesses will be shocked by the increase in their bills, and whether enough information has been provided to those who will be most affected.

Ms. Cole said the plan was to insert an informational piece in the utility bills which will explain the change to come. Another idea was to advertise in the Boones Ferry Messenger.

Ms. Kraushaar asked the Task Force members if they had anything to add since the Task Force guided the decision and methodology.

Ms. Zimmerman explained the Task Force all agreed this was the best way to go. There was a lot of discussion, and review of three or four scenarios. The consultant did not push for this solution; the Task Force felt they had a lot of input during the process. The Task Force was concerned about the increases the larger commercial establishments will feel. However, looking at the equity factor for everyone, the Task Force concluded this was the best methodology.

Mr. Steiger added one of the reasons there will be large increases for a select number of companies is that the prior categorization put them into a low rate. In the past Fred Meyer was charged at the same rate as the Library, now we are saying the trips generated because of Fred Meyer are significantly higher than the trips generated by the Library; and Fred Meyers should pay their fair share of that trip generation. He did not think that happened under the old methodology.

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Councilor Stevens suggested providing an insert explanation of the methodology in the utility bills and include information about making the fees more equitable for all businesses. She asked how churches and similar facilities are charged.

Mr. Ward said they are placed in a bin based on the number of trips they generate, which for a church is based upon square footage. In the vein of a utility, a trip is a trip; a distinction is not made for all trips occurring heavily on one day as opposed to being spread out through the week.

Ms. Kraushaar provided additional examples in response to Mr. Steiger's example. Previously Fred Meyer was paying the same as one of the elementary schools in town, which was \$285.00 per month. With the new rates, the elementary school will pay less, and Fred Meyer's bill will increase.

Mayor Knapp wished the resolution had been structured with a 30-day advance notice to the people that will pay the bill, instead of the first notice being inserted into the utility bill which reflects the increase.

Ms. Cole clarified the resolution states the first increase in a bill will be in April, and the inserts will be included in the February and March utility bills.

The Mayor thought providing what the new bill amount will be under the new methodology would be beneficial – old rate versus new rate.

Mr. Cosgrove asked the Finance Director how difficult it would be to show the new rate compared to the current rate. Ms. Cole thought this might be accomplished, however she was not sure and would look into it. Mr. Cosgrove did not want to make a promise staff could not deliver on, but the intent is if that can be done, it will be.

Mayor Knapp reiterated the concern he had about 'surprising' people with an increase. It seemed to him the community needed to be alerted to what is coming, and what impact it will have.

Mr. Cosgrove indicated the Chamber of Commerce was represented on the Task Force as were Republic Services and a variety of different interests.

Motion: Councilor Stevens moved to approve Resolution No. 2612. Councilor Lehan seconded the motion.

Councilor Stevens thanked the Task Force for their work. She also commended the City for the use of a citizen Task Force to address these types of issues.

Mr. Steiger thanked City staff for providing information to address questions of the Task Force.

Mayor Knapp agreed with the comments of Councilor Stevens.

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Councilor Lehan recalled being on the Council when the road maintenance fee was originally implemented and it was difficult to arrive at a formula that was fair and achieve what was needed to maintain the roads. She also thanked the Task Force for the update.

Councilor Akervall added her thanks to the Task Force, and for the proactive road maintenance since replacement is more expensive than maintenance.

Vote: Motion carried 4-0.

CITY MANAGER'S BUSINESS

Mr. Cosgrove wished the Council a Happy New Year.

LEGAL BUSINESS

Ms. Jacobson said that Mr. Kohlhoff quietly slipped out of the building December 31 to begin full retirement, and that he will be missed. She will be scheduling individual appointments with the Councilors to discuss the track the Legal Department will be taking.

ADJOURN

Mayor Knapp adjourned the meeting at 10:00 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor