

**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

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A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, December 5, 2016. Mayor Knapp called the meeting to order at 7:46 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp  
Councilor Starr  
Councilor Fitzgerald  
Councilor Stevens  
Councilor Lehan

Staff present included:

Bryan Cosgrove, City Manager  
Jeanna Troha, Assistant City Manager  
Barbara Jacobson, City Attorney  
Sandra King, City Recorder  
Nancy Kraushaar, Community Development Director  
Jon Gail, Community Relations Coordinator  
Andrea Handran, Community Liaison Coordinator  
Mike Kohlhoff, Special Projects Attorney  
Jeff Smith, CCSD  
Adam Phillips, Chief of Police

Motion to approve the order of the agenda.

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

**Vote:** Motion carried 5-0.

**MAYOR'S BUSINESS**

A. Upcoming meetings were announced by the Mayor as well as the regional meetings he attended on behalf of the City.

**COMMUNICATIONS**

A. Wilsonville Community Sharing Check Presentation (staff – Handran)

Angela Handran presented a check in the amount of \$5,000 to Wilsonville Community Sharing (WCS). The funds were raised through various fund raising events held in the City and supported by City employees and residents. She introduced Taft Mitchell, Dick Spence and Michelle Ripple, Board Members of Wilsonville Community Sharing who expressed their gratitude for the gift which will help many people in the Community. With their new website, WCS is more visible in the community and they have experienced an increase in donations this past year. New fundraising events are being planned for the New Year.

Councilor Fitzgerald commented that making a donation or becoming a sustaining donor was easy due to the new website.

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Mr. Cosgrove recognized the organizational efforts of Ms. Handran in managing the successful fundraising events throughout the past year.

B. Introduce Adam Phillips, Wilsonville Police Chief (staff – Captain Smith)

Captain Jeff Smith thanked the Council and staff for the opportunity to work in Wilsonville the past three years. He introduced Adam Phillips who will take over as Wilsonville’s Chief of Police.

The Mayor said during his tenure as Wilsonville’s Police Chief, Captain Smith has been helpful in building a strong community.

**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.

There was none.

**COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS**

A. Council President Starr – (Park & Recreation Advisory Board Liaison) reported the tree lighting ceremony, and the Reindeer Romp was very successful. The toy drive will continue until December 14<sup>th</sup>; those wishing to donate a new unwrapped toy may do so at the Parks and Recreation Administration Building.

B. Councilor Fitzgerald – (Development Review Panels A & B Liaison) stated the DRB will not meet again until January.

C. Councilor Stevens – (Library Board and Wilsonville Seniors Liaison) announced the next meeting dates of the Library Board and Wilsonville Seniors.

D. Councilor Lehan – (Planning Commission, CCI and Tourism Promotion Committee Liaison) announced the next meeting date for the Planning Commission. She thanked Public Works for their work in lighting the trees in the median along Wilsonville Road. The lights will remain on during through January. She noted the “No Thru Trucks” signs are up and although the neighbors along Wilsonville Road have not noticed much change yet, changes in driving habits take time to occur.

**CONSENT AGENDA**

Ms. Jacobson read the titles of the Consent Agenda items into the record. At the request of the Community Development Director, Resolution No. 2608 was removed from the Consent Agenda to allow further discussion with Clackamas County. The Resolution will be brought back at a later date.

A. **Resolution No. 2608** – removed from the Consent Agenda  
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.(staff – Adams)

B. **Resolution No. 2609**

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A Resolution Adopting The Canvass Of Votes Of The November 8, 2016 General Election. (Staff – King)

C. Minutes of the November 21, 2016 Council Meetings. (Staff – King)

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

**Vote:** Motion carried 5-0.

**PUBLIC HEARING**

Ms. Jacobson read the title of Ordinance No. 776 into the record on first reading.

A. **Ordinance No. 776** –1st reading

An Ordinance of the City of Wilsonville Amending Wilsonville Code Chapter 3, Right-of-way and public easement management section, by amending section 3.410 and section 3.420 (staff – Kohlhoff)

Mayor Knapp read the public hearing format for the record and opened the public hearing at 8:26 p.m.

Mr. Kohlhoff presented the staff report. He asked that the public hearing be continued to allow time to work with the partners towards an agreement involving the pipeline from the City of Hillsboro to the Willamette River. If that works out well, there may not be any need for the public hearing, but if it does not, rather than coming tonight and putting anything into the record, they asked that the hearing be continued to the next Council meeting on December 19<sup>th</sup>.

The ordinance before the Council amends two sections of the Code. Section 3.140 deals with the removal of redundant language and corrects typographical errors.

Substantive changes are contained in Section 3.420. Staff is proposing to separately list the authority for the City Manager and the City Council based on a dollar amount to sell, exchange, convey, or lease the City's interest in real property, if such sale, exchange, conveyance, or lease is either not needed for public use or else furthers the public interest. A list of cost factors has been provided which are involved in making that determination in order to regulate the rights-of-way and make the determination with regards to any sale, exchange, conveyance, or leasing that furthers the public interest.

The cost factors at the City Manager level is \$100,000.00 or less, while the City Council has a greater value amount to determine the appropriate terms, including price for such sale, exchange, conveyance, or lease. The City Attorney, or the City Attorney's designee, has the authority to identify the documents necessary for such sale, exchange, conveyance, or lease.

Occasionally the City must deal with an unusual circumstance related to its property and right-of-way, in particular, the potential for a 66-inch raw water pipeline to be built in the City's right of way for approximately four miles. A typical franchise agreement is limited to a twenty year term and would not address the water pipeline. The water pipeline is an extremely large project which will go to Hillsboro, be present in the city's right of way for many years, and cost a billion dollars. Statutory authority does allow for a lease of up to 99 years between government bodies, and this factor has been incorporated into the ordinance's alternative procedures.

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The proposed ordinance will establish an appropriate line of authority through the City Council to deal with the unusual circumstance and provide analysis factors to allow development of an appropriate pricing for such use. Installation of this 66-inch raw water pipeline will not provide benefits to the residents and businesses in Wilsonville since the pipe is a “pass through”; however, the construction and depth of the trenching necessary to install the pipe will impact residents and businesses, as well as reside in right-of-way areas the City might otherwise have been able to lease resulting in the loss of opportunity costs.

Staff is making progress in the negotiations with Tualatin Valley Water District and the city of Hillsboro and anticipates a lease document will be brought to Council for consideration soon.

Mayor Knapp commented it was helpful to formally recognize the different factors, especially under paragraph 4 that talk about the ways in which a project like this may affect the City, and therefore become factors in determining what is in the public interest. Having a presentation so to formally acknowledge those things may be helpful in the future as well as right now in this project.

Councilor Starr pointed out negotiations have been ongoing for many months because the pipeline is a very complex issue, which has taken a long time to navigate.

Mr. Kohlhoff said staff has been working on the negotiations the past eighteen months. One opportunity is the Kinsman Road extension project in which a segment of the pipeline will be put in at TVWD and Hillsboro’s risk. This pipe section has allowed the City to see the size of the trench needed for the pipeline, and identify some of the conflicts. TVWD and Hillsboro are hoping to be constructing their water treatment plant which will be located outside of the City limits to the north and connect the pipeline to the plant. Additional agreements will need to be made regarding the intake facility and proposed upgrades to that facility as well as seismic upgrades to the WRWTP.

Other significant issues that are not included in a typical franchise fee agreement include the impacts and costs to the City, the potential for problems, and verifying the correct insurances and indemnifications are in place.

Ms. Jacobson clarified the hearing would not be continued; it was the record that would remain open. The Council could vote on the first reading of the ordinance with the proviso that the record would remain open for testimony in case one of the parties in the negotiation wishes to do so at the December 19<sup>th</sup> Council meeting.

Mr. Kohlhoff added since the Ordinance had been noticed for public hearing, the public should be invited to testify if they wish to do so, and then continue the hearing and record.

Mayor Knapp invited public comment, hearing none he asked for a motion to leave the public record open until the next meeting.

**Motion:** Councilor Lehan moved to adopt Ordinance No. 776 on first reading and to leave the public record open until the next meeting. Councilor Fitzgerald seconded the motion.

Councilor Fitzgerald thought the matter was a significant ordinance and allows the City to recognize the specific needs for the City’s right-of-way.

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Mayor Knapp believed it was important for the public to understand the City is trying to cooperate with surrounding jurisdictions while at the same time protecting the City's investments, and to be proactive on the impacts this pipeline may have on the residents and local business.

**Vote:** Motion carried 5-0.

**CITY MANAGER'S BUSINESS**

Mr. Cosgrove thanked the elected officials who attended the holiday party this past Friday. He asked Council to bring their calendars to the first meeting in January so the Goal Setting Retreat can be scheduled in late February or early March.

**LEGAL BUSINESS** - There was no report.

**ADJOURN**

Mayor Knapp adjourned the meeting at 8:44p.m.

Respectfully submitted,

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Sandra C. King, MMC, City Recorder

ATTEST:

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Tim Knapp, Mayor