

# **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, June 2, 2014. Mayor Knapp called the meeting to order at 7:10 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp  
Councilor President Starr  
Councilor Fitzgerald  
Councilor Stevens  
Councilor Goddard – Excused

Staff present included:

Bryan Cosgrove, City Manager  
Jeanna Troha, Assistant City Manager  
Mike Kohlhoff, City Attorney  
Nancy Kraushaar, Community Development Director  
Cathy Rodocker, Assistant Finance Director  
Sandra King, City Recorder  
Mark Ottenad, Public Affairs Director  
Blaise Edmonds, Manager of Current Planning  
Daniel Pauly, Associate Planner  
Keith Katko, Finance Operations Manager  
Jon Gail, Community Relations Coordinator  
Stan Sherer, Parks and Recreation Director  
Kristin Retherford, Economic Development Manager

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

**Vote:** Motion carried 4-0.

### **MAYOR'S BUSINESS**

A. Upcoming Meetings.

Mayor Knapp announced the next City Council meeting scheduled for June 16<sup>th</sup>. He reported on the second meeting held on Climate Smart Communities, an ongoing effort to develop strategies to reduce emissions from light vehicles in the region. He also noted the recent events that had been held including the Memorial Day celebration, observance at the Korean War Memorial and Annual Festival of Arts.

### **COMMUNICATIONS**

A. Korean War Memorial Foundation of Oregon Presentation, Korean War Veterans Association

Mayor Knapp introduced tonight's presenters, briefly noting their work history and current positions with the Korean War Memorial Foundation of Oregon and Korean War Veterans Association. He thanked them all for coming and hoped anyone listening or watching rebroadcasts of the presentation would learn more about the Korean War Memorial.

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Jim Park, Chair, Korean War Memorial Foundation of Oregon (KWMFO), briefly reviewed the history of the Foundation, which began about three years ago after John Lim, then a former Oregon senator, approached him. The Foundation was not for Korean-Americans alone, but to make sure veterans of the Korean War were honored. The Foundation gifts the City \$5,000 each year to ensure maintenance of the Korean War Memorial.

John Lim Founder, Korean War Memorial Foundation of Oregon, said the Foundation was fortunate to have worked with the City, which donated the land for the Korean War Memorial in Wilsonville. He briefly described the Foundations five-year plan, which included building five statues in honor of those people who were significant in the Korean War and the country's recovery. Mr. Lim thanked City Council for the proclamation honoring James Lee, one of the founders of the Korean War Memorial Foundation who passed away April 16, 2014.

Chuck Lusardi President, Korean War Veterans Association (KWVA), Oregon Trail Chapter, explained that this was a transition year as the KWMFO would be taking the leadership role in putting future programming together. The Korean War veterans were interested in seeing the memorial be used to express the cultural relationship with the Korean community.

Mayor Knapp read the proclamation honoring James Lee, who was so instrumental in creating the Oregon Korean War Memorial in Wilsonville.

Mr. Lusardi presented a check for \$1,000 to the City of Wilsonville from the KWVA, Oregon Trail Chapter as a token of their appreciation for providing and maintaining the site of the Oregon Korean War Memorial in Town Center Park. They requested the funds be used to help support the cost of installing the electrical and audio circuitry for the audio and video equipment in the newly remodeled interpretive center.

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

Council President Starr – (*Parks & Recreation Advisory Board Liaison*) announced that Todd Blankenship had been hired as the City's new park supervisor and reviewed his background. He briefly reported on the Festival of the Arts, Tonquin for the Love of Schools Race and the Memorial Day celebration. He announced the upcoming meeting dates for the Community Center Task Force and Frog Pond Task Force. He noted the fountains were turned on in the main parks this weekend and that the Wilsonville farmers' market would begin June 12th.

Councilor Fitzgerald – (*Development Review Panels A & B Liaison*) discussed how the Aurora Squadron Civil Air Patrol performed the fly over at the Memorial Day Ceremony since the Blue Angels were no longer funded. She announced the upcoming Boy Scout event, which would be held the same day as the Korean War Memorial Remembrance Ceremony. She announced the upcoming DRB June meeting dates and briefly reported on the DRB-Panel B approval of a new maintenance building and new container storage area at Republic Services, noting that Phase 2 would be addressed at the June 23 meeting.

Councilor Stevens – (*Planning Commission; CCI; Wilsonville Seniors Liaison*) announced that the June Planning Commission meeting was cancelled, so the Commission would meet again on July 9. She reviewed the June 12<sup>th</sup> agenda of the Frog Pond Task Force meeting and announced the upcoming Basalt Creek Community Workshop. The Councilor encouraged the public to become involved as this project would change the shape of that area and create jobs for Wilsonville.

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This Friday, the Wilsonville Seniors would host a special lunch and musical tribute at the community center to honor all veterans of all ages. Other announcements included information about The Relay for Life, SMART's scenic trolley tours, and many summer programs hosted by the library.

**CONSENT AGENDA**

Mike Kohlhoff, City Attorney read the titles of the Consent Agenda items into the record.

**A.     Resolution No. 2472**

A Resolution Of The City Of Wilsonville Amending Resolution No. 2416 Which Authorized Acquisition Of Property Interest Related To Construction Of An Infill Segment Of The Ice Age Tonquin Trail Along Willamette Way East.

**B.     Minutes of the May 5, 2014 Council Meetings.**

**Motion:**     Councilor Fitzgerald moved to approve the Consent Agenda as presented. Councilor Starr seconded the motion.

**Vote:**        Motion carried 4-0.

**PUBLIC HEARING**

Mr. Kohlhoff read the titles of Resolution No. 2474 and 2475 into the record.

**A.     Resolution No. 2474**

A Resolution Declaring The City's Eligibility To Receive State Shared Revenues.

**B.     Resolution No. 2475**

A Resolution Declaring The City's Election To Receive State Revenues.

Mayor Knapp read the public hearing format into the record and opened the public hearing for Resolution No. 2474 and Resolution No. 2475 at 8:00 p.m.

Ms. Rodocker stated that as required by the State of Oregon, the City must hold a state shared public hearing to receive state shared revenues. State revenues allow, in part, funding for the road operations program, facilities and parks maintenance, law enforcement, community services and library operations. To qualify for state shared revenues, the City must provide four of seven specific services and the City currently provided six of those seven.

Mayor Knapp invited public testimony, hearing none he closed the hearing at 8:03 p.m.

**Motion:**        Councilor Starr moved to approve Resolution No. 2474. Councilor Stevens seconded the motion.

**Vote:**        Motion carried 4-0.

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**Motion:** Councilor Starr moved to approve Resolution No. 2475. Councilor Fitzgerald seconded the motion.

**Vote:** Motion carried 4-0.

**C. Resolution No. 2476**

A Resolution Of The City Of Wilsonville Adopting The Budget, Making Appropriations, Declaring The Ad Valorem Tax Levy, And Classifying The Levy As Provided By ORS 310.060(2) For Fiscal Year 2014-15.

Mr. Kohlhoff read the title of Resolution No. 2476 into the record.

Mayor Knapp read the public hearing format into the record and opened the public hearing for Resolution No. 2476 at 8:08 p.m.

Cathy Rodocker presented the staff report, noting that the approved budget for FY 2014-15 totaling \$122,496,664 had been presented to City Council. Of that budget, \$114.7 million would be Appropriated Funding and \$7.7 million would be Unappropriated Ending Fund balances. Unappropriated Ending Fund Balances was made up of all the contingencies approved by the finance management policy, which included 15 percent of the City's current operating expenditures for the General Fund, along with the \$2 million Sustainability Fund, and the 20 percent operating expenses for all other operating funds with the exception of the Stormwater Fund, which fell short.

The Budget Committee amended the proposed budget, directing staff to reduce Personnel Services and/or Materials and Services by \$375,000 and offset the contingencies. She explained that Personal Services were reduced by \$162,000, and Materials and Services were reduced \$215,000 which increased the Ending Fund balance. The approved budget was the exact same dollar amount, but the different categories had been changed. Looking at the reduction by fund, the biggest change was \$101,000 to the General Fund, with the CD fund and Water and Sewer Operating Funds being the next largest contributors to the reduction.

When starting the budgeting process in January, staff estimated an 8 percent increase in Personnel Services for insurance, but learned in April that it would only be 5 percent; therefore, all the funds associated with employees reflected that reduction to the insurance in Personnel Services. The resolution included setting the General Fund tax rate at \$2.5206 per \$1,000 and their debt service of \$360,000, which would be paid in full by January 2016, and this levy would meet the Debt Service needs for this fiscal year.

Mayor Knapp called for questions from the Council.

Council Starr said that with regard to the Debt Fund, he assumed there was an early retirement fee if the City were to pay that debt off faster than 2016.

Ms. Rodocker added that it worked out to .156 per \$1,000.

Mayor Knapp confirmed there were no further questions from Council and invited public testimony.

Alan Kirk, 7926 SW Edgewater E. Wilsonville, OR 97070, said it was good to see that the debt bond measure approved by the voters 15 years ago for the library expansion would be completely paid off a

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year from now. Staff said that would reduce people's taxes by \$40 if they had a \$250,000 house. The city manager and his staff had once again presented a new budget that he would classify as status quo, while at the same time maintaining services, reserves, and the City's very strong financial position. He asked that his comments be included in the Urban Renewal Agency public hearing as well.

With regards to urban renewal, the West Side Plan started in 2003 with an assessed value of \$16.5 million. Today that had increased by \$248 million to now over \$264 million. This increase would not have occurred without the urban renewal district. With the proposed development later on the agenda, he assumed the City had a plan to sell the excess land of the school district back to the developer and asked if the sales price was public. If not, he asked that it be provided later on and if it would go back into the Urban Renewal Fund. The citizens of Wilsonville voted with 79 percent in favor of forming the West Side Urban Renewal District. The Year 2000 Plan was started in 1992. The City had removed about 298 acres in an attempt to return excess revenues back to the other taxing districts. The State changed the law, so a few years ago the City limited what the urban renewal district collected, which was about \$4.2 million with any excess going to the taxing districts. As seen in the West Side Plan, the Year 2000 Plan today went from \$44 million to \$396 million with what was remaining. He agreed with the recommendation made last year by Urban Renewal Task Force to close the Plan as soon as possible and pay the debt off early. He did not believe the closure would have a material compression impact upon the school district. Once closed and the outstanding bonds paid, 100 percent of the revenue would flow to the other taxing districts at about an additional \$4.2 million per year. Two district bonds would remain, one of which would be paid off June 1. Once that was paid, he suggested using that payment to pay against the other bond to get it paid earlier. The district also had a Program Reserve Fund of about \$1.65 million. He suggested using that to help fund the Canyon Creek South project and then fund the rest with a short-term loan instead of another bond measure, as was somewhat indicated in the minutes from the last Council meeting. The Council would have two upcoming urban renewal actions that they might want to ask the voters about. One was the new Coffee Creek District, and the second was an increase in the West Side Plan. The City had a limit on the number of acres that could be had in the plan, so it needed to be reduced. Showing the voters the history of increased revenue to taxing districts would bode well for both if the Year 2000 District was closed as soon as possible.

Mr. Kohlhoff confirmed the City had not sold the excess land of the initial school site in the north SAP nor was it currently on the market, but it was gaining value every day.

Mayor Knapp confirmed there were other questions from the Council and closed the public hearing at 8:18 p.m.

Mr. Kohlhoff provided a summary of a letter Mayor Knapp received from Budget Committee Chair Alan Steiger requesting that City Council reinstate the amendments passed by the Budget Committee that reduced the Personnel Services and/or Material and Services funds.

Mayor Knapp confirmed there was no further comment and requested a motion.

**Motion:** Council Starr moved to approve Resolution No. 2476. Councilor Stevens seconded the motion.

Councilor Fitzgerald appreciated the Budget Committee Chair's comments, and added that there was interest among various members of the Budget Committee about wanting additional information about why variances existed and what led to them. The city manager agreed that more notes would be included in next year's budget to that effect. She was disappointed the Budget Committee had not taken advantage of the opportunity to discuss the budget in depth, noting that 20 percent of their members were absent at

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that first meeting. Committee members were given notice of the meeting dates and staff sent several notices to check if the dates worked for people's calendars. She understood unexpected situations come up to prevent people from attending. However, she hoped that as people are recruited to these committees they would be encouraged to come in for a second meeting or ask questions in advance of the Committee's decision making time if they were unable to attend so the Committee could hear and respond to those questions.

Councilor Stevens noted Mr. Steiger's letter asked for the budget to be restored to the original budgeted amount. Given the limitations on what the Council could do once the Budget Committee made a decision, she asked if Council could do what he requesting.

Mr. Cosgrove replied yes, because it was by fund and the changes would be less than the 10 percent.

**Vote:** Motion carried 4-0.

Mayor Knapp noted he had some sympathy with Chair Steiger's position. He was also troubled by the late arrival of discussion at the second Budget Committee meeting which hindered staff from responding to questions and concerns that came up late. He believed staff had done a very fine job and the performance of the City overall was indicative of the efficient and effective use of public funds. He saw no indication to suggest that staff needed tighter guidance in order to continue producing that result. He hoped next year's discussion would be more forthright and take place earlier in the Budget Committee dynamic. He looked forward to the Budget Committee responding to concerns and having discussion about actual concerns of how the City budget was working as opposed to philosophy about governmental approach. He trusted Mr. Cosgrove would do the same fine work with the budget that he had done in the last few years.

Mr. Cosgrove assured staff made an effort to both orient Budget Committee members and made themselves available to meet with folks individually to answer any questions prior to the budget deliberations, but they could not make people come in. He was open to hearing about other ways to approach the situation. Having people provide staff questions in advance served the process better because staff could be more prepared and respond in more detail. He thanked the Council for setting the service level for the City.

**D. Ordinance No. 743 - 1<sup>st</sup> reading**

An Ordinance Of The City Of Wilsonville Annexing Approximately 15.16 Acres Of Land Located Southeast Of The Intersection Of SW Grahams Ferry Road And SW Tooze Road Into The City Limits Of The City Of Wilsonville, Oregon; The Land Is More Particularly Described As Tax Lots 1200, 1202, And 1205 Of Section 15 T3S-R1W, Clackamas County, Oregon, Polygon Northwest Company, Applicant.

Mr. Kohlhoff read the title of Ordinance No. 743 into the record on first reading.

Mr. Kohlhoff advised that Council receive amendments to Ordinance No. 743 during work session, which primarily incorporated the attachments and renumbered them accordingly.

Mayor Knapp called to order the public hearing on Ordinance No. 743 first reading and asked if any members of City Council wished to abstain, declare a conflict of interest, or report any ex parte contact or information gained outside of that hearing.

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Councilor Fitzgerald did not believe she had any ex parte contact. She had attended the DRB meetings, but stayed only for the introductions and liaison report, especially for this meeting. She had the same level of information as her colleagues.

Mayor Knapp confirmed that all members had familiarized themselves with the application. No member of the audience wished to challenge the participation of any member of the Council. He read the public hearing protocol and called for staff's presentation on the application.

Dan Pauly, Associate Planner, announced that the criteria applicable to the application were stated on Pages 1 and 2 of 7 of the annexation findings which were attached to the ordinance. He presented the staff report, noting that the subject property was the southeast corner of Grahams Ferry Road and Tooze Road, which had been master planned as part of the Villebois development. Out of all the area within the Villebois Master Plan, the area between Grahams Ferry Road and 110<sup>th</sup> Avenue, which was part of Specific Area Plan (SAP) North, was the only part of Villebois not currently within the city limits. The two property owners involved were registered voters and as required by state statute, all of the owners and electors consented to the annexation allowing for a quasi-judicial process, rather an election.

Councilor Fitzgerald noted in the findings regarding the petition for annexation, Goal 8 under Exhibit B, stated, "Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and where appropriate to provide for the siting of necessary recreational facilities including destination resorts..." She realized no destination resort was being sited, but asked if staff could clarify the findings for that goal.

Mr. Pauly replied the findings essentially discussed the overall park experience in the Villebois Master Plan, including a 10-acre forested preserve located just south of the subject property that had been planned with some additional programming together with the subdivision as well as a pocket park with some recreational amenities.

Mr. Pauly explained that recreational needs did not necessarily refer to the trees, but the fact that there were trails, playgrounds and picnic tables in that forested area, which was programmed for recreational activities.

Councilor Stevens confirmed the location of the forested area, which would remain forested, and that trails would be put in.

Mr. Pauly added that it was a great forested area. The existing trail was actually approved as part of a previous phase, but the approval of some of the park programming in the forested area was left until this phase because it would directly serve the homes in this phase.

Mayor Knapp asked what the property status would be once the property was annexed without further formal action.

Mr. Pauly replied the area would be left in the city with a Comprehensive Plan designation but would still have the county zoning until rezoning occurred. He noted same scenario has occurred elsewhere, particularly in Villebois, where an area that already had a Comprehensive Plan designation for Residential Village was annexed. A number of areas were still zoned EFU prior to development, including the school property.

Mayor Knapp confirmed there were no further questions from Council and called for comments from the Applicant and for public testimony.

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Alayna Robertson, Polygon Northwest, stated the annexation piece complied with the master plan and Polygon wanted to bring the area within the city limits in order to request the zoning change that was previously approved in the DRB hearing.

Mayor Knapp confirmed there were no questions for the Applicant and no public comment. He closed the public hearing at 8:39 p.m.

**Motion:** Councilor Fitzgerald moved to approve Ordinance No 743 as amended on first reading. Councilor Stevens seconded the motion.

**Vote:** Motion carried 4-0.

**E. Ordinance No. 744 – 1<sup>st</sup> reading**

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone To The Village (V) Zone On Approximately 15.16 - Acres Comprising Tax Lots 1200, 1202, And 1205 Of Section 15, T3S, R1W, Clackamas County, Oregon, Polygon Northwest Company, Applicant.

Mr. Kohlhoff read the title of Ordinance No. 744 into the record.

Mayor Knapp read the public hearing protocol and called the public hearing to order at 8:40 p.m. He asked if any members of Council wished to abstain, declare a conflict of interest, or report any ex parte contact or information gained outside of that hearing. There was none. All members had familiarized themselves with the application. No member of the audience wished to challenge the participation of any member of Council. He called for the presentation of the staff report.

Mr. Pauly announced the applicable criteria were stated on Pages 2 and 3 of 10, Attachment B to Exhibit A. The staff report had been entered into the record and copies were available on the table at the side of the room. He presented the Staff report, noting he had been before Council a number of times regarding zone changes in Villebois and this was similar. As a Residential Village Comprehensive Plan designation, there was one menu option when land was being rezoned to Village, which was what was proposed.

He noted a review criterion on Page 10 of 10 of Attachment B, Subsection 4.197.2(G) of the Development Code stated, “The proposed development and uses can be developed in compliance with the applicable development standards or appropriate conditions are attached to ensure that the project development substantially conforms to the applicable development standards.” This Zone Map Amendment was reviewed by DRB, including some amendments to the Specific Area Plan (SAP), a Preliminary Development Plan (PDP), Final Development Plan (FDP) and Type C Tree Plan; all of which were approved with conditions by DRB Panel A on May 12, 2014. The DRB found the requests complied with the applicable standards.

One modification regarded a change to the mix of unit types from the Master Plan, generally, a reduction in the number of small and standard lots, and an increase in the number of large and medium lots. There was also an addition of a park area at the corner of Tooze Road and Grahams Ferry Road, which would be a nice focal point coming into the community. Retaining the wooded wetland at the southwest portion of the site was also a change from the Master Plan.

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He described the trees related to the proposed project, noting that two properties were involved and most of the trees being discussed were along the edges on the Tabor property which were planted as part of the landscaping for the property when that home was built. The sidewalk was being designed to preserve some good-sized trees along Tooze Road, including a Gingko tree, Douglas fir, Ponderosa pine, and a red cedar. The lotting pattern had been changed to retain a 25-inch Douglas fir in one yard, and a tree maintenance easement was also provided to allow the HOA to maintain the tree as an amenity for the community.

The giant Sequoia was likely planted in the 1970s as the project arborist estimated the tree to be about 40 years old. Giant sequoias tend to grow fast and have a larger diameter at breast height (DBH), the diameter of the tree 4.5 feet above ground. He reviewed the Development Code standards used when considering the preservation of such trees, noting that part of the process involved considering options, especially when weighing other design alternatives, such as connectivity and urban design, as well street networks and lotting patterns that made sense. After considering the options, the Sequoia tree was in the middle of a street. Staff concurred with the Applicant's recommendation that it must be removed.

In this particular case, Polygon researched many design alternatives before the lot layout design was brought to staff. Mr. Pauly deferred to Polygon to discuss the alternatives they considered before bringing this iteration forward.

Councilor Starr expressed concern about density, which had increased over time as Villebois expanded. He wondered when the density would be relaxed to make up for the higher densities that had been previously approved and wondered when the DRB would require more large and standard sized lots. He asked if the DRB was taking into account that Villebois was getting closer to build out and the densities needed to be lower to balance out what was originally platted.

Mr. Pauly understood density was a concern. Unlike the last project, this parcel was shown with quite a bit of density in the Villebois Master Plan and the Applicant's changes fell within the limits set for refinements in the Development Code. They increased number of medium lots and the number of large lots was also increased so the proposal had bigger lots and less density than the Master Plan, yet it was consistent with the Master Plan.

Councilor Starr noted over the last three years, Council had seen the density raised, but were told it would be lower in other parts of Villebois to reflect how it was planned originally. If the DRBs were not considering whether Villebois was in line with the densities originally projected, he believed it fell on the Council.

Mr. Edmonds said the overall Villebois Master Plan was originally approved for 2,400 units. Over time, the density increased, and there were more small lots. The property just east of the city-owned property was heavily treed and heavily sloped, and lots there were likely to be larger because of the conditions.

Mr. Pauly confirmed that the Master Plan, which was currently at about 2,600 units, was amended to allow for the increased density. Of the original 2,400 units, 100 were in Grand Pointe, which was not included with any units originally. There had been about a 100-unit increase from the original master plan.

Mr. Kohlhoff stated said the 2004 development agreements had 2,600 units originally. It increased from the first plan.

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Councilor Starr said he was concerned about having only a few parcels left to play catch up making it not necessarily equitable for that developer as opposed to making sure the City made thoughtful decisions the whole way. He did not know if the DRBs were actively engaged in these discussions.

Mr. Edmonds replied that the DRBs were actively engaged with refinements. A 10 percent adjustment or refinement was allowed within the buckets of the residential types that could be applied for without changing the Master Plan. Through those 10 percent refinements, there had been an increase over the past 10 years from 2,400 to 2,600 units.

Councilor Stevens noted one item to consider was the number of different lot sizes. She believed a lot of families would want to live in the smaller houses with other amenities close by. The large lots would have a fenced backyard up against two very busy roads. Everyone had different lifestyles and preferences. She believed the development provided more options for how people wanted to live and where they chose to buy a house. When crunching numbers, sometimes they lost sight of how people would actually live in those homes. She believed the variety of options in the plan would be desirable for many different types of families and households.

Mayor Knapp confirmed that the criteria that applied to this action in Exhibit B, starting at the bottom of Page 1 and continuing on page 2 of 10, and that Exhibit A1, shown on Page 9 of 135 of tonight's staff report, was the DRB staff report.

Mr. Pauly explained it was the standards that he read from Development Code Section 4.197.

Mayor Knapp read the top paragraph, "Staff has reviewed the site plan and has not identified any reasonable design alternatives to retain the good trees being removed for construction; notably a 61-in diameter Giant Sequoia tree, #10478, in excellent health that sits in the middle of a planned street that cannot be realigned sufficiently to avoid the tree without significantly changing the layout of the development." It was not clear from that statement whether this was a good, excellent or important tree.

Mr. Pauly replied the categories included good or important trees. The standards were referenced in the Community Elements Book as noted in the Villebois Master Plan. He did not have a copy of the book with him, but could discuss the tree categorization. Primarily, native white oaks in good health would have been deemed important trees in the past.

Mayor Knapp noted that was an observation; the criterion did not specify only white oak trees. The criterion stated, "Important classification is comprised of trees that rated high in the following categories: health, structure and vigor of the tree." The Staff report stated this tree was in excellent condition meaning it would meet that criterion. He confirmed with Staff that the Giant Sequoia, at 61-inches in DBH, was probably one of the biggest trees in Villebois, so the tree appeared to comply under the second category, "Age and/or DBH." He asked what "Species rating per ISA standards for the Pacific Northwest region" meant.

Mr. Pauly replied that was essentially one of the main reasons the tree was not important. It was introduced as an ornamental tree, so it did not rate highly in this category. Often arborists did not like it from a natural resource standpoint because it provided extra habitat for wildlife.

Mayor Knapp continued reviewing the standards related to how the Giant Sequoia was categorized with Staff and noted that the tree met all the important categories, yet the Giant Sequoia was not categorized as an important tree, but a good tree. He reviewed the categories for good trees, noting some ambiguity existed between the good and important classifications. The tree qualified under all but maybe two of the

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important categories described. He was confused how it could be rated as good, when it complied with that many of the criteria, unless people just wanted to remove it.

Mr. Pauly explained that the ratings were provided by the project arborist, Ms. Holan. Her arborist's report was part of the record. The important and good ratings were not determined by Staff, but were based on a well-respected professional that had rated trees throughout Villebois.

Mayor Knapp noted Criterion C22 on Page 46 of 135 of Exhibit A1 stated, "Parks and open space areas shall incorporate existing trees where feasible, and large shade trees shall be planted." As an existing tree, the Applicant should try to incorporate it. He also cited Criterion C25, "Park design shall encourage opportunities for wildlife habitat such as plantings for wildlife foraging and/or habitat bird and/or bat boxes and other like elements, though not mentioned, including raccoons."

Mr. Pauly replied that the Applicant would discuss the alternatives they considered. He agreed it met Criteria C25, but tree preservation was weighed with all the other design criteria.

Mayor Knapp stated the second paragraph on Page 112 of 135, Subsection 4.610.00(.03)(B) read, "Where the site is proposed for development necessitating site plan review or plat approval by the Development Review Board (DRB), the DRB shall be responsible for granting or denying application for a tree removal permit, and that decision may be subject to affirmance, reversal, or modification by City Council, if subsequently reviewed by Council." He asked if the Council was subsequently reviewing. He clarified this was one of the criteria Mr. Pauly listed as applicable to this action.

Mr. Kohlhoff stated that by incorporation from Page 10 that Mayor Knapp had referred to before, it would be there.

Mayor Knapp continued, noting Page 113, Subsection F7, Subsection 4.610.10(.01)(B) stated, "No development application shall be denied solely because trees grow on the site. Nevertheless, tree preservation and conservation as a principle shall be equal in concern and importance to other design principles." On Page 114, the last sentence of the top paragraph, said, "No trees with a rating of important are present within the subject site." He could not accept that as accurate given the review they had just taken through the criteria used to determine important trees. On Page 115, Finding F13, Subsection 4.610.01(.01)(H) said, "Tree removal or transplanting shall be limited to instances where the applicant has provided completed information as required by this chapter, and the reviewing authority determines that removal or transplanting is necessary based on the criteria in this subsection." He understood this to mean that Council had authority.

Mr. Pauly stated all of these were the Development Standards listed on Page 10.

Mayor Knapp cited Finding F23 on Page 117 stating, "The City shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation, and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced..." All of these suggested that the question of preservation of a major tree that possessed a very aesthetic quality was a significant factor in deciding whether the proposal was appropriate. He was concerned about removing a tree that should live for 1,000 years in order to build houses that would last for 100 years. He was not sure he saw the logic or stewardship in that and would ask the Applicant to respond when they came forward.

Mayor Knapp confirmed there were no further questions for staff and invited the Applicant's comments.

Jim Lange, Pacific Community Design, 12564 SW Main Street, Tigard, introduced himself.

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Alayna Robertson, Polygon Northwest, 109 E 13<sup>th</sup> Street, Vancouver, WA 98660, thanked staff and the Council for taking the time to review the application for the zoning change. She displayed two maps. The Master Plan SAP originally showed there would be more small lots and less of the large lots. According to the numbers, the original Master Plan called for 101 units to be built in this section of Villebois. In response to requests from Council, as well as other Villebois and Wilsonville residents, Polygon took steps to introduce larger lots. The refinement limitations allowed a 10 percent reduction to the small lots allowed within that density requirement. Polygon reduced the number of small lots in this particular application by 10 percent from the Master Plan, and increased the number of medium and large lots. Although they looked to be the same depth, the medium lots were actually wider than the small lots. The proposal did introduce more large lots, which was in line with the Villebois Master Plan. By the numbers, the density had decreased as well as the number of small lots.

Because of the reduced density, Polygon was able to increase the wetland and open park spaces in the area. The park in the northwest corner would be the developed park with a play structure, where the lovely oak once stood. An oak would be planted there to reestablish a shade tree in that park. On the Master Plan, a road was originally intended to punch through a wetland space. However, Polygon's application looked to preserve the existing trees and wetland space while still maintaining the connectivity, which was so integral to the Villebois Master Plan.

There had been some definite changes to the responses received from previous applications. Villebois was a project Polygon strongly believed in, as indicated by the number of applications they had submitted. They were excited about the opportunity to bring large lots to Villebois. They had been very fortunate to have success with smaller lots, but were introducing bigger lots with this and the Grand Pointe applications to help with the density that had shifted since the original planning.

She reviewed the park system, noting the south boundary showed the trail system that would go into the treed area that currently existed. They did not plan to remove trees from that area, but would clean up some of the trails to make them walkable. She indicated the wetland area was preserved by relocating the street that connected to Grahams Ferry, thereby adding a significant area that was not originally part of the Master Plan. In the northwest corner she noted the developed park facility would be well-maintained with fencing appropriate to the Master Plan to make it a safe area for families to enjoy. Polygon knew their customers liked to see trees and be around green space, so they absolutely saw the trees as a benefit to their customers and homeowners.

She displayed conceptual elevations, noting the medium plans featured wider lots and a variety of architecture styles. The small lot sizes ranged from 2,000-3,600 square feet, which was Polygon's current alley-loaded product; medium lots ranged from 2,900-4,500 square feet; standard lots were 4,500-6,500 square feet. To meet easement requirements, homes on the small lots would be 1,700 or 1,800 square feet; the medium homes would be 1,900 to 2,200 square feet with houses sized incrementally as the lot sizes increased. Polygon was cognizant that having good-sized side yards and back yards was a benefit to their customers. The small lots and medium lots would be an alley-loaded product. The large homes could be about 3,500-4,000 square feet. They were significantly larger, front-loaded plans with driveways leading to two-car garages..

Polygon responded to the need for single-story homes due to the aging populations. The front-loaded lots provided an opportunity for master bedrooms on the man floor. No townhomes or multifamily connected units would be built, all the homes were single-family, detached homes.

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Mr. Lange added if the number of small lots were reduced any more, the Master Plan would have had to be revised. He described key discussion items of the Master Plan, which included intersection spacing and focusing on this grove of trees. There had been a progression of thinking about trees, because the decision to move the street connection preserved a number of significant trees. Early on, some of the work between staff and the Applicant involved started on the design of Grahams Ferry Road, Tooze Road, and its intersection, and preserving that oak tree. After the application was submitted, the tree split and fell.

The Sequoia in question was a beautiful tree, and they had gone through some exercises to try to figure out what could be done to save the tree after receiving the arborist's report. He reviewed several ideas that illustrated for the Council. The tree was in the middle of the road and a little toward the north side. One alternative they considered was to pull the road south, but that violated street design criteria and having that movement close to an intersection was not very safe. The other problem was the road was still significantly underneath the canopy of the tree. Earlier photos showed the massive, pyramid-shaped base of the tree and they did not think this alternative would help the tree, nor was it safe, so they discarded the idea. Another alternative was to terminate the street in some fashion. From a fire safety standpoint, the street could have been turned into an acceptable hammerhead for fire trucks, but the issue was the very long block which was unavoidable due to the intersection spacing. This alternative would not meet the connectivity requirements, which was one of the three goals of the Master Plan, so that alternative was eliminated as well.

In Phase 2 of SAP South there was a tree in an island, and the next alternative displayed was superimposed that same idea on the Sequoia. The developer was fighting four feet of grade change in that area. Such a tree island would meet fire safety requirements and it would not break the block the Applicant believed needed to be connected. However, it would impose an interesting grading challenge to center the island and do the grading needed to make the ground flat and having those turning movements that close to an intersection were also a problem. The Applicant could not eliminate more units without modifying the Master Plan, and the island would put them back in the position of doing some smaller lots, which seemed contrary to what they had heard and to Polygon's desire to have some large lots. Based on the combination of all those factors, this alternative was eliminated as well. The Applicant did look at the Sequoia tree and did go through an evaluation, which was how they reached their decision. Perhaps the error they made was not sharing the alternatives resulting from the evaluation process in the application.

Mayor Knapp was unconvinced by the Applicant's decision criteria. He felt the tree was an iconic, visual identifier for the entire neighborhood and he did not believe the concerns cited with the alternatives were fatal to the idea of saving the tree. The Mayor suggested splitting the road around the Sequoia, and using permeable pavement under the tree.

Ms. Robertson said their understanding from the arborist was that the Sequoia, not being a native tree, grew faster than trees native to the region, and offered to plant a Sequoia in another location.

Ms. Robertson noted the significant character of this particular area of Villebois needed to be taken into account as three areas, two corners, and the full southern border was trees. Of the entire tree inventory of 41 trees, seven would be retained, not including the Sequoia, based on the arborist's evaluation of the health and importance of those trees. The other trees being preserved within that area would absolutely be defining features for the community, which was unique in that it did not have the in-Village connectivity seen farther south on the opposite side of the trees where it was clearly a part of Villebois. This community would be very much defined in its own space because of the trees in the south section set it off to itself on the north end. She agreed the Sequoia was a beautiful tree, but did not believe it was the

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last defining tree to set the neighborhood apart. There were so many other trees that would define this space and neighborhood from the surrounding sections of Villebois.

Councilor Starr had two observations. First, to keep the tree, the developer and Council might need to meet halfway to keep the tree. If the Council wanted to keep the tree that bad, perhaps the Master Plan should be altered to help make it work. Council might need to come up with some type of joint idea. Second, they needed to think about what the tree would look like 30 years from now. Would the tree take over the road? He was concerned that even if they did something to save the tree, they might be creating a problem for the future. The tree was massive and he did not know how much bigger it would get. Although this was just first reading, he was open to some sort of compromise; however what the tree would be like many years down the road should be considered to make sure the plan would be workable in the future.

Mr. Lange said it was a big tree, but it was still a baby relative to Giant Sequoias. The 80 or 90 year old Sequoias around the Hillsboro courthouse were twice as big and twice as tall.

Ms. Robertson said there were always concerns with maintenance and as the root system continued to grow, it would require maintenance. As noted earlier, the Sequoia was able to thrive because it was an open space with plenty of rainfall able to get to it. The introduction of homes, irrigation systems and planter strips would limit the ability of water to reach the tree, which would affect its strength. They also had to consider how the introduction of concrete around the tree would impact the root system, even if permeable pavers were used. The pavers were relatively new in design and their long-term impact was unknown.

Councilor Fitzgerald agreed with everything that had been said. She loved the tree and its look, and having an arborist present would be helpful, but she was sensitive to what Councilor Starr brought up. One of the trees planted in a lot of plantings out in Graham Oaks was the white oak, which grew much slower. It was a tough reality, because no one liked to be the one to say they should take the tree out.

Mayor Knapp said in his view, they were not paid to be arborists or civil engineers, so the question was what could the Applicant and staff bring back as some kind of proposal or alternative. He knew that if the Council did not ask for viable alternatives, they would not get any and the decision would be made and the tree would be gone. He had not seen enough information to suggest that was the responsible course of action.

Ms. Robertson replied Polygon would need a clear understanding of the goals, would the tree be preserved at the expense of the density or Master Plan. The goal was to get back in line with introducing larger lots and decreasing the density, which was the message the Applicant had received and wanted to be aware of. She understood saving the tree was of the utmost importance, but requested some clear direction about what Council was willing to compromise on so they could move forward.

Mayor Knapp suggested reducing the size of Lots 12, 13, 51, and 52 sufficiently to allow the road to go around the tree, giving it sufficient growth space to thrive.

Councilor Starr asked if making some of those lots smaller at the expense of adding a corner lot instead of a pocket park, giving the Applicant one more lot in that area and providing more ground around the tree to protect it.

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Mr. Cosgrove believed the key issue, notwithstanding connectivity and safety, involved the tree and the arborist. He asked what the tree would look like 50 years from now, and what the root system would look like with that impacting the infrastructure.

Mr. Lange agreed to provide that information and project what the Giant Sequoia would look like in 100 years, including the canopy and how the tree would impact the street and homeowners. He confirmed the Applicant was working on a timeline and hoped to get the second reading, because the annexation had to be complete 90 days before the general election.

Mr. Cosgrove interjected that the annexation had been approved. Council could do first reading on the zone change with some direction for staff to work with the applicant before the second reading of the ordinance.

Mayor Knapp agreed they could, but he had not heard enough specificity to be comfortable.

Mr. Kohlhoff said Staff projected having the development agreement at the next meeting. There were significant road improvements to Grahams Ferry as dedications were involved to improve Grahams Ferry, especially at the intersection where a right turn had been set up. There had been some balancing for when the City went forward with Tooze Road that also involved some storm drainage issues. He believed the Applicant would go forward with Grahams Ferry before the City scheduled moving forward with Tooze Road. It was a complicated document, but he had been negotiating working with their attorney, and he believed the agreement should be ready for the June 19<sup>th</sup> meeting.

Mr. Cosgrove suggested Staff had enough direction to work with the Applicant to come up with some alternatives for the tree and project what the impact of leaving the tree would be on the infrastructure and homes. They might return with no good alternatives or a possible solution.

Councilor Fitzgerald said sometimes people forget to look at what certain new trees would do or look like in 15 years. She would like to hear how all those new trees would look in 15 years.

Mr. Lange noted Council was very familiar with the proposed street trees. The reason the arborist had classified the oak tree as poor was that it had rot in the trunk and was going to fall apart, and when the wind storm came it did. That corner was a very high visibility area, being on the edge of the development and on the high ground. The Applicant had proposed to plant another oak there, which was on the approved plan. He believed it would be a good place to plant a Giant Sequoia, because it would stick up in the air a lot higher being on the hill and would be a very visible landmark.

Mr. Kohlhoff asked how many additional trees were being added, including the street trees.

Mr. Lange said he was not certain but it was about 200 trees. He indicated where significant mitigation would be done.

Councilor Starr suggested approving the ordinance on first reading, because he wanted to be sensitive to everyone's time. He was totally open to tweaking the Master Plan if it meant the tree could be saved. He believed Council needed to hear from the arborist and get some more information before making that decision.

Ms. Robertson noted the Arborist Morgan Holan was available by phone and willing to go on record to answer some questions if Council would allow.

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Mayor Knapp believed more information was needed to get Council to a decision point.

**Motion:** Councilor Starr moved to approve Ordinance No. 744 on first reading and leave the public hearing open. Councilor Stevens seconded the motion.

Mayor Knapp did not agree with the current motion, and wanted to know if a motion to continue under Roberts' Rules of Order would take precedence over a motion to pass on first reading and leave the public hearing open.

Mr. Kohlhoff answered yes, it could.

**Motion:** Mayor Knapp moved to not vote on first reading and continue the entire discussion of Ordinance No. 744 to June 16, 2014, the next regularly scheduled City Council meeting. Councilor Fitzgerald seconded the motion.

Mayor Knapp did not think the matter was ready for a first vote and was not confident in the subject matter of staff's response, nor did he know how well it would address the options needed. He believed there was plenty of time to extend the discussion given the timeframe described.

Councilor Stevens confirmed that if the ordinance was passed on first reading keeping the public hearing open and it went to second reading and the Council was not satisfied and did not pass it on second reading, the ordinance would fail.

Ms. Robertson asked that the Applicant be able work with staff to get the ordinance passed today leaving the public hearing open so they could work on a solution for the tree, either that provides a solution entirely or that provides satisfactory information as to why the tree could not be preserved. Due to the property being foreclosed, part of that option was that the application be approved in order for the Applicant to close on that property and they did not want to miss that window of time.

Mayor Knapp stated he had heard no testimony about the time limitation, adding she had just introduced a subject that he did not find in the record.

Mr. Kohlhoff responded he did not want to necessarily introduce information into the record, but since it was open, he noted he and the Applicant's attorney had discussed trying to meet on June 19 because they were trying to place their closing. [1047 1:40] The Applicant had a purchase and sales agreement and wanted to have these items in place right after that. The Applicant's closing was very close after the next City Council meeting on June 16.

Mayor Knapp asked what was harmful about having the Applicant and staff bring the requested information on June 16 for the Council to make a decision.

Ms. Robertson understood the approval at first reading was needed now in order to proceed and get approval at second reading.

Mr. Kohlhoff noted the Applicant had a purchase and sales agreement and were trying to set up the closing based on the fact that they had approval for the annexation. They had approvals for the zone change and development agreement. They had thought the second reading would be June 16 and they would be producing the development agreement on the 16<sup>th</sup> for the Council's approval as well. That was the timeline with which he was working with the Applicant. He did not know the Applicant's situation or

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how a two-week delay would change the timeline. They were purchasing property from a couple different people and he was not sure what the economic situations were of the people selling the property.

Mayor Knapp stated he was uncomfortable moving forward with approving the ordinance on first reading without knowing about staff's alternatives or recommendations. He had not heard anything suggesting urgency in making the decision. He needed more specifics and had not heard a good reason why delaying it to the next meeting would change anything other than allowing time to get the answers in front of the Council in order to make an informed decision.

Councilor Starr was not trying to minimize the Mayor's concerns, but he believed it would be helpful to the Applicant to move forward tonight with an approval on the first reading because Council still had the opportunity to stop it on the second reading, which would address the Mayor's concerns while at the same time, set the Applicant up for success. He recommended passing the ordinance based on its ability to bring value to both concerns and still get it done on time.

Councilor Fitzgerald called the question.

Mayor Knapp restated his motion to continue the entire matter to the next Council meeting.

**Vote:** Motion failed 1-3.

Mayor Knapp restated the motion to approve Ordinance No. 744 on first reading, leaving the hearing open with direction to staff.

**Vote:** Motion passed 4-0.

Mayor Knapp said the appropriateness of the decision would depend on the quality of what came back to City Council. He challenged both staff and the applicant to make that happen.

Ms. Robertson thanked the Council and assured the Applicant would definitely put in the time and provide the Council with all the requested information.

Mayor Knapp noted the time was past 10:00 pm and asked if the Council wanted to continue the meeting.

**Motion:** Councilor Fitzgerald moved to proceed with the meeting and subsequent Urban Renewal meeting after a short break. Councilor Starr seconded the motion.

**Vote:** Motion carried 4-0.

Following a brief recess, Mayor Knapp called the meeting back to order at 10:22 pm.

**NEW BUSINESS**

A. **Resolution No. 2473**

A Resolution Of The City Of Authorizing Support Grant Agreement With Wilsonville Community Sharing (staff- Mr. Kohlhoff)

Mr. Kohlhoff read the title of Resolution No. 2473 into the record.

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Ms. Rodocker stated the resolution was an extension of the Community Service Grant to Wilsonville Community Sharing (WCS), noting \$30,677 of the grant was for the general use of their program, which could be used for anything including administrative cost, but not capital construction, and \$16,000 was for the Renters' Utility Assistance Program, which could be used to pay City water, sewer, natural gas, and electricity bills. The general program had been in effect for more than 15 years, and the renters' assistance program had been in effect since 2010. Each December the City looked at the unemployment rate for the Portland area and if it went under 7 percent, the renters' program would not be available the following year. This December, the rate was at 7.3 percent.

Councilor Fitzgerald favored supporting the disadvantaged in the community in the most effective way possible, but inquired about process. During the procedure to approve the grant, Council had a presentation by some of the WCS Board members several months ago, and there was very limited enrollment on their board. Since then, more board members had been elected and Council had talked about the importance of adopting certain best practices in management of a board and rotating terms and officers. She asked where that discussion fit in with the decision being made tonight.

Mr. Cosgrove replied Staff had changed the agreement, after being given direction by the city attorney to tighten up some of the language for financial accountability. The City did not have any control over the Board other than in the agreement. The Board was given some strong hints about branching out and bringing on more members, and they were moving in that direction.

Mr. Kohlhoff confirmed the Board had done that and adopted new bylaws. Legally, their authority was now set and they could proceed. Mr. Kohlhoff clarified the grant was strictly operational funds, not capital.

Councilor Fitzgerald appreciated that, and clarified she did not want to micromanage the WCS Board, but rather revisit the discussion. She asked if anyone else had any other thoughts. She believed the Board had made some good improvements, but did not want to completely disregard that aspect of their last meeting.

Mayor Knapp noted according to Page 4 of 6, Items 7.1, 7.2, reporting was required within three weeks following the end of a quarter and reporting in January on annuals. As of about March of this year, he understood the City had not received any reporting regarding the year-end 2013.

Ms. Rodocker was sure all of the required reports had been received, but she would have to check whether the annual report had been received.

Mr. Cosgrove noted Ms. Rodocker had said the City was receiving the reporting, but was uncertain whether the annual report had been received. The annual report was a required report under the contract, and something their accountant would have to prepare for them. If tied to the tax timeline, it should have been done in April.

Councilor Fitzgerald read that 4.6 under 7.2 called for an annual report each January. She asked if the report was for the business year ending December 31.

Staff responded the annual report was a rollup of the actual monthly information sent to the City as well as a budget projection for the next year. The monthly reports were being received, but Staff was uncertain about the formal annual report.

Mayor Knapp did not want to micromanage either, but given some of the difficulties the City had with long-term commitments to groups in the community without auditing, follow up, or robust supervision, he

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was not sure how to proceed. In early March, the finance director said the City had not received it and she had no information to give him at that point.

Mr. Cosgrove recommended the item be continued to the next meeting. He confirmed there was no pressing reason to approve the contract tonight. WCS would still be providing the same services; the question was whether or not they were meeting the reporting requirements for the annual report. Conversely, Council could make a motion to approve it, subject to WCS submitting the annual report before he was authorized to sign the agreement.

Mayor Knapp said he would like to see the reports the City had been receiving. He was interesting in the long term trending with the quarterly reports, which was part of the fiduciary kind of supervision he believed Council was obligated to provide.

Mr. Cosgrove confirmed the reports were to be submitted to the finance department, so staff was responsible for making sure WCS was meeting those requirements. He asked if the reports were typically shared with Council.

Mr. Kohlhoff stated the reports were usually seen during the budget process. He reminded that the WSC had testified at the budget hearing.

**Motion:** Councilor Fitzgerald moved to continue Resolution No. 2473 to June 16, 2014 to receive additional information from staff. Councilor Stevens seconded the motion.

Councilor Fitzgerald wanted to continue the discussion because in addition to seeing the financial reports, Council could determine if the City was actually allocating sufficient funds to address the need.

Mr. Cosgrove commented the issue was whether the funds provided for the utility relief was being utilized to the maximum extent it should. From the report WCS submitted, they were using all the money the City sent for utility relief. He would bring the report back to Council and have WCS present to discuss their programs.

**Vote:** Motion carried 4-0.

### **CITY MANAGER'S BUSINESS**

Mr. Cosgrove explained the Community Survey surveyed citizens about the services and programs the City provided to the community. The first survey was in 2012, so this second survey would give the City a benchmark to see how it was performing over time in terms of the services being provided.

### **LEGAL BUSINESS**

Mr. Kohlhoff stated that last Friday the City filed and served a complaint for imminent domain on property in connection with the Barber Street extension west.

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**ADJOURN**

The Council meeting adjourned at 10:37 p.m.

Respectfully submitted,

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Sandra C. King, MMC, City Recorder

ATTEST:

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TIM KNAPP, MAYOR