

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:30 p.m. on Monday, March 18, 2013. Mayor Knapp called the meeting to order at 7:35 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp
Council President Starr
Councilor Goddard
Councilor Fitzgerald
Councilor Stevens

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Mike Kohlhoff, City Attorney
Sandra King, City Recorder
Nancy Kraushaar, Community Development Director
Joanne Ossanna, Finance Director
Patty Brescia, Senior Programs Manager
Kristin Retherford, Urban Renewal Manager
Delora Kerber, Public Works Director
Jerry Anderson, Water Distribution Technician
Steve Adams, Deputy Engineer
Kristin Retherford, URA Manager

Motion: Councilor Starr moved to change City Manager's Business to the beginning of the agenda and to allow appropriate public comment time. Councilor Stevens seconded the motion.

Mayor Knapp asked that anyone wishing to comment complete speaker cards.

Vote: Motion carried 5-0.

CITY MANAGER'S BUSINESS

A. Visitor Information Center/Tourism Strategic Plan Task Force

Eric Postma spoke on behalf of the Chamber of Commerce. He hoped the Chamber had conveyed the impression they were trying to be good partners with the City when it came to the Visitor's Information Center operations, as well as how tourism may proceed in the City. Mr. Postma thought notice about what might happen with the Visitor Information Center and the Chamber's participation in that building is premature. Mr. Postma believed waiting a few months before any termination agreement notice would be an opportunity for the parties to continue discussions about how tourism might take place in the City. He urged the Council to take the additional time to allow the process to continue.

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Danielle Cowan, Director of Tourism for Clackamas County, confirmed the uses outlined in the City Manager's proposal coupling the City's Parks and Recreation Department with a memorial museum would meet the TDC requirements for tourism related interests in the building. Ms. Cowan expressed appreciation on behalf of her Board for the cooperation exhibited by City staff and the Chamber for their effort on behalf of the TDC for tourism related programming and support for the programs the County brought forward. The TDC Board sees their future role as stepping back from the building and day to day operations.

Mr. Cosgrove explained there were two issues before Council. The first issue is the actual use of the building. Staff is recommending Council direct staff to negotiate a mutual termination of the City's Visitor Information Center operating agreement with the Chamber of Commerce effective December 31, 2013. The City must provide notice to the Chamber before June 30, 2013; should the Council want to wait on the notice to allow further discussion staff would. The second issue is the use of the tourism dollars. The use of the building is unrelated to the use of tourism dollars.

Councilor Fitzgerald asked for clarification on the benefits of waiting.

Mr. Kohlhoff stated part of that is in fairness to the Chamber for their tourism efforts; and the Chamber would like to feel comfortable with how the strategic planning is going and confirm the interests they see in the community are included. Mr. Kohlhoff suggested working through the strategic planning process in the next few months, and towards a mutual termination.

Mayor Knapp indicated the staff report dated March 18 outlined the background and presented staff's recommendation on how to move forward. He asked for a motion from Council.

Motion: Councilor Fitzgerald moved to approve the staff recommendation regarding the Visitor Information Center as presented. Councilor Stevens seconded.

Councilor Goddard understood the recommendation is to negotiate a mutual termination; he wanted clarification on the timing of the negotiation process so it is communicated clearly to the Chamber.

Mr. Kohlhoff stated after talking with the Chamber it was felt there would be a clear picture of how things were going in May which allowed time for staff to come back to Council if necessary.

Vote: Motion carried 5-0.

Mr. Cosgrove explained the second staff report contains a recommendation that Council allow the City Manager to appoint a task force to come up with a strategic tourism development plan and as a key stakeholder, the Chamber would be involved in that process as well as others who are directly tied to the tourism industry. He asked that Councilors forward names of possible appointments to the task force or general interest groups for consideration.

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Motion: Councilor Fitzgerald moved to approve the staff recommendation for the tourism development. Councilor Starr seconded.

Vote: Motion carried 5-0.

Councilor Fitzgerald was excused at 7:50 p.m.

MAYOR'S BUSINESS

A. Proclamation declaring Wilsonville as a HEAL City

Mayor Knapp read the Proclamation declaring Wilsonville a HEAL City into the record.

Patty Brescia introduced Beth Kay, HEAL Cities Program Manager, and presented the staff report. The League of Oregon Cities and the Oregon Public Health Institute have teamed up to bring the Healthy Eating Active Living (HEAL) Cities Campaign to Oregon. The HEAL Cities Campaign is a free program to help civic leaders create healthy Oregon communities with minimal budget impact.

Wilsonville has several policies and programs already in place that offer citizens healthy lifestyle options. These include: workplace wellness, development policies that improve walkability and access to local parks, shared use agreements with schools, community gardens and a farmer's market.

Wilsonville received an ACHIEVE Grant from the CDC and NRPA in 2012 and the Wilsonville ACHIEVE Team has worked with community leaders and partners to implement: Tobacco Free Parks, and a variety of programs increasing access to fruits and vegetables for local children. The HEAL city designation and staff support will help continue the momentum of increasing livability options for Wilsonville residents.

HEAL Cities campaign provides free training and technical assistance to help civic leaders create healthy communities. Due to policies in place that increase the health and livability of the community, Wilsonville has received the designation of an "Active" HEAL City. This designation entitles Wilsonville to the following benefits:

- HEAL Cities logo for city website and publications
- Framed campaign certificate
- Recognition on the HEAL Cities northwest website
- Recognition at the League of Oregon Cities conference

Recognition as one of the first HEAL Cities in Oregon increases Wilsonville's marketability as a livable community and its appeal to citizens and businesses interested in relocation.

Designation as a HEAL city provides a platform for the promotion of livability options offered by different city departments. These include: Walk and Bike SMART programs, Community Garden, Safe Route to Schools and the Wilsonville Walkers and Wheelers.

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B. The Oregon Association of Water Utilities named Jerry Anderson Water Operator of the Year. Mr. Anderson is an 18-year Water Distribution Technician and received the award for demonstrating leadership in dealing with daily utility operations and concerns.

Mayor Knapp introduced Jerry Green of Oregon Association of Water Utilities presented a plaque to the Mayor for being a part of the Association for the past 25 years. Scott Berry, OAWU Programs Manager presented the award to Jerry Anderson, stating Mr. Anderson was selected due to his knowledge in the water industry, strength of character, and integrity.

C. Upcoming meetings were announced by the Mayor.

Mayor Knapp spoke about his trip to Washington DC with Mark Ottenad and Stephan Lashbrook as well as JPACT representatives, however, many of the scheduled meetings fell on the day Washington offices were closed due to pending snow storm; nevertheless some of the Senators did show up and the delegation was able to have unrestricted conversations.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS – There was none.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Starr – Liaison to the Park & Recreation Advisory Board, Chamber/City Leadership; and Economic Development Task Force. The Councilor announced the Economic Development Task Force’s next meeting.

Councilor Starr attended the Parks and Recreation Advisory Board meeting where the Board reviewed the applications for the Tourism Grant funds. The Councilor was concerned the applicants did not receive the full amounts requested and wanted to know if there was a way to ‘back fill’ the unfunded amounts from the Opportunity Grant program or to waive fees for these annual events. The applicants were: Relay for Life, the Korean War Veterans 60th Anniversary, Fun in the Park, Farmers Market, Rotary Concert Series, Farm Loop, Kids Fun Run, and Art in the Park. He also wanted to make sure Wilsonville residents had priority to reserve the community garden plots over non-residents.

Mr. Cosgrove wanted to know if the entire Council agreed with back filling the groups who did not receive 100 percent funding. He understood the Park and Recreation Board’s decisions were deliberative, and thoughtful. The Korean War Veterans received 100 percent funding because they had no funding and their event is a one-time only event. Other issues that need to be addressed include what policy is currently in place and how it was developed. If the policy was developed by resolution the resolution needs to be amended; if it is an administrative policy then the City Manager has the power to change the policy if the Council gives the direction to do so.

Mayor Knapp understood the request was for additional information and discussion to occur.

Councilor Starr indicated that was correct. He was not suggesting backfilling 100 percent of the requests, but to look at the remaining amounts of the requests and if Council choose to do so, to fund, or let them stand.

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Mr. Cosgrove asked for clear direction on what to bring back to Council for discussion, and for which grant program the Opportunity Grant or the Tourism Grant.

Mayor Knapp stated the Council needed to know the protocols under which the grants are awarded, and what Councils range of latitude was for directing some additional funds if the Council chose to do so.

Ms. Troha clarified the Council has given the authority to the Parks Board to administer two grants: the \$25,000 Tourism Grant which the Parks Board allocated last week; the second grant is the Opportunity Grant. The Opportunity Grant process occurs twice a year, in April and October with \$25,000 allotted to the grant. Ten Thousand dollars are awarded in the spring, and \$10,000 awarded in the fall, with \$5,000 “roaming” to address projects or programs that occur outside of the spring and fall grant cycle. The Tourism Grant uses tourism money, and the Opportunity Grant uses general fund dollars.

Mayor Knapp felt the request is to determine whether the Opportunity Grant money that has not yet been awarded could be redirected to backfill some of the shortage of the Tourism Grants.

Mr. Cosgrove said that could be done, but he wanted to know how the grant funds were set up.

Councilor Goddard wanted Councilors to keep in mind there were many unmet needs in the community and if Council was talking about finding additional dollars in the budget to support these community events, the Council should keep in mind the other needs in the community and whether some of these dollars might be put to a higher use.

Councilor Goddard – Liaison to the Library Board, Chamber Board, and Clackamas County Business Alliance reported on the activities of the CCBA, and announced the upcoming Chamber Board meetings. Councilor Goddard was pleased with the results of the March ballot measure 3-241 regarding tax increment financing (TIF). He invited the public to attend the Egg Hunt on March 30th, and announced the next Library Board meeting.

Councilor Stevens – Liaison to the Development Review Panels A and B; Wilsonville Seniors. She reported the Senior Board would be visiting community centers in other cities to learn how they organize their fundraising and what programs are offered. The DRB Panels approved applications for a Carl Jr.’s restaurant, and revised the Family Fun Center zip line approval. A training session would be scheduled for both of the DRB panels.

CONSENT AGENDA

Mr. Kohlhoff read the consent agenda items into the record.

A. **Resolution No. 2404**

A Resolution Of The City Of Wilsonville Authorizing Acquisition Of Property Interests Related To The Reconstruction Of Boeckman Road Adjacent To The Boeckman Road Bridge.

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B. Minutes of the February 21, 2013 and March 4, 2013 Council Meetings.

Motion: Councilor Goddard moved to approve the Consent Agenda.
Councilor Starr seconded the motion.

Vote: Motion carried 4-0.

CONTINUED BUSINESS

A. Family Fun Center (*continued from the February 21, 2013 Council meeting.*)

Mr. Kohlhoff indicated the issue is moot based on the actions taken by the Development Review Board at their last meeting.

PUBLIC HEARING

A. **Resolution No. 2400**

A Resolution Of The City Of Wilsonville Authorizing Establishment Of A Reimbursement District To Refund To The West Linn-Wilsonville School District The Pro Rata Costs For Construction Of Road And Utility Infrastructure Improvements That Will Serve Properties Within The Reimbursement District.

Mr. Kohlhoff read the title of Resolution No. 2400 into the record.

Mayor Knapp opened the public hearing for Resolution No. 2400 at 8:34 p.m. and read the hearing format.

Mr. Adams presented the staff report. Construction of school off-site infrastructure improvements was required to provide service to the Lowrie Primary School. Several of the water, sanitary and storm lines and partial street improvements will also service two properties located east, north and west of the school site.

In meetings with the West Linn – Wilsonville School District it was agreed that they would be responsible for constructing water, sanitary and storm utilities in all streets adjacent to the Lowrie Primary School site and construct sufficient street improvements to allow vehicle circulation around the school. The City and the School District entered into an Intergovernmental Agreement that specified estimated costs and reimbursable amounts for these infrastructure improvements.

Establishing this Reimbursement District will allow the West Linn – Wilsonville School District to recoup some 26 percent of the costs for construction of these off-site improvements, provided upstream development occurs within the next 10 years. The school district could realize reimbursement of up to \$509,291.20 plus interest. Reimbursement districts have a sunset period of 10 years; they can be renewed for good cause.

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The estimated City obligation is \$135,668.28 for reimbursements to the West Linn / Wilsonville School District that have been budgeted under CIP #4147, \$122,509.41 and CIP #1996, \$5,500.17 with the balance of \$7,658.69 being reimbursed through the Public Works Permit account. These reimbursements have not been included in the Reimbursement District.

The Resolution is approved as to form. Notice of the hearing has been provided to the adjacent property owners with copies of the proposed Resolution and exhibits to the Resolution.

Notification has been provided to both tax lot owners (Dearmond Family LLC / Fasano Family LLC and Redus OR Land LLC) as well as to representatives of Polygon Northwest and Lennar Homes, who currently hold purchase options on these tax lots.

Cost of the construction has been distributed in a pro rata fashion to both properties that benefit from the infrastructure improvements.

The installation of these water, sanitary, and storm main lines and street improvements will provide benefit by eventually serving Villebois SAP East PDP 2 and SAP East PDP 4 and facilitating residential development of these areas to proceed.

The alternative of not establishing the reimbursement district would result in the school district funding the infrastructure without other benefitting properties paying for their share of the costs based on allocation by use and benefit. Staff does not recommend an alternative to Resolution No. 2400.

Jim Lange, 13445 SW 110th Ave, Tigard, representing Wells Fargo; thanked Mr. Adams for his work on the project and expressed the support of Wells Fargo in the establishment of the reimbursement district.

Mayor Knapp closed the public hearing at 8:43 p.m.

Motion: Councilor Stevens moved to approve Resolution No. 2400. Councilor Starr seconded the motion.

Vote: Motion carried 4-0.

B. **Ordinance No. 714** – First reading

An Ordinance Modifying Wilsonville Code Chapter 6, Section 6.204(3)(F), To Clarify A Limited Temporary Exemption From Noise Regulation For Permitted Special Events, As Described In Chapter 6, Sections 6.100 Through 6.175.

Mr. Kohlhoff read the title of Ordinance No. 714 into the record.

Mayor Knapp opened the public hearing on Ordinance No. 714 at 8:45 p.m. and read the hearing format. He asked if anyone was interested in speaking to the Ordinance; there were none and the public hearing was closed at 8:46 p.m.

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The staff report was prepared by Mike Kohlhoff, and is included here. In order to bring the City of Wilsonville Code language into alignment with current legal interpretation and City Council intent, proposed Ordinance No. 714 will repeal the existing language found in Wilsonville Code **Chapter 6, Section 6.204(3)(f)**, and replace it with a new **Section 6.204(3)(f)** that accurately states City Council intent and reflects current legal interpretation.

The City of Wilsonville (“City”) has a process for the issuance of Special Events Permits for certain temporary special outdoor events and activities. **Chapter 6, Section 6.204(3)(f)**, was intended to exempt these temporary special outdoor events from prohibition under the City’s Noise Ordinance (**Sections 6.204(1) and (2)**) but, upon reading this provision in conjunction with a recent matter that came before the City’s Development Review Board, it was discovered that **Section 6.204(3)(f)**, as currently written, could be argued to allow for a broader, permanent, and unintended exemption from City noise requirements than was intended by City Council. The sole purpose of the proposed Ordinance is to clarify and limit the applicability of **Section 6.204(3)(f)** to events for which a Special Events Permit has been issued. The proposed changes to **Section 6.204(3)(f)** are as shown, with strike-out of the language proposed to be removed and italics showing new language proposed to be added:

(f) Other Outdoor Events. Outdoor gatherings, public dances, shows, sporting events and other similar outdoor events, *but only if and to the extent that a Special Events Permit has been obtained for the outdoor event, pursuant to Section 6.100 et seq. of the Wilsonville City Code, that specifically exempts the Special Event from all or certain specified portions of Section 6.204(1) and Section 6.204(2).*

Motion: Councilor Starr moved to approve Ordinance No. 714 on first reading. Councilor Goddard seconded the motion.

Vote: Motion carried 4-0.

CITY MANAGER’S BUSINESS

Mr. Cosgrove stated the Council Goal Setting facilitator would be contacting each of the Councilors via telephone in preparation for the meetings. He reminded the Council about the Clackamas Cities Association dinner set for Marcy 21st, with the City hosting the event and providing the presentation on the ACHIEVE Program. The Economic Development Incentives Task Force will be holding their last meeting Wednesday. And should the Councilors be interested, an opportunity to drive one of the SMART busses on the driving course could be arranged.

LEGAL BUSINESS

There was no report.

ADJOURN

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The Mayor adjourned the Council meeting at 8:53 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor