

**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, November 4, 2019. Mayor Knapp called the meeting to order at 7:15 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp  
Council President Akervall  
Councilor Lehan  
Councilor West  
Councilor Linville

Staff present included:

Bryan Cosgrove, City Manager  
Jeanna Troha, Assistant City Manager  
Amanda Guile-Hinman, Assistant City Attorney  
Kimberly Veliz, City Recorder  
Chris Neamtzu, Community Development Director  
Cathy Rodocker, Finance Director  
Bill Evans, Communications & Marketing Manager  
Mark Ottenad, Public/Government Affairs Director  
Miranda Bateschell, Planning Director  
Jordan Vance, Economic Development Manager  
Dan Pauly, Planning Manager  
Zach Weigel, Capital Projects Engineering Manager

Motion to approve the order of the agenda.

**Motion:** Councilor Lehan moved to approve the order of the agenda as presented. Councilor West seconded the motion.

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

**SUMMARY OF VOTES**

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Yes

**COMMUNICATIONS**

- A. 2019 State Legislative Update by Rep. Christine Drazan, House Minority Leader (House Dist. 39, Charbonneau/Canby)

Representative Drazan provided an overview of the 2019 legislative session and informed Council of what to expect during the 2020 session.

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**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS**

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

Jami Arbon, twenty-five year Wilsonville resident, advocated allowing cannabis businesses and the sale of cannabis in Wilsonville. Ms. Arbon believes cannabis saves lives and helps fight climate change.

**MAYOR'S BUSINESS**

A. Upcoming Meetings

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

**COUNCILOR COMMENTS**

A. Council President Akervall

Spoke about the Kitakata student delegation and thanked the many Wilsonville businesses and community volunteers whom welcomed the students. She mentioned the students participated in tours and various activities throughout the week.

Ms. Akervall reminded the audience to drop off their ballots tomorrow by 8:00 p.m., as it is the last day to vote. She mentioned there is no longer a ballot drop box at the Library. However, there is now a drop box located in front of City Hall.

B. Councilor Lehan

Reported she attended the Charbonneau Arts Festival and was impressed by all of the local talent. Ms. Lehan shared last week she presented on Wilsonville history, civics, and general geography for about 94 second graders. She then thanked the residents of Charbonneau whom testified at the ODA Board's October 31, 2019 meeting regarding the Aurora Airport Master Plan update.

Ms. Lehan mentioned on Friday she hosted the State Heritage Tree Committee at the Stein-Boozier Barn. During the State Heritage Tree Committee meeting, the walnut grove located in Murase Park was chosen as the next State Heritage Tree. She anticipates that the grove dedication will take place on Friday, April 10, 2020 for Arbor Day. More information about the dedication will be shared, as it is available. In closing, Ms. Lehan provided a brief history of walnut trees in Oregon.

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C. Councilor West

Encouraged the audience to vote yes along with him on the two school bond measures. In addition, he reminded all of the importance of voting.

Mr. West recalled that Veterans Day is on November 11, 2019. He expressed gratitude for the sacrifice and courage of veterans and the men and women who continue to represent our country. Mr. West reminded there is a memorial on Veteran's Day where Mayor Knapp will be speaking and remembering the veterans of the Korean War.

Mr. West shared the Wilsonville eighth grade boys football team made it to the playoffs however, were eliminated by West Linn. He also announced the Wilsonville high school football team qualified for the state playoffs. Furthermore, he encouraged all to attend and support the team.

Mentioned he was able to make an appearance at the potluck in the barn along with Councilor Akervall.

Noted the upcoming Library fundraiser and wine tasting event occurring on November 9, 2019, which starts at 7:00 p.m.

D. Councilor Linville

Gave a shout out to Republic Services for a very successful Bulky Waste Day. Revealed Republic Services will host another Bulky Waste Day in the spring.

On November 1, she attended the *Energy Environment Future Summit* hosted by Oregon Tech along with City staff members and Oregon Tech students. Topics included solar energy, production of electricity by solar means and storage of energy. Furthermore, Ms. Linville reported she had discussions with Dwight Brashear, Transit Director on the City's plan to run electric buses if a power outage were to occur. Ms. Linville was impressed to learn the City of Wilsonville and the Chamber of Commerce had collaborated for the conference.

Noted she was not able to attend the ODA Board meeting as she was touring the Willamette Valley Locks along with Representative Barbara Smith Warner, Representative Ron Noble and Representative Mark Meek. Ms. Linville further mentioned she looks forward to the Governor confirming her to the Willamette Falls Locks Commission.

On November 12, Ms. Linville will attend the Metro Community Enhancement Committee meeting.

Ms. Linville shared she was unable to participate in the gala for the Charbonneau Arts Festival; however she was a docent for the Saturday event.

Lastly, reminded SMART buses are free to ride.

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**CONSENT AGENDA**

Ms. Guile-Hinman read the title of the Consent Agenda items into the record.

A. **Resolution No. 2772**

A Resolution Of The City Of Wilsonville Consenting To The Transfer Of Control Of The Cable Franchise From Frontier Communications Corporation To Northwest Fiber, LLC, With Conditions.

**Motion:** Councilor Lehan moved to approve the Consent Agenda as read. Councilor Linville seconded the motion.

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

**SUMMARY OF VOTES**

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Yes

**NEW BUSINESS**

A. **Resolution No. 2771**

A Resolution Of The City Of Wilsonville Supporting The 2019 Technical Assistance Grant Application To The Oregon Department Of Land Conservation And Development For The Wilsonville Housing Variety Implementation Project.

Ms. Guile-Hinman read the title of Resolution No. 2771 into the record.

Dan Pauly, Planning Manager provided the presentation.

Mr. Pauly updated Council on the background and reasoning for Resolution No. 2771. He reminded Council of their briefing on House Bill (HB) 2001 that took place during work session. Mr. Pauly noted that Resolution No. 2771 is in regards with HB 2001 however, is even more than the House Bill.

Mr. Pauly informed the legislature has put together one-time State funding to support local governments' implementation and/or compliance. Mr. Pauly recalled that the funding bucket Council heard about in work session is specific to the House Bill. Furthermore, every session the legislature puts money towards the technical assistance grants, which Department of Land Conservation and Development (DLCD) administers.

Staff explained the proposed project builds on City's recent housing-related work. It supports the Equitable Housing Strategic Plan and lays foundation for the work that will happen from 2021 to 2023 in master planning for Frog Pond East and South.

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It was shared that staff is applying for different programs to see what funds can be obtained to support the City's efforts.

Mr. Pauly explained the proposed project would require the code and policies to be audited and then build upon the Equitable Housing Strategic plan.

Staff explained in order to tackle the proposed project they laid out five barriers to address and the corresponding project actions, found below:

**Barriers to Address**

1. Public opinion and perceptions.
2. Design compatibility with detached single-family.
3. Outdated city policies.
4. Providing adequate infrastructure.
5. Funding infrastructure.

**Project Actions**

1. Public outreach and education.
2. Develop architectural and site design standards.
3. Update plans and codes.
4. Review and update infrastructure plans.
5. Explore infrastructure-funding options.

Mr. Pauly informed Resolution No. 2771 asks for Council support for covering project cost. Staff shared the breakdown of the finances associated with the grant request.

\$181,500 Grant request (consultant services)
\$123,500 City match (\$94,500 City staff time, \$29,000 cash for consultant services)
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\$305,000 total project costs

Mr. Pauly shared the below timeline of next steps:

- Grant award decisions anticipated this month.
- Additional grant applications if not fully funded.
- Kick-off funded portion in early 2020.
- Complete project by 2021.

Mr. Pauly clarified that generally, a match is not required for grants however, a match is strongly suggested.

**Motion:** Councilor West moved to approve Resolution No. 2771. Councilor Akervall seconded the motion.

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

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Councilor Linville	Yes

**CONTINUING BUSINESS**

A. None.

**PUBLIC HEARING**

A. None.

**CITY MANAGER'S BUSINESS**

A. Leaves

Provided a public service announcement reminding businesses and residents not to rake leaves in the street, as it creates issues with the storm drains. Mr. Cosgrove confirmed citizens could bring their leaves to City Hall on November 9, 2019 from 9:00 a.m. to 2:00 p.m. for the Leaf Drop-Off event.

B. Day Road

Announced staff is in the process of looking for solutions for fixing Day Road.

C. Street Sweeping

Street sweeping contract may have some issues; staff will keep Council notified of any changes.

D. Citizens Academy

Reported that about 30 applications were received for the 2020 Citizens Academy.

E. Beauty and the Bridge

Shared the Beauty and the Bridge interpretive panels are in the permitting process with Oregon Department of Transportation (ODOT) and will be installed once the permits are approved.

**LEGAL BUSINESS**

A. Subaru Appeal

Ms. Guile-Hinman informed that the Legal department filed a response brief on October 8, 2019 for the Subaru Appeal. The reply brief from Subaru is due to the court of appeals on November 19, 2019.

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B. Friends of French Prairie vs. the Oregon Department of Aviation

Council heard an update on the Friends of French Prairie vs. the Oregon Department of Aviation Land Use Board of Appeal (LUBA) case.

Ms. Guile-Hinman publicized that since the last Council meeting staff received the record from the Oregon Department of Aviation (ODA), though they have moved to amend that record. Furthermore, the intervener respondents, which includes the Aurora Airport Improvement Association and others, filed a motion to deny the City's intervention in the LUBA case. The Legal Department filed an opposition to that motion. A hearing date has yet to be scheduled on all pending motions that are before LUBA.

Ms. Guile-Hinman then recalled there is another LUBA case regarding the C & L Lang property that is off Garden Acres Road that is currently stayed while the parties finalize a settlement. Legal anticipates that that should be happening within the next several days.

Ms. Guile-Hinman spoke to Council about the ODA Board's hearing held on October 31 2019. Specifically, the agenda item and action taken by the ODA Board to adopt the Aurora Airport Master Plan, layout findings of compatibility, and findings of compliance. Ms. Guile-Hinman described that the ODA Board heard testimony from several different parties and accepted written testimony. She further, detailed the City of Wilsonville provided written and oral testimony for that action item. However, ultimately the ODA Board adopted the item. She raised the question about what if anything the Council wants to elect to do moving forward. Ms. Guile-Hinman then provided the following options:

1. Take no action.
2. Look at a LUBA appeal.
3. Look at the option of a Circuit Court action under the Administrative Procedures Act.
4. Look at a LUBA appeal and at the option of a Circuit Court action under the Administrative Procedures Act.

**Motion:** Councilor Lehan moved that Council direct legal to proceed on as was explained earlier on a two-front track to both challenge the land use decision and the administrative procedures. Councilor Linville seconded the motion.

Councilor Linville stated she agrees with and supports the position of Councilor Lehan. She believes this issue remains both a procedural and a land use issue. Ms. Linville further shared she believes the position of the City of Wilsonville needs to continue to be strong by making sure rules and laws that govern land use are followed. Furthermore, Ms. Linville stated she does not believe rules and land use laws have been followed even though it appears that there has been a decision that the master plan is approved.

Councilor Akervall stated she agrees process is very important. She believes good process serves all facets of the community. She shared the theme of good process has been discussed and found important by this Council. Furthermore, good process is very important to the issue at hand. Therefore, Ms. Akervall concurred with the comments of the previous Councilors.

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Councilor West stated he takes a different stance on the position. Mr. West thinks there is evidence that the land use has been approved through ODA meeting minutes. Moreover, he does not think Council has a clear mandate from the citizens of Wilsonville to go down this path. Mr. West believes there are many in the business community and residents that would think differently about going through this process, the expensive resources, as it is not necessarily a mandate that the City would possess. Mr. West believes much of the land use process has been followed. Mr. West does not agree with the decision to move forward in either case.

Mayor Knapp reiterate a perspective that he previously stated to Council. His perspective is Wilsonville has developed a certain significant level of respect within the regional community by being an advocate for fair and consistent application of the rules. In addition, the Council has successfully moved the City forward in many ways working within the legal authority that exists. Mayor Knapp feels it is problematic to circumvent that legal process. He does not believe the process should only apply if someone opposes a certain outcome and if you favor the certain outcome then that should not release you from following the process to get there. Mayor Knapp thinks it becomes problematic if the process and rules that are in place are circumvented in one case as it raises doubts that there is substance and a requirement for following those in future cases. He thinks that becomes problematic. He explained rules are how we all get along together and function efficiently within our community. The Mayor thinks in this case, there is strong evidence that rules have been sidestepped, which does not serve the community of Wilsonville. Furthermore, if the advocates for airport expansion believe it stands on its own merits then the process should be allowed to proceed. Advocates can then make their case within the process not by circumventing the process. Therefore, the Mayor thinks it is consistent with the City's past positions and important the City maintain consistency going forward with those positions. He shared that the history of Council makes the argument to maintain the City's standing. Mayor Knapp is in favor of the motion that has been made to proceed on both fronts.

Councilor Lehan feels encouraged by the position the City of Aurora has taken. Moreover, she feels it is right to have Wilsonville and Aurora on the same side of this issue in terms of the principles on land use goals and procedural issues. As, the cities are closely aligned, even though they perhaps have different outcomes in mind. However, on the principles of the issue both cities are closely aligned which speaks to the point that both cities are being driven by principle and not by any other desired outcome.

**Vote:** Motion carried 4-1.

**SUMMARY OF VOTES**

Mayor Knapp	Yes
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Councilor Linville	Yes

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**ADJOURN**

Mayor Knapp adjourned the meeting at 8:36 p.m.

Respectfully submitted,

DocuSigned by:  
*Kimberly Veliz*  
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Kimberly Veliz, City Recorder

**ATTEST:**

DocuSigned by:  
*Tim Knapp*  
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Tim Knapp, Mayor