

AMENDED AGENDA

**WILSONVILLE CITY COUNCIL MEETING
DECEMBER 5, 2016**

7:30 P.M.

**CITY HALL
29799 SW TOWN CENTER LOOP
WILSONVILLE, OREGON**

Mayor Tim Knapp

Council President Scott Starr
Councilor Susie Stevens

Councilor Julie Fitzgerald
Councilor Charlotte Lehan

CITY COUNCIL MISSION STATEMENT

To protect and enhance Wilsonville's livability by providing quality service to ensure a safe, attractive, economically vital community while preserving our natural environment and heritage.

Executive Session is held in the Willamette River Room, City Hall, 2nd Floor

- 5:00 P.M. EXECUTIVE SESSION [15 min.]**
A. Pursuant to ORS 192.660 (2)(e) Real Property Transactions
ORS 192.660(2)(f) Exempt Public Records
ORS 192.660(2)(h) Litigation
ORS 192.660(2)(a) Employment of Public Officers, Employees and Agents
- 5:15 P.M. REVIEW OF AGENDA [5 min.]**
- 5:20 P.M. COUNCILORS' CONCERNS [5 min.]**
- 5:25 P.M. PRE-COUNCIL WORK SESSION**
- A. Fiber Business Plan (Stone) [30 min.] Page 3
B. Logo Concepts Presentations (Troha/Gail/Ottenad) [90 min.] Page 6
C. Equitable Housing Grant Update (Gail) [5 min.]
D. Clackamas County IGA-Stafford Rd., Advance Rd. [5 min.]
(Adams)

7:25 P.M. ADJOURN

CITY COUNCIL MEETING

The following is a summary of the legislative and other matters to come before the Wilsonville City Council a regular session to be held, Monday, December 5, 2016 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on November 22, 2016. Remonstrances and other documents pertaining to any matters listed in said summary filed at or prior to the time of the meeting may be considered therewith except where a time limit for filing has been fixed.

7:30 P.M.

CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance
- C. Motion to approve the following order of the agenda and to remove items from the consent agenda.

7:35 P.M.

MAYOR'S BUSINESS

- A. Upcoming Meetings

Page 10

7:45 P.M.

COMMUNICATIONS

- A. Wilsonville Community Sharing Check Presentation (staff – Handran)
- B. Introduce Adam Phillips, Wilsonville Police Chief (staff – Captain Smith)

8:00 P.M.

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.

8:10 P.M.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

- A. Council President Starr – (Park & Recreation Advisory Board Liaison)
- B. Councilor Fitzgerald – (Development Review Panels A & B Liaison)
- C. Councilor Stevens – (Library Board and Wilsonville Seniors Liaison)
- D. Councilor Lehan – (Planning Commission, CCI and Tourism Promotion Committee Liaison)

8:20 P.M.

CONSENT AGENDA

- A. **Resolution No. 2608** Page 11
A Resolution Of The City Of Wilsonville To Enter Into An Intergovernmental Cooperative Agreement Regarding Future Transfer Of Roadway Authority On Portions Of Stafford Road And Advance Road From Clackamas County To The City Of Wilsonville.(staff – Adams)
- B. **Resolution No.2609** Page 21
A Resolution Adopting The Canvass Of Votes Of The November 8, 2016 General Election. (staff – King)
- C. Minutes of the November 21, 2016 Council Meetings. (staff – King) Page 35

8:25 P.M.

PUBLIC HEARING

- A. **Ordinance No. 776** –1st reading - *Placeholder* Page 38
An Ordinance of the City of Wilsonville Amending Wilsonville Code Chapter 3, Right-of-way and public easement management section, by amending section 3.410 and section 3.420 (staff – Kohlhoff)

11/30/2016 10:29 AM Last Updated

8:45 P.M. CITY MANAGER'S BUSINESS

8:55 P.M. LEGAL BUSINESS

9:00 P.M. ADJOURN

Time frames for agenda items are not time certain (i.e. Agenda items may be considered earlier than indicated.) Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting if required at least 48 hours prior to the meeting. The city will also endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting:-Qualified sign language interpreters for persons with speech or hearing impairments. Qualified bilingual interpreters. To obtain services, please contact the City Recorder, (503)570-1506 or king@ci.wilsonville.or.us



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: December 5, 2016		Subject: Fiber Business Plan	
		Staff Member: Andy Stone Department: Information Systems	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments:	
Staff Recommendation: Receive update on the City's fiber business plan.			
Recommended Language for Motion: N/A			
Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i>			
<input checked="" type="checkbox"/> Council Goals/Priorities Council Goals 7 – Community Amenities and 9 – Economic Development		<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Receive update and provide input on the fiber business plan; staff and Joanne Hovis, President of CTC Technology and Energy, will present an update at the meeting.

EXECUTIVE SUMMARY:

The City has contracted with CTC Technology and Energy (CTC), an independent technology consulting firm with over 30 years of experience with public and non-profit entities. On this project CTC is responsible for researching, recommending and drafting the fiber business plan

for the City Council's consideration. Joanne Hovis, President of CTC will give a presentation of what the current municipal fiber landscape looks like and a brief overview of what the creation of the City of Wilsonville's fiber business plan will entail. CTC will examine three fiber models; the first model uses fiber exclusively for the City. The second model utilizes fiber as an economic development tool and a third model leverages the fiber for residential benefit.

The City's current network represents a model where most cities start - fiber owned by municipal government, exclusively for the use and benefit of municipal government. In this model, the City leverages the cost of otherwise leased telecommunications services to fund building, owning, and maintaining its own fiber infrastructure. This model generally offers good return on investment and very low risk. On the other hand, it also has nominal broader community benefit as there is no access to fiber or fiber infrastructure beyond the municipal government users. While Wilsonville's fiber program currently employs this model, it has expanded, somewhat organically, to facilitate connectivity with Wilsonville schools and Clackamas County. This begins to resemble a second model of fiber infrastructure.

The second model offers fee-based access to other government and community anchor institutions and utilizes fiber as an economic development tool. In this model the municipal fiber infrastructure is expanded to key commercial and industrial districts. Local connection points are also established to open up fiber access to a variety of telecommunications providers for whom the cost of construction might have otherwise been a barrier to entry in the local market. Enhanced competition improves local service quality and reduces costs for business community participants, while offering the municipality some return on investment both from tangible lease fees and less tangible, but still important, economic development benefits. The City of Sherwood has operated successfully under a model similar to this for many years.

A third fiber network model goes beyond the business community to residential customers. Where incumbent broadband providers are not meeting the residential service demands and/or there is a lack of competition to mitigate cost and improve service offerings, some municipalities are opting to expand their fiber programs into the community neighborhoods. In some cases, the municipality then becomes an internet services provider (ISP) and in other cases, the municipality enters into a public-private partnership with an established ISP.

Part of the current scope of work is to assess the tradeoffs and whether the second or third models are a viable option for the City of Wilsonville. Considering those models, an online survey will be posted on the website between December 1st and January 31st to gauge the community's interest in a municipal fiber network. CTC and the City will conduct a meeting with local business leaders to determine if such a network would be of interest to them as well. Finally, CTC will meet with staff that has a vested interest in the project. CTC will take the input gathered from these sources and form a report that will guide the City in the best use of our fiber resource now and into the future.

EXPECTED RESULTS:

After the presentation by Ms. Hovis and with input from council, staff will finalize the survey and engage with different stakeholder groups to develop the fiber business plan.

TIMELINE:

An online survey will go live on December 1st and will run through January 31st. Meetings with Business leaders and staff will most likely occur in late January or early February depending on scheduling. Completion of a final report with recommendations and presentation to Council may not be done until late FY16-17.

CURRENT YEAR BUDGET IMPACTS:

The contract with CTC is for \$80,000. A supplemental budget adjustment was approved at the October 3rd Council Meeting, carrying forward unspent funds from the prior year.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 11/23/2016

LEGAL REVIEW / COMMENT:

Reviewed by: Date:

COMMUNITY INVOLVEMENT PROCESS:

An online survey will be posted on the City’s website between December 1st and January 31st to gauge the community’s interest in a municipal fiber network. CTC and the City will conduct a meeting with local business leaders to determine if such a network would be of interest to them as well. CTC will take the input gathered from these sources and form a report that will guide the City in the best use of our fiber resource now and into the future.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY (businesses, neighborhoods, protected and other groups):

This project will assist Council in determining the long term strategy for Wilsonville’s Municipal Fiber Program. Depending on the chosen direction, municipal fiber has the potential to provide significant economic development benefits both as an attractive amenity to new business and as a retention tool for current businesses. If expanded to serve residential customers, a fiber program could also provide Wilsonville residents lower cost, faster broadband service.

Economic impacts of these options will be further defined in fiber business plan depending on recommendation.

ALTERNATIVES:

CITY MANAGER COMMENT:

ATTACHMENTS:



**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date: December 5, 2016 Work Session</p>	<p>Subject: Logo Design</p> <p>Staff Member: Jon Gail, Community Relations Coordinator</p> <p>Department: Administration</p>	
<p>Action Required</p>	<p>Advisory Board/Commission Recommendation</p>	
<p><input type="checkbox"/> Motion</p> <p><input type="checkbox"/> Public Hearing Date:</p> <p><input type="checkbox"/> Ordinance 1st Reading Date:</p> <p><input type="checkbox"/> Ordinance 2nd Reading Date:</p>	<p><input type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input checked="" type="checkbox"/> Not Applicable</p>	
<p><input type="checkbox"/> Resolution</p> <p><input type="checkbox"/> Information or Direction</p> <p><input type="checkbox"/> Information Only</p> <p><input checked="" type="checkbox"/> Council Direction</p> <p><input type="checkbox"/> Consent Agenda</p>	<p>Comments: City Council seeks to adopt a new logo design that is more compatible with the City’s recently adopted branding narrative and more reflective of the community’s key attributes.</p>	
<p>Staff Recommendation: Review the logo proposals from six different graphic designers and direct staff on which graphic designer/logo design City Council prefers to further develop into a final logo design for City Council adoption.</p>		
<p>Recommended Language for Motion: N/A</p>		
<p>Project / Issue Relates To:</p>		
<p><input checked="" type="checkbox"/> Council Goals/Priorities</p>	<p><input type="checkbox"/> Adopted Master Plan(s)</p>	<p><input type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL: Which proposed logo is preferred by City Council as the best reflection of the City’s branding narrative, is representative of the community’s key attributes and is the Council’s preferred logo design to move forward with?

EXECUTIVE SUMMARY: In response to concerns on City Council and from the community the City conducted a Request for Proposals (RFP) to identify graphic designers to develop and present new logo concepts and color palettes for consideration by City Council.

A total of nine graphic design firms responded to the RFP and the City selected six firms to submit logo-design concepts for consideration by the City Council.

The graphic designers were informed that the City had recently adopted a logo that has not been embraced by members of the community as reflective of Wilsonville. Specific concerns about the logo from City Council and a focus group include the following:

- Want to include some type of reference to the Willamette River
- Feel the current logo has too many sharp lines, too industrial, and jagged
- Prefer organic flowing lines and shapes
- Prefer more natural look
- Do not include the tag line in final art
- Want a “friendlier-looking” logo



The graphic designers were asked to develop logo-design concepts that capitalize on the community's key attributes and reflect the City’s brand narrative, which is set forth below:

“We have always been a home for those who think differently, expect more but don’t want to settle for the status quo. It is a place that people can call home, where the sky opens up a bit, and the air is a little cleaner. Here we measure quality of life by meaningful relationships instead of the number of cars you can fit in your garage. Within its limits are bold thinkers who work hard for what they want.

“It’s not a city of entitlement, but rather born from the river with a rich heritage of commerce. Steeped in history, it began with the founding of Boone’s Landing, home to one of the first ferries over the Willamette River. Over time, it became the Gateway to the Willamette Valley—the “Eden” at the Oregon Trail’s end.

“Today, it still exists and stands as the destination for some of Oregon’s most innovative and coveted companies. With the feeling of a small and tight-knit community, yet with all the amenities and access to its urban neighbors, the City of Wilsonville is nested on the edge of Oregon’s finest agricultural country. Poised at equidistant locations between Portland and Salem, the City of Wilsonville connects the I-5 corridor of activity and provides easy access to the highway with its innovative commercial and residential planning.

“Wilsonville has a small town feel with the accessibility of big town benefits and the richness of all the wonders that nature has to offer. It’s a place where people know your name and you’re just as likely to see your next door neighbor half way across town. It’s the perfect marriage of modern and traditional—balancing values with a purpose-led lifestyle. Home to a new generation of enterprising families, citizens, growing companies, and forward-thinking personalities, the City of Wilsonville is rooted in the past, with an enlightened vision for the future.”

The graphic designers were also encouraged to include design elements that better reflect the following key attributes:

- Wilsonville is a growing, forward-looking City, with a long, rich history.
- Wilsonville offers a high quality of life and is well planned.
- Wilsonville places high value on the Willamette River, nature and the environment.

The graphic designers were also asked to use the following design considerations in developing the proposed logo designs:

- Design — Reflective of the Wilsonville community, which includes agricultural, industrial, commercial, and recreational aspects, as well as outstanding natural amenities, including the river, trees, and trails.
- Unique – Different from other city and county logos.
- Versatile – Must maintain integrity in color as well as black and white.
- Scalable – Works in both small and large scale.
- Consistency — Colors must consistently replicate across various platforms/software.
- Multiple Audiences — Appeals to businesses, tourists, and residents.
- Integrated — Elements lock up well together (cohesive).
- Representative — Consistent with brand narrative.

CURRENT YEAR BUDGET IMPACTS: The total cost of Phase I of the logo design project is less than \$10,000. The City is planning to spend an additional \$5,000 for Phase II of the project to contract with the preferred graphic designer to prepare a final logo design for City Council adoption and to then to develop a branding guide and identity packet for the City.

COMMUNITY INVOLVEMENT PROCESS: After a number of community members expressed concerns about the adopted logo design the City held a focus group of community members in June 2015 to gather feedback and concerns about the design. The concerns raised by the focus group are reflected in this staff report and have been shared with the graphic designers. Staff also obtained feedback and direction from City Council regarding the logo design project.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY (businesses, neighborhoods, protected and other groups): The City Council seeks to create and adopt a new logo and color palette that has greater community support and is more representative of the City’s brand narrative, key attributes, and history.

ALTERNATIVES: City Council may decide not to move forward with any of the proposed logo designs or may want to extend or alter the proposed plan of action.

FINANCIAL REVIEW / COMMENTS: N/A.

LEGAL REVIEW / COMMENT: N/A.

CITY MANAGER COMMENT:

ATTACHMENTS: N/A

CITY COUNCIL ROLLING SCHEDULE

Board and Commission Meetings 2016

Items known as of 11/29/16

DECEMBER

DATE	DAY	TIME	EVENT	LOCATION
12/1	Thursday	10 a.m.	Tourism Promotion Committee	City Hall
12/5	Monday	7 p.m.	City Council Meeting	Council Chambers
12/7	Wednesday	6:30 p.m.	Library Board	Wilsonville Library
12/8	Thursday	10 a.m.	Tourism Promotion Committee	City Hall
12/8	Thursday	6 p.m.	Parks and Recreation Board Meeting	Council Chambers
12/12	Monday	6:30 p.m.	DRB Panel A - Cancelled	Council Chambers
12/14	Wednesday	1 p.m.	Wilsonville Community Seniors	Community Center
12/14	Wednesday	6 p.m.	Planning Commission	Council Chambers
12/19	Monday	7 p.m.	City Council Meeting	Council Chambers
12/26	Monday	Christmas Holiday City Offices Closed		

COMMUNITY EVENTS

Final Day for Toy Drive

December 14th – drop off toys at the Parks and Rec Admin Building by 5 p.m.



**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date: December 5, 2016</p>	<p>Subject: Resolution No. 2608 Intergovernmental Cooperative Agreement – Future Transfer of Roadway Authority on Portions of Stafford Road and Advance Road from Clackamas County to the City of Wilsonville Staff Member: Steve Adams, PE, Development Engineering Manager Department: Community Development</p>	
<p>Action Required</p>	<p>Advisory Board/Commission Recommendation</p>	
<p><input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1st Reading Date: <input type="checkbox"/> Ordinance 2nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda</p>	<p><input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable</p> <p>Comments:</p>	
<p>Staff Recommendation: Staff recommends approval of this Resolution No. 2608</p>		
<p>Recommended Language for Motion: I move to approve Resolution No. 2608</p>		
<p>Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i></p>		
<p><input checked="" type="checkbox"/> Council Goals/Priorities</p>	<p><input checked="" type="checkbox"/> Adopted Master Plan(s) Transportation System Plan UU-02 Boeckman Road Urban Upgrade UU-10 Advance Road Urban Upgrade</p>	<p><input type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL:

A Resolution to enter into an Intergovernmental Cooperative Agreement (IGA) regarding the future transfer of roadway authority on portions of Stafford Road and Advance Road from Clackamas County to the City of Wilsonville.

EXECUTIVE SUMMARY:

This IGA for future roadway authority transfer from Clackamas County to the City of Wilsonville is related to the construction of the new Meridian Creek Middle School. The West Linn-Wilsonville School District has the roadway construction package for the school project out to bid which includes reconstruction of sections of Advance Road, Stafford Road, Boeckman Road and their intersection. The City wishes to be the road authority for the newly constructed sections that are presently under County authority so they will be designed, permitted, and constructed to City of Wilsonville Public Works Standards.

The transfer cannot be made until the school district has acquired all right-of-way and easements needed to complete the roadway construction from adjacent property owners. This IGA assures the County of the City's commitment to becoming the road authority and allows the roadway sections to be designed and constructed to City standards while the school district completes their acquisition and bidding processes.

EXPECTED RESULTS:

Approval of this Resolution to enter into an IGA with Clackamas County allows the School District to stay within their timeline for off-site street improvements being completed prior to Meridian Creek Middle School opening in September 2017.

TIMELINE:

If approved, City staff will return within 90 days with a resolution to transfer the roadway authority from Clackamas County to the City.

CURRENT YEAR BUDGET IMPACTS:

N/A

FINANCIAL REVIEW / COMMENTS:

Reviewed by: Date:

LEGAL REVIEW / COMMENT:

The transfer of this road authority has ongoing legal significance in that it precludes the City from restricting truck traffic on this road segment, which is not a restriction previously imposed and is an apparent County reaction to the Ordinance the City recently passed restricting truck traffic on a segment of Wilsonville Road. Reviewed by: BAJ 11-23-16

COMMUNITY INVOLVEMENT PROCESS:

Roadway authority transfer is a formality between the County and City and typically does not involve community involvement. However, what creates the need for a transfer in roadway authority is development adjacent to the City limits.

In 2015 the West Linn-Wilsonville School District held numerous meetings with citizens and neighbors to present the middle school project and included exhibits showing the anticipated off-site street improvements to Advance Road, Stafford Road, Boeckman Road and the intersection. The middle school project also went through two Development Review Board hearings in 2015 with the opportunity for citizens to attend and comment.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

For the past two years the School District and City have proceeded with the premise that the City would be the road authority on the sections of Stafford Road and Advance Road being reconstructed by the District. Improvements to these roads have been designed and approved based on City Public Works Standards. To not agree to transfer the roadway authority would necessitate a redesign of several of the plan sheets to meet County Standards and the time table for having the roadways completed by September 2017 would likely be missed.

In addition, having Stafford Road and Advance Road inspected by the County, but the new signalized intersection, Boeckman Road, 63rd Avenue and Hazel Street being inspected by the City would be challenging for the contractor, District, County and City.

The off-site improvements to the intersection of SW Wilsonville Road-Stafford Road/SW Boeckman Road-Advance Road and widening of Advance Road were identified in the Advance Road Middle School Transportation Impact Study, completed by DKS Associates in June 2015. Improvements to Stafford Road and Boeckman Road are required with the proposed signalized intersection improvements. Once completed these roadway improvements will provide improved travel times through this area and provide improved safety for pedestrians and bicyclists. The signalized intersection will also improve traffic flow to and from the planned Frog Pond West neighborhood.

ALTERNATIVES:

Once the decision was made by West Linn – Wilsonville School District to purchase the land along the east edge of the City limits and site a school there improvements to Advance Road and the Advance/Stafford/Boeckman/Wilsonville Road intersection are needed to meet transportation standards. There is no alternative way to easily service the Meridian Creek Middle School without the identified improvements.

CITY MANAGER COMMENT:

ATTACHMENTS:

Resolution No. 2608

RESOLUTION NO. 2608

A RESOLUTION OF THE CITY OF WILSONVILLE TO ENTER INTO AN INTERGOVERNMENTAL COOPERATIVE AGREEMENT REGARDING FUTURE TRANSFER OF ROADWAY AUTHORITY ON PORTIONS OF STAFFORD ROAD AND ADVANCE ROAD FROM CLACKAMAS COUNTY TO THE CITY OF WILSONVILLE

WHEREAS, Clackamas County (County) is the current roadway authority on Stafford Road and Advance Road; and

WHEREAS, roadway improvements are required on Advance Road and for a new signalized intersection at the Advance Road/ Boeckman Road/ Stafford Road/ Wilsonville Road intersection for the West Linn-Wilsonville School District's (School District's) new Meridian Creek Middle School being constructed on property that has been annexed into the City of Wilsonville (City); and

WHEREAS, the City prefers that roads upgraded to urban standards within City limits be designed, permitted, and constructed using the City's Public Works Standards; and

WHEREAS, the improvements to Advance Road and the Advance Road/ Boeckman Road/ Stafford Road/ Wilsonville Road intersection work have been designed to City of Wilsonville Public Works Standards and will be permitted and inspected by City staff; and

WHEREAS, the City expects to become the road authority for the resulting improved roadway sections; and

WHEREAS, the School District is in the process of seeking a bid for these roadway improvements; and

WHEREAS, the School District is in the process of acquiring the right-of-way and easements needed for the roadway improvements; and

WHEREAS, the County has allowed the project to move forward to meet the School District's schedule, but seeks assurance that the City is committed to the road authority transfer for the sections of roadway designed and constructed using City of Wilsonville Public Works Standards; and

WHEREAS, the subject Intergovernmental Cooperative Agreement, attached hereto and fully incorporated herein, provides assurance that the City will seek a road authority transfer on sections of Stafford Road and Advance Road and allows the construction process to continue.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. To enter into an Intergovernmental Cooperative Agreement, attached hereto and fully incorporated herein, to transfer roadway authority for sections of Stafford Road and Advance Road from the County to the City within 90 days of its signing.
2. This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 5th day of December, 2016 and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Knapp
Council President Starr
Councilor Fitzgerald
Councilor Stevens
Councilor Lehan

Attachments:

Intergovernmental Cooperative Agreement for Future Transfer of Roadway Authority on Portions of Stafford Road and Advance Road from Clackamas County to the City of Wilsonville

**INTERGOVERNMENTAL COOPERATIVE AGREEMENT
FOR FUTURE TRANSFER OF ROADWAY AUTHORITY ON
PORTIONS OF STAFFORD ROAD AND ADVANCE ROAD FROM
CLACKAMAS COUNTY TO THE CITY OF WILSONVILLE**

RECITALS:

- A. WHEREAS, the City of Wilsonville (“City”), an Oregon municipal corporation, and Clackamas County (“County”), an Oregon municipal corporation, are authorized pursuant to ORS 190.003 et seq. to enter into intergovernmental agreements for the performance of any and all functions and activities that a party, or its officers or agencies, have authority to perform; and
- B. WHEREAS, City and the West Linn-Wilsonville School District (“District”), an Oregon school district, have previously entered into an Intergovernmental Cooperative Agreement (dated January 14, 2016) as authorized pursuant to ORS 280.150 to “jointly, in such manner as they shall agree upon, construct, acquire, own, equip, operate and maintain facilities which will directly aid each participating governmental unit in performing a duty or duties imposed upon it or aid in exercising a power or powers conferred upon it, and may appropriate money and may issue bonds therefore”; and
- C. WHEREAS, the District has undertaken construction of the Meridian Creek Middle School, with a scheduled opening in the fall of 2017; and
- D. WHEREAS, the development of this school site will require, as conditions for development approval, the construction of a public road system to access the site, improvements to connecting roads serving the site, installation of a signalized intersection, extension of water and sanitary sewer main lines, and providing of storm drainage systems; and
- E. WHEREAS, the District is responsible for acquiring all property for right-of-way and easements required to support all street and utility improvements and transfer the right-of-way and easements to the City; and
- F. WHEREAS, the City has agreed with the County to transfer the roadway authority on those portions of Stafford Road and Advance Road receiving construction improvements as depicted in Exhibit “A”; and

- G. WHEREAS, the acquisition of the property required for right-of-way and easements has been delayed and will likely not be completed until after the District has received bids and hired a construction contractor for these roadway improvements; and
- H. WHEREAS, the City, the County and the District desire to maintain plan review and project permitting through the City, absolving the County of their usual and typical role as being the Roadway Authority; and
- I. WHEREAS, the City has agreed to formally accept the transfer of roadway authority on those portions of Stafford Road and Advance Road receiving construction improvements from the County to the City whereupon the City assumes all ownership and maintenance responsibilities;

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the undersigned parties jointly and respectively agree as follows:

1. The recitals above are incorporated by reference herein as findings in support of the respective parties' authority pursuant to ORS 190.003 et seq. and ORS 280.150.
2. Stafford Road and Advance Road Improvements. Those portions of Stafford Road and Advance Road receiving construction improvements by the District as shown in **Exhibit A**, attached hereto and incorporated by reference herein. On these portions of Stafford Road and Advance Road being improved the City cannot restrict through truck movements, unless there is concurrence and agreement from the County to limit truck usage. The City will request the transfer of roadway authority on these portions of Stafford Road and Advance Road within ninety (90) days of the signing of this IGA.
3. Construction Plan Review, Approval, Permitting and Inspection. The District will work through the City to obtain all plan review, approval, permitting and inspection for construction work on portions of Stafford Road and Advance Road.
4. Miscellaneous.
 - 4.1. Further Assurances. Each party shall execute and deliver any and all additional papers, documents, and other assurances, and shall do any and all acts and things reasonably necessary in connection with the performance of its obligations hereunder, in good faith, to carry out the intent of the parties hereto.

4.2. Modification or Amendment. No amendment, change, or modification of this Agreement shall be valid, unless in writing and signed by the parties hereto.

4.3. Burden and Benefit; Assignment. The covenants and agreements contained herein shall be binding upon and inure to the benefit of the parties and their successors and assigns. Neither party may assign this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld, conditioned, or delayed.

4.4. No Continuing Waiver. The waiver by either party of any breach of this Agreement shall not operate as, or be construed to be, a waiver of any subsequent breach.

4.5. Applicable Law. This Agreement shall be interpreted under the laws of the State of Oregon. Venue shall be in Clackamas County.

4.6. Time of Essence. Time is expressly declared to be the essence of this Agreement.

4.7. Notices. All notices, demands, consents, approvals, and other communications which are required or desired to be given by either party to the other hereunder shall be in writing and shall be faxed, scanned to PDF format and emailed, hand delivered, or sent by overnight courier or United States Mail at its address set forth below, or at such other address as such party shall have last designated by notice to the other. Notices, demands, consents, approvals, and other communications shall be deemed given when delivered, three days after mailing by United States Mail, or upon receipt if sent by courier; provided, however, that if any such notice or other communication shall also be sent by telecopy or fax machine, such notice shall be deemed given at the time and on the date of machine transmittal.

To City: City of Wilsonville
Steve R. Adams, P.E.
Development Engineering Manager
29799 SW Town Center Loop E.
Wilsonville OR 97070

To County: Clackamas County
Mike Bezner
150 Beaver Creek Road
Oregon City OR 97045

4.8. Rights Cumulative. All rights, remedies, powers, and privileges conferred under this Agreement on the parties shall be cumulative of and in addition to, but not restrictive of or in lieu of, those conferred by law.

4.9. Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all of such counterparts together shall constitute one and the same instrument.

4.10. No Third Party Beneficiaries. None of the duties and obligations of any party under this Agreement shall in any way or in any manner be deemed to create any rights in any person or entity other than the parties hereto.

4.11. Dispute Resolution - Mediation. All disputes arising out of this Agreement, shall first be submitted to mediation. Either party desiring mediation shall provide the other party with a written notice (the "Request to Mediate"), which shall set forth the nature of the dispute. The parties shall in good faith cooperate in the selection of a mediator and may adopt any procedural format that seems appropriate for the particular dispute. In the event a written settlement agreement is not executed by the parties, in the parties' sole discretion, within twenty (20) days from the date of the Request to Mediate, or such longer time frame as may be mutually agreed upon in writing by the parties.. If mediation does not occur within the required time frame or the mediation is unsuccessful the parties may mutually agree to arbitrate the dispute or, absent such mutual agreement, the dispute shall be decided in Clackamas County Circuit Court.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement as of this _____ day of _____, 2016.

CLACKAMAS COUNTY

CITY OF WILSONVILLE

By: _____
John Ludlow
Its: Chair, Board of County Commissioners

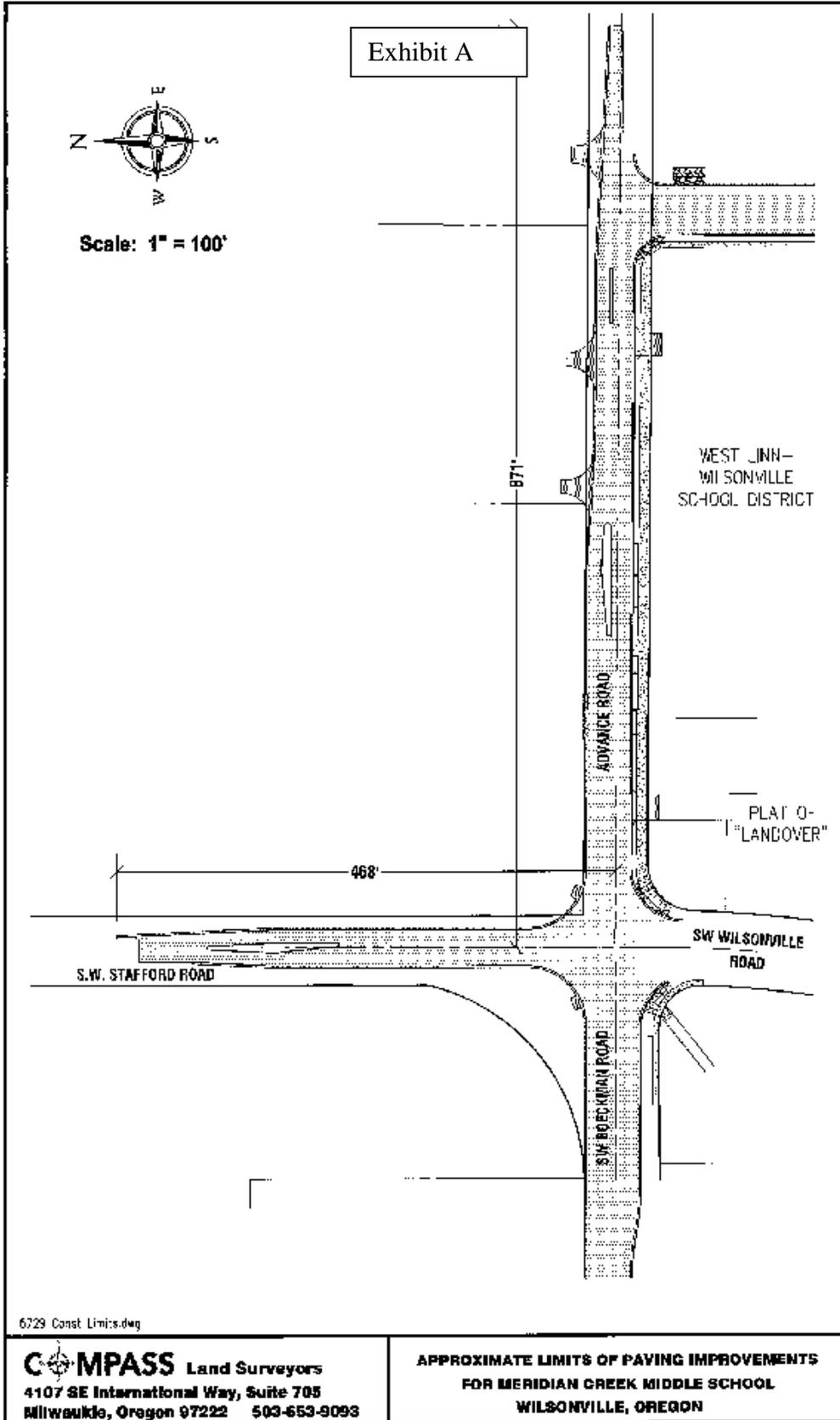
By: _____
Bryan Cosgrove
Its: City Manager

Approved as to form:

Approved as to form:

Nathan Boderman
Assistant County Counsel

Barbara A. Jacobson, OSB #824630
City Attorney



RESOLUTION NO. 2609

A RESOLUTION ADOPTING THE CANVASS OF VOTES OF THE NOVEMBER 8, 2016 GENERAL ELECTION.

WHEREAS, at the General Election held November 8, 2016, the electorate of the City of Wilsonville cast ballots for Mayor and two City Councilor positions; and

WHEREAS, the terms for the Mayor and City Council positions are four-year terms; and

WHEREAS, at the same election the electorate of the City of Wilsonville cast ballots for Ballot Measure 3-485 authorizing General Obligation Bonds for Wilsonville Recreation and Aquatic Center, and Ballot Measure 3-486 Prohibiting Certain Licensed or Regulated Medical and Recreational Marijuana Facilities; and

WHEREAS, the General Election of the registered voters of Clackamas County was conducted by mail; and

WHEREAS, the County Clerk of Clackamas County, who by statute, is in charge of conducting all elections, has filed an abstract of the tally of votes cast at the election, which tally for Clackamas County was duly received by the City Recorder on November 29, 2016; and from Washington County was duly received by the City Recorder on November 29, 2016, copies of which are attached hereto and incorporated by reference.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. That the City Council of the City of Wilsonville does hereby adopt the votes of the November 8, 2016, General Election as follows:

FOR THE POSITION OF MAYOR

Clackamas County:	Precinct 201	Precinct 202	Precinct 203	Precinct 204	Totals
Tim Knapp	1672	2365	1547	1285	6869
Write-In	488	616	64	463	1631
Under Votes	638	1016	549	578	2781
Totals	2798	3997	2160	2326	11281

Washington County:	
Tim Knapp	194
Write-In	26
Under Votes	82
Totals	302

TOTAL VOTES CAST IN BOTH COUNTIES

Tim Knapp	7063
Write-In	1675
Under Votes	2863

FOR THE POSITION OF CITY COUNCIL

Clackamas County:	Precinct 201	Precinct 202	Precinct 203	Precinct 204	Totals
Kristin Akervall	1500	2027	1121	1183	5831
Susie Stevens	1593	2150	1509	1261	6513
Write-In	75	175	19	133	402
Under Votes	2428	3642	1671	2075	9816
Totals	2798	3997	2160	2326	11281

Washington County:	
Kristin Akervall	173
Susie Stevens	168
Write-In	4
Under Votes	259
Totals	345

TOTAL VOTES CAST IN BOTH COUNTIES

Kristin Akervall	6004
Susie Stevens	6681

BALLOT MEASURE RESULTS

Clackamas County:	Precinct 201		Precinct 202		Precinct 203		Precinct 204		Totals	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Ballot Measure 3-485	935	1709	1564	2137	669	1346	795	1401	3963	6593
Ballot Measure 3-486	1737	954	2227	1576	1483	574	1381	855	6828	10787
Washington County										
	Precinct 432									
	Yes No									
Ballot Measure 3-485	3963	6593								
Ballot Measure 3-486	6828	3959								

2. Based upon the adopted canvass of votes, the City Council affirms that:
 - a. Tim Knapp has been elected to the position of Mayor for a four-year term beginning January 1, 2017.
 - b. Kristin Akervall and Susie Stevens have been elected to the position of City Councilor for four-year terms beginning January 1, 2017.
 - c. Ballot Measure 3-485 authorizing General Obligation Bonds For Wilsonville Recreation And Aquatic Center failed.
 - d. Ballot Measure 3-486 Prohibiting Certain Licensed Or Regulated Medical And Recreational Marijuana Facilities has passed.
3. The City Recorder shall file the Certificates of Election in accordance with the above.
4. This resolution shall be effective upon its adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting this 5th day of December, 2016, and filed with the Wilsonville City Recorder this date.

TIM KNAPP, MAYOR

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY of votes:

Mayor Knapp -
Council President Starr -
Councilor Fitzgerald –
Councilor Stevens –
Councilor Lehan -

Attachments:

Certificate of Election
Abstract of Vote – Clackamas and Washington counties

**City of Wilsonville
Certificate of the November 8, 2016
General Election Results**

State of Oregon)
)
Counties of Clackamas)
And Washington)
)
City of Wilsonville)

I, Sandra C. King, MMC, do hereby certify that I am the City Recorder and the Election Official for the City of Wilsonville, Clackamas and Washington counties, Oregon, and I state:

1. A regular election was held November 8, 2016 for the electorate of the City of Wilsonville to cast ballots for the position of Mayor and for two City Councilor positions.

2. At the same election the electorate of the City of Wilsonville cast ballots on Ballot Measure 3-485 authorizing General Obligation Bonds for Wilsonville Recreation and Aquatic Center, and Ballot Measure 3-486 Prohibiting Certain Licensed or Regulated Medical and Recreational Marijuana Facilities; and

3. The November 8, 2016 General Election was conducted by mail by the Clackamas County Elections Division.

4. The County Clerk of Clackamas County, who by statute, is in charge of conducting all elections, has tallied the votes cast for this election and delivered to the City a final copy of the Abstract of Votes, a copy of which is attached as Exhibit A, and incorporated herein.

I hereby certify the results of the November 8, 2016 General Election voted upon by the qualified voters of the City of Wilsonville as follows:

a. That **Tim Knapp** is elected to the office of Mayor, for a four-year term commencing January 1, 2017.

b. That **Kristin Akervall** is elected to the office of City Councilor, for a four-year term commencing January 1, 2017.

c. That **Susie Stevens** is elected to the office of City Councilor, for a four-year term commencing January 1, 2017.

d. **Ballot Measure 3-485** authorizing General Obligation Bonds For Wilsonville Recreation And Aquatic Center failed.

e. **Ballot Measure 3-486** Prohibiting Certain Licensed Or Regulated Medical And Recreational Marijuana Facilities has passed.

Dated this 29th day of November, 2016.

Sandra C. King, MMC, City Recorder



CLACKAMAS COUNTY

Office of County Clerk

SHERRY HALL
CLERK

1710 Red Soils Ct. Ste 100
OREGON CITY, OR 97045
03.722.6086

November 28, 2016

City of Wilsonville
Attn: Sandra King
29799 SW Town Center Loop E
Wilsonville, OR 97070

BY US MAIL AND EMAIL

Dear Sandra:

Enclosed please find the precinct results for the November, 2016 General Election.

Let us know of any questions. I can be reached at skindred@co.clackamas.or.us or by phone at 503.722.6089.

Sincerely,

Steve Kindred, Deputy Clerk, Elections Manager

Board of Property Tax Appeals
1710 Red Soils Court, Ste 100
Oregon City, OR 97045
503.655.8662
FAX 503.650.5687

Elections Division
1710 Red Soils Court, Ste 100
Oregon City, OR 97045
503.655.8510
FAX 503.655.8461

Recording Division
1710 Red Soils Court Ste 110
Oregon City, OR 97045
503.655.8551
FAX 503.650.5688

Records Management Division
1810 Red Soils Court, Ste 120
Oregon City, OR 97045
503.655.8323
FAX 503.655.8195

Canvass Results Report

November 8, 2016 General Election

Run Time 1:33 PM

Run Date 11/25/2016

Clackamas County

General Election

11/8/2016

Page 127

Official results

Registered Voters
217760 of 269156 = 80.90 %

Precincts Reporting
119 of 119 = 100.00 %

City of Wilsonville, Mayor - Vote for One

Precinct	Tim Knapp	Cast Votes	Overvotes	Undervotes	Write-in	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
205	1672	1672	0	638	488	2798	2798	3358	83.32 %
207	2365	2365	0	1016	616	3997	3997	5108	78.25 %
208	1547	1547	0	549	64	2160	2160	2389	90.41 %
209	1285	1285	0	578	463	2326	2326	2779	83.70 %
Totals	6869	6869	0	2781	1631	11281	11281	13634	82.74 %

REGISTERED COPY OF THE ORIGINAL
BREWER HALL COUNTY CLERK

BY:



Canvass Results Report

November 8, 2016 General Election

Run Time 1:33 PM

Run Date 11/25/2016

Clackamas County

General Election

11/8/2016

Page 128

Official results

Registered Voters
217760 of 269156 = 80.90 %

Precincts Reporting
119 of 119 = 100.00 %

City of Wilsonville, City Council - Vote for Two

Precinct	Kristin Akervall	Susie Stevens	Cast Votes	Overvotes	Undervotes	Write-in	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
215	1500	1593	3093	0	2428	75	2798	2798	3358	83.32 %
216	2027	2150	4177	0	3642	175	3997	3997	5108	78.25 %
217	1121	1509	2630	0	1671	19	2160	2160	2389	90.41 %
218	1183	1261	2444	0	2075	133	2326	2326	2779	83.70 %
Totals	5831	6513	12344	0	9816	402	11281	11281	13634	82.74 %

UNRECORDED COPY OF THE ORIGINAL
ELECTION HALL, COUNTY CLERK

BY: 

Canvass Results Report

November 8, 2016 General Election

Run Time 1:33 PM

Run Date 11/25/2016

Clackamas County

General Election

11/8/2016

Page 234

Official results

Registered Voters
217760 of 269156 = 80.90 %

Precincts Reporting
119 of 119 = 100.00 %

Measure 3-485, City of Wilsonville

Precinct	YES	NO	Cast Votes	Overvotes	Undervotes	Write-in	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
205	935	1709	2644	0	154	0	2798	2798	3358	83.32 %
207	1564	2137	3701	0	296	0	3997	3997	5108	78.25 %
208	669	1346	2015	0	145	0	2160	2160	2389	90.41 %
209	795	1401	2196	0	130	0	2326	2326	2779	83.70 %
Totals	3963	6593	10556	0	725	0	11281	11281	13634	82.74 %

CERTIFIED COPY OF THE ORIGINAL
SHERRY HALL, COUNTY CLERK

BY:



Canvass Results Report

November 8, 2016 General Election

Run Time 1:33 PM

Run Date 11/25/2016

Clackamas County

General Election

11/8/2016

Page 235

Official results

Registered Voters

217760 of 269156 = 80.90 %

Precincts Reporting

119 of 119 = 100.00 %

Measure 3-486, City of Wilsonville

Precinct	YES	NO	Cast Votes	Overvotes	Undervotes	Write-in	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
215	1737	954	2691	1	106	0	2798	2798	3358	83.32 %
216	2227	1576	3803	0	194	0	3997	3997	5108	78.25 %
200	1483	574	2057	0	103	0	2160	2160	2389	90.41 %
209	1381	855	2236	0	90	0	2326	2326	2779	83.70 %
Totals	6828	3959	10787	1	493	0	11281	11281	13634	82.74 %

CERTIFIED COPY OF THE ORIGINAL
 SHERRY HALL, COUNTY CLERK

BY:



Statement of Votes Cast by Contests
 November 8, 2016 General Election
 All Precincts, All Districts, All Contests
 Official Final

Page: 92
 2016-11-28
 11:34:15

Total Ballots Cast: 273702, Registered Voters: 341315, Overall Turnout: 80.19%
 143 precincts reported out of 143 total

City of Wilsonville Mayor (Vote for 1)

Precinct	Ballots Cast	Reg. Voters	Total Votes	Tim Knapp	Write-In	Over Voted Ballots	Under Votes
Precinct 432	302	301	220	194 88.18%	26 11.82%	0	82
Total	302	301	220	194 88.18%	26 11.82%	0	82



Statement of Votes Cast by Contests
 November 8, 2016 General Election
 All Precincts, All Districts, All Contests
 Official Final

Page: 93
 2016-11-28
 11:34:15

Total Ballots Cast: 273702, Registered Voters: 341316, Overall Turnout: 80.19%
 143 precincts reported out of 143 total

City of Wilsonville Councilor (Vote for 2)

Precinct	Ballots Cast	Reg. Voters	Total Votes	Kristin Akervoll	Suzie Stevens	Write-In	Write-In	Over Voted Ballots	Under Votes
Precinct 432	302	381	346	173 50.14%	168 48.70%	3 0.97%	1 0.29%	0	268
Total	302	381	346	173 50.14%	168 48.70%	3 0.97%	1 0.29%	0	268



Statement of Votes Cast by Contests
 November 8, 2016 General Election
 All Precincts, All Districts, All Contests
 Official Final

Page: 184
 2016-11-28
 11:34:16

Total Ballots Cast: 273702, Registered Voters: 341315, Overall Turnout: 80.18%
 143 precincts reported out of 143 total

3-485 Wilsonville Rec Center Bond (Vote for 1)

Precinct	Ballots Cast	Reg. Voters	Total Votes	Yes	No	Over Voted Ballots	Under Votes
Precinct 432	302	381	280	117 41.79%	163 58.21%	0	22
Total	302	381	280	117 41.79%	163 58.21%	0	22



Statement of Votes Cast by Contests
 November 8, 2016 General Election
 All Precincts, All Districts, All Contests
 Official Final

Page: 165
 2016-11-28
 11:34:16

Total Ballots Cast: 273702, Registered Voters: 341315, Overall Turnout: 80.18%
 143 precincts reported out of 143 total

3-486 Wilsonville Prohibits MJ (Vote for 1)

Precinct	Ballots Cast	Reg. Voters	Total Votes	Yes	No	Over Voted Ballots	Under Votes
Precinct 432	302	381	287	151 52.61%	136 47.39%	0	16
Total	302	381	287	151 52.61%	136 47.39%	0	16



Page 35 of 49
CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, November 21, 2016. Mayor Knapp called the meeting to order at 7:03 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

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

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Barbara Jacobson, City Attorney
Sandra King, City Recorder
Nancy Kraushaar, Community Development Director
Jon Gail, Community Relations Coordinator

Motion to approve the order of the agenda.

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

Vote: Motion carried 4-0.

MAYOR'S BUSINESS

Upcoming meetings were announced by the Mayor. He reported on the regional meetings he attended on behalf of the City. The Mayor noted Councilor Fitzgerald will be leaving the Council at the end of the year, and Kristin Akervall will be taking her place and sworn in the first meeting of January.

Councilor Lehan invited the community to attend the swearing-in ceremony.

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.

Susan Schenk, 11010 SW Morey Court, stated she had been appointed by the Clackamas County Board of County Commissioners as Wilsonville's representative to the Clackamas County Arts Alliance Advisory Board. She explained the Arts Alliance purpose is to support, develop and promote access to

Page 36 of 49
CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

arts and culture. A survey will be conducted asking the community what type of art they are interested in supporting and the results of the survey will be brought to Council.

Councilor Lehan thanked Ms. Schenk for her work in supporting arts and culture in Wilsonville.

Mayor Knapp commented Wilsonville has a diverse arts community with many different interests and he looks forward to hearing from Ms. Schenk as the survey goes forward.

Mr. Cosgrove invited the Scouts in the audience to introduce themselves.

Justin Carpenter explained he was working on his Citizenship in the Community Merit Badge to become an Eagle Scout. Logan Carpenter is working his Communications Merit Badge. Both boys are from Troup 194.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Starr – (Park & Recreation Advisory Board Liaison) had no Chamber business to report. He announced the Parks and Recreation Advisory Board will meet December 8 and the Holiday Toy Drive is underway. The Councilor invited the community to participate in the Reindeer Romp scheduled for Saturday December 3.

Councilor Starr reflected on the results of the election regarding the Community Aquatic and Recreation Center ballot measure which did not pass. Many people mistakenly thought the City Council wanted the pool; when actually the measure was on the ballot because the results of the city-wide surveys conducted in 2012 and 2014 indicated the citizens of Wilsonville wanted that amenity in their community. Even though the measure did not pass, the Councilor felt good about it in the sense that the citizens wanted to vote on a pool, and the citizens had the chance to vote, and they voted. Many indicated on the surveys they wanted a pool and Council gave them a chance to vote on it.

Councilor Fitzgerald – (Development Review Panels A & B Liaison) reported on the decisions made by the DRB Panel A at their last meeting. She invited the public to attend the tree lighting ceremony in Town Center Park on November 30th.

Councilor Lehan – (Planning Commission, CCI and Tourism Promotion Committee Liaison) said the Planning Commission discussed the Brown Road to Boones Ferry Roads extension. The Commission is scheduled to meet next on December 14th.

Mayor Knapp noted the city offices would be closed Thursday and Friday for the Thanksgiving holiday. He commented the ballot measure regarding marijuana businesses failed during the past election and the current prohibition will remain in effect.

CONSENT AGENDA

Ms. Jacobson read the titles of the Consent Agenda items into the record.

- A. **Resolution No. 2607**
Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement Contract Amendment With Ch2M Hill Engineers, Inc. For

Page 37 of 49
CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Phase 2 Final Design And Bid Phase Support Services For The Wastewater Treatment Plant Outfall Replacement Project (Capital Improvement Project #2095).

B. Minutes of the November 7, 2016 Council Meeting.

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

Vote: Motion carried 4-0.

CITY MANAGER'S BUSINESS

Mr. Cosgrove provided an update on the staff recruitments of key positions which include the Parks and Recreation Director, SMART Director, IT Manager, and Senior Services Director. Although the City recruits and hires the best candidates for a position, there are times when employees seek out other opportunities.

Mayor Knapp asked for context around the changes in staff.

Mr. Cosgrove said the City tries to recruit and obtain the best people, but he understood that for a variety of reasons people take advantage of opportunities. Because of the size of Wilsonville, at times mid-level managers leave to advance their career. Human Resources is working on an actual succession plan for each department and to develop leadership capacity with existing employees to potentially promote from within.

LEGAL BUSINESS – No report.

ADJOURN

Mayor Knapp adjourned the meeting at 7:32 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor



**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date: December 5, 2016</p>	<p>Subject: Ordinance No. 776 Ordinance Amending Wilsonville Code Chapter 3, Amending Right-of-Way and Public Easement Management Section</p> <p>Staff Member: Mike Kohlhoff Department: Legal</p>	
<p>Action Required</p>	<p>Advisory Board/Commission Recommendation</p>	
<p> <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1st Reading Date: <input type="checkbox"/> Ordinance 2nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda </p>	<p> <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable </p> <p>Comments:</p>	
<p>Staff Recommendation: Adopt Ordinance No. 776.</p>		
<p>Recommended Language for Motion: I move to adopt Ordinance No. 776 on first reading.</p>		
<p>Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i></p>		
<p><input type="checkbox"/> Council Goals/Priorities</p>	<p><input type="checkbox"/> Adopted Master Plan(s)</p>	<p><input checked="" type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL:

Adopt the proposed ordinance amending the Alternative Procedures for Disposition of City Property provision of the Code (Section 3.420) for utility providers who benefit from using the City's rights-of-way features.

EXECUTIVE SUMMARY:

The proposed ordinance replaces an earlier proposed ordinance and provides:

- (1) Separately listed authority for the City Manager and the City Council to sell, exchange, convey, or lease the City's interest in real property if such sale, exchange, conveyance, or lease is either not needed for public use or else furthers the public interest.
- (2) A list of cost factors which are involved in regulating the rights-of-way to determine whether selling, exchanging, conveying, or leasing City property furthers the public interest.
- (3) The cost factors can be utilized by the City Manager or the City Council to determine appropriate terms, including price, of such sale, exchange, conveyance, or lease.
- (4) Authority to the City Attorney or attorney designee to approve the documentation of such sale, exchange, conveyance, or lease of real property under the Section.

The ordinance recitals recognize that rights-of-way are the foundation that, when developed, form the transportation system, and that it is a very complex and very valuable utility system unto itself. The administrative factors are widespread among several departments to achieve regulatory compliance and management oversight of the rights-of-way transportation system. Municipal utility pricing may include a portion for return of investment (profit). *Kliks v. Dalles City*, 216 Or. 160, 335 P.2d 366 (1959).

However, the recent Supreme Court decision in *Rogue Valley Sewer Services v. City of Phoenix* has ruled that a franchise fee for a government utility that serves customers must be based on costs and not simply revenue generating, as that would amount to an unconstitutional tax on government. *Rogue Valley Sewer Services v. City of Phoenix*, 357 Or. 437 (2015).

Wilsonville is faced with developing appropriate compensation to the City that would cover a governmental utility that enters the City, benefits from the use of the City's rights-of-way without any service to Wilsonville customers, and constructs a pipeline that is not of a lesser, intrusive size, such as a one-inch conduit for fiber, but rather is of 66 inches (5.5 feet) in diameter and approximately 4.0 miles in length to transport millions of gallons of pressurized water through Wilsonville. The right-of-way space such a pipeline will occupy is extremely large and it will take away the City's ability to have other utilities in the same space that could generate return on investment for the City. This creates a recognized cost to the City known to economists as opportunity cost. This is a cost factor that is provided for in the ordinance.

Additionally, the transportation of large volumes of product under pressure can provide greater impacts upon leakage. This type of risk cost is also included in the factors. The cost of insurance to insure against the risk is not the only part of the risk cost. The City experienced

such an issue after a design and construction defect resulted in a sinking road. In that case there was insurance, but the City encountered dispute by the insurance carriers over cost of cure and who would pay, causing the City to commence litigation. With the costs associated with litigation, the time elapsed between settlement and the construction season to be able to cure, and compromises inherent in settlements of disputed claims, the City's out-of-pocket cost was quite high. Thus, it is reasonably foreseeable that the cost of insurance may not cover the full costs for claims of major damages. In this case, the pipeline will also be near a wetland, and impacts from surging water and earth deposits could provide environmental damages, in turn affecting the cost of insurance for full coverage and potential additional costs to cure. Water line leaks and breaks over the time of a pipeline's life of 70 years are also reasonably foreseeable. A brief research of water line breaks has provided examples of major breaks and millions of dollars in claims. Given both experience and consensus, it is reasonable to build a risk fund in addition to cost of insurance or shifting responsibility through indemnification and insurance provisions by the utility provider in any franchise agreement.

Finally, the City has historically had franchise fee agreements or the use of privilege taxes for private utility use of the rights-of-way to serve Wilsonville utility customers. This typically has been at a charge of 5% of gross revenues from those served, with the City currently charging its own utilities 4%. Staff explored several options and approaches by other cities, based on a review provided by ECONorthwest, including a per-cubic-foot cost for large diameter pipes. Among the considerations was constructing a new method for calculating an appropriate franchise fee for the pipeline and other utilities' use of the City's rights-of-way when such use is particularly intrusive, significant, and does not serve Wilsonville customers. Additionally, franchises are limited by statute to 20 years, and the owners of the proposed pipeline requested a longer time given their total project is approximately \$1 billion, 30 miles in length, and would be subject to long term fixed financing.

This pipeline is demonstrably different from the typical uses of franchisees and significantly larger in size. Staff found that, rather than establishing a new franchise fee for utilities that use significant right-of-way space without serving Wilsonville customers, the City needed a flexible option outlining how the City determines its compensation for a utility's use of the City's rights-of-way when the City is not receiving service from the utility. In addition to the City's home rule authority, staff relied on the authority under ORS 271.310, which allows a political subdivision to sell, exchange, convey, or lease for a period not to exceed 99 years any real property it controls or possesses which is not needed for public use or if the public interest may be furthered by such sale, exchange, conveyance, or lease. Staff also relied on ORS 221.727, which allows a city council to adopt a procedure for the sale of real property, or the city's interest therein, under a single program for the sale of that class of properties, should that occasion arise.

Staff further found that providing detailed factors the City can consider to determine an appropriate value to sell, exchange, convey, or lease its real property when not needed for public use or to further the public interest provides the City with flexibility in situations which are not properly addressed under Section 3.410 ("Franchise Required") of the Wilsonville Code. First, the pipeline does not serve Wilsonville customers. Second, the size and length of the pipeline

and the space and time needed from the City's rights-of-way adversely affects the City's use of its rights-of-way for other purposes or utilities.

Under the language of the proposed ordinance, the City has flexibility to sell, exchange, convey, or lease its real property, including its rights-of-way, according to the particular circumstances in consideration of the factors provided in the ordinance rather than assigning a franchise fee which may not properly compensate the City for an exceptional use of the right-of-way. The proposed ordinance allows the City to enter into a lease agreement that provides a ground lease for the right-of-way needed for the pipeline and that reasonably and rationally compensates the City for the use of the right-of-way under the particular circumstances. This ordinance provides for negotiating flexibility given the unusual particulars that pressurized large pass-through pipes may bring to bear on individual situations and routes, and further provides the City with an alternative procedure to franchise fees when such a situation may call for it in the future.

EXPECTED RESULTS:

Efficient regulatory oversight of the City's rights-of-way.

TIMELINE:

N/A

CURRENT YEAR BUDGET IMPACTS:

N/A

FINANCIAL REVIEW / COMMENTS:

Reviewed by: _____ Date: _____

LEGAL REVIEW / COMMENT:

Report prepared by the Legal Department.

COMMUNITY INVOLVEMENT PROCESS:

N/A

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY (businesses, neighborhoods, protected and other groups):

Protection of the City's rights-of-way.

ALTERNATIVES:

CITY MANAGER COMMENT:

ATTACHMENTS:

- A. Ordinance No. 776 Amending Wilsonville Code Chapter 3, Right-of-Way and Public Easement Management Section, By Amending Section 3.410 and Section 3.420

ORDINANCE NO. 776

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE CODE CHAPTER 3, RIGHT-OF-WAY AND PUBLIC EASEMENT MANAGEMENT SECTION, BY AMENDING SECTION 3.410 AND SECTION 3.420

WHEREAS, the Wilsonville transportation network is extremely complex. At its core is the City-acquired rights-of-way over which are located the City's asphalt and concrete streets and roads, sidewalks, bikeways, pedestrian paths, street lights, street trees, public art, signage, bus shelters, and signalized intersections; and under which are located the majority of public and private utility services, such as electricity, gas, cable, fiber, water, sewer, and storm sewer; and connected to and made a part thereof are the City's bridges, crossings over railroad tracks, and intersections with Interstate 5 (I-5) interchanges; and

WHEREAS, as of 2014, 73 lane miles were a part of this complex transportation network, with an estimated value of over \$300 million dollars. The City is growing at a rapid pace. In 1968, when first incorporated, it had a population of 1,000; today it has a population over 22,000 and an employment base of 18,000. Yet to be annexed are two industrial areas in various stages of planning, as are approximately 500 acres for new housing, all of which will be adding needs to the transportation network; and

WHEREAS, the transportation network provides multimodal transportation and connectivity for pedestrian, bicyclists, vehicles, freight, and transit, and serves a variety of land uses, such as single-family homes, multi-family residences, commercial establishments, and industrial buildings and complexes; and

WHEREAS, governance of the transportation system is likewise complex. The City is subject to the State's Transportation Planning Rule, as well as the State Land Use Planning legislation and rules concerning Comprehensive Plans that provide for adequate infrastructure for development and to maintain a qualified staff adequate to support the various service functions of the City; and

WHEREAS, Comprehensive Plan Policy 3.1.13 provides:

“Policy 3.1.13 The City of Wilsonville shall coordinate planning activities with the utility companies to ensure orderly and efficient installation of needed service lines and equipment.

Implementation Measure 3.1.13.1. To enhance aesthetic quality, promote public safety and to protect service lines from damage (e.g., ice/wind storms or vehicle accidents), as new development occurs all utility service lines serving the development property shall be placed underground, in accordance with the City’s Public Works Standards.” * * *; and

WHEREAS, in implementing state laws and its Comprehensive Plan, the City has developed a Transportation System Plan, a Bicycle and Pedestrian Plan, and a Transit Plan. The City Development Code addresses concurrency and level of service standards to ensure timely, adequate, and functional transportation systems to serve current and future development; and

WHEREAS, the City has adopted Public Works Standards to ensure appropriate and functionally integrated construction, operation, and maintenance. Stormwater Standards to meet federal, state, and local environmental concerns for construction, operation, and maintenance of transportation projects also have been adopted and are currently being updated. Construction and repair improvements to the interchanges which merge into City streets and rights-of-way involve coordination with the US DOT and ODOT. Railroad crossing transportation improvements need to be coordinated with several governmental agencies as well as transportation improvements that cross wetlands; and

WHEREAS, rights-of-way to serve these surface and subsurface uses are a relatively limited and scarce asset that have been acquired at a significant cost and carry a high value, need to be well managed with trained personnel from various departments and, in turn, to the extent reasonable, be funded by a combination of sources; and

WHEREAS, the City finds its Code provisions concerning rights-of-way, franchise fees, and alternative procedures for disposition of City property need to be updated to provide the City with flexibility to adequately address changing, new, and unique development occurring on or near the City’s rights-of-way and City property and to provide factors for the City to consider when determining reasonable pricing when right-of-way permit fees and franchise fees are not sufficient or are inappropriate to compensate the City for the value of using a scarce and limited City asset;

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. Wilsonville Code Section 3.410, Franchise Required, is amended as follows:
 - (a) Delete the words “Section 3.410 Franchise Required” underneath the Section 3.410 Franchise Required heading, as it is a typographical error.
 - (b) In Section 3.410(1), at the end of the first sentence, delete the phrase “as specifically set forth in City Code” and replace it with “as may be determined by the City Council.”
2. Wilsonville Code Section 3.420, Alternative Procedures for Disposition of City Property, is amended to read as follows:

“3.420 Alternative Procedures for Disposition of City Property

(1) Authority and Purpose

Pursuant to: (a) its home rule authority under Or. Const. Art. 11, § 2, and ORS 271.310, when either not needed for public use or whenever the public interest may be furthered, the City may sell, exchange, convey, or lease, for a period not to exceed 99 years, all or part of its interest in real property; (b) ORS 221.415, the City may regulate the City’s rights-of-way; and (c) ORS 221.727, the City may adopt alternative procedures for sale of industrial properties, a class of real properties.

(2) Authority of the City Manager to Sell, Exchange, Convey, or Lease

(a) Provided the fair market value is less than \$100,000, the City Manager or designee may sell, exchange, convey, or lease, in whole or in part, the City’s interest in real property, including, but not limited to, that which is held or granted to the City or the public as a right-of-way or for the limited purpose of allowing installation, construction, and/or maintenance of public utility facilities when:

- (i) The property is no longer needed for public use, or such sale, exchange, conveyance, or lease (provided such lease is for a period not exceeding 99 years) will further the public interest; or
- (ii) The sale, exchange, conveyance, or lease (provided such lease is for a period not exceeding 99 years) of the rights-of-way is a condition of approval of a land use development permit.

(3) Authority of the City Council to Sell, Exchange, Convey, or Lease

(a) The City Council may sell, exchange, convey, or lease, in whole or in part, the City’s interest in real property, including, but not limited to, that which is held or granted to the City or the public as a right-of-way or for the limited

purpose of allowing installation, construction, and/or maintenance of public utility facilities when either subsections (2)(a)(i) or (ii) apply and regardless of the assessed value of the sale, exchange, conveyance, or lease.

(b) Nothing in this Section limits or otherwise alters the City's general authority to control, manage, sell, exchange, convey, lease, transfer, or modify the City's interest in real property.

(4) Factors Considered

The City Manager or the City Council may consider the following factors in determining whether it furthers the public interest to sell, exchange, convey, or lease, in whole or in part, the City's interest in real property, including, but not limited to, that which is held or granted to the City or the public as a right-of-way or for the limited purpose of allowing installation, construction, and/or maintenance of public utility facilities:

(a) Whether the service is being provided to Wilsonville residences and businesses or the use is such that Wilsonville residences and businesses would not receive the benefit of any services from User's equipment and facilities (pass-through without service delivery) but would endure the disturbance of construction, maintenance, and repair and bear the risks associated with equipment and/or facilities failures, as well as the need to manage and coordinate the use with other users and any other applicable persons or agencies.

(b) The amount of right-of-way space occupied:

- (i) *Length of right-of-way occupied.* The longer the equipment and facilities, such as a pipeline, are, generally means the greater the time of construction and the greater the time of related community, traffic, and business disruption, as well as the greater the City oversight, management, and coordination.
- (ii) *Size of equipment and facilities.* Larger equipment and facilities occupy more space and may create the need for wider easements and greater size of any setbacks. The greater the size of equipment and facilities may also impose greater opportunity costs and increased oversight, management, and coordination.
- (iii) *Depth of equipment and facilities.* City oversight, management, accounting for risk, and coordination associated with installing and repairing deeper placed equipment and facilities increases as the depth increases. Also, greater depth can cause greater community, traffic, and business interruption due to lengthier construction and repair times.

(c) The content being transported, its volume, and any pressurized means for its transportation. Natural gas and petroleum products can pose greater risks than potable water. However, large volumes of water being transported under pressure can pose greater risks to City residences and businesses than lower volume gravity feed lines. Planning and management for disasters and incident response increases cost contingences for utilities that impose greater risks.

(d) The risks of equipment and facilities failures associated with the size, content, characteristics, volume, or pressure, either independently or in combination upon the City's municipal services. Examples of such services and potential costs include, but are not limited to: services being diverted to spill response and clean-up; evacuation of residences and businesses; lost business revenues; road closures and diverted traffic, including re-routing transit routes; and managing the replacement of other users' equipment and facilities.

(e) The impacts to land uses along the rights-of-way used for the benefit of User's equipment and facilities.

(f) The length of time the rights-of-way are proposed to be used. All things being equal, the longer the use the greater the chance of a failure of equipment or facilities to occur.

(g) The probability that use of the rights-of-way will shorten the life of any City facility on, in, or over the rights-of-way.

(h) The City's costs, including personnel, materials, and services associated with managing, operating, maintaining, and repairing the rights-of-way used by User and in coordination with other uses and users, both in connection with the particular route used and as an integral part of the City's complex transportation network. The City's rights-of-way are a scarce and limited resource, with multiple service providers vying for space. Even though physical space may exist in a right-of-way, adding new services requires careful planning, mapping, approvals, and other efforts to ensure that a new service does not compromise existing services or cause undue difficulties for other users, including vehicle, freight, bicycle, and pedestrian traffic. Right-of-way congestion imposes costs, and right-of-way fees function as price signals, indicating the value of occupying a scarce and limited asset.

(i) The opportunity costs of foregoing the ability to use the right-of-way in the future. Occupying the space in the right-of-way will preclude the City and others from using the same space now and in the future. The greater the right-of-way space occupied, the greater the opportunity cost, all factors held constant.

(j) Existing franchise fees on comparable utility equipment and facilities as an indicator of the value placed on occupying a scarce and limited asset for the

User's benefit. The weight, if any, such franchise fees shall be given shall be based on the various circumstances that may be applicable to any given situation.

(5) Documenting Sale, Exchange, Conveyance, or Lease

If real property is sold, exchanged, conveyed, or leased under this Section, such sale, exchange, conveyance, or lease will be made by such document the form of which shall be approved by the City Attorney or attorney designee.”

- 3. The City Recorder is directed to amend Wilsonville Code Section 3.410, Franchise Required, and Wilsonville Code Section 3.420, Alternative Procedures for Disposition of City Property, as set forth above, and to make such format, style, and conforming changes to match the format and style of the Right of Way and Public Easement Management section of the Wilsonville Code.
- 4. Except as set forth above, Chapter 3 of the Wilsonville Municipal Code remains in full force and effect, as written.

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the ____ day of _____, 2016, and scheduled for second reading on _____, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of _____, 2016, by the following votes: Yes: ____ No: ____

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this ____ day of _____, 2016.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp
Council President Starr
Councilor Fitzgerald
Councilor Stevens
Councilor Lehan