

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, July 20, 2015. Mayor Knapp called the meeting to order at 7:09 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp
Councilor Starr
Councilor Fitzgerald
Councilor Stevens
Councilor Lehan

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Mike Kohlhoff, City Attorney
Sandra King, City Recorder
Stephan Lashbrook, SMART Director
Kristin Retherford, Economic Development Manager
Holly Miller, IT Manager
Andrea Villagrana, HR Manager
Jon Gail, Community Relations Coordinator
Nancy Kraushaar, Community Development Director
Zach Weigle, City Engineer

Motion to approve the order of the agenda.

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

Vote: Motion carried 5-0.

MAYOR'S BUSINESS

Mayor Knapp shared that he attended the Korean War Memorial ceremony this past weekend honoring the 65th anniversary of the start of the Korean War.

The Mayor had received a letter from a citizen requesting that all fireworks of any sort be banned within the City due to the dry conditions. He thought this may be a topic for future discussion.

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.

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Bruce Barton 7290 SW Wilsonville Road, thanked Mayor and Council for their service to the City of Wilsonville. Mr. Barton's home is located on Wilsonville Road below the road grade, and he is concerned about the vibrations and shaking of his home when heavy trucks travel north along Wilsonville Road. He noted the City's Engineering Department had previously attempted to find a solution to the problem; however, the replacement of concrete with asphalt did not cure the matter completely. Mr. Barton is requesting the City look further into stopping the vibration of his home from heavy truck traffic. Mr. Barton submitted his comments in writing, which have been made part of the record.

Mr. Cosgrove would ask staff to compile the correspondence so he could learn fully about the issue and then bring the topic back to the Council. He was unsure what costs would be for repairs.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Starr – (Park & Recreation Advisory Board Liaison) did not have a Parks and Recreation Board report. The Councilor noted the water deck fountains in Town Center Park and Murase Plaza have been heavily used due to the hot weather. The Chamber of Commerce is still searching for a new CEO. Councilor Starr invited the public to participate in the Kiwanis Kids Fun Run.

Councilor Fitzgerald – (Development Review Panels A & B Liaison) announced the weekly Thursday Farmers Market in Sophia Park in Villebois. She reported DRB, Panel A approved a resolution to allow 31 row homes to be built in Villebois and she announced the next meeting dates of the DRB Panels.

Councilor Stevens – (Library Board and Wilsonville Seniors Liaison) reported the Library Board will meet later this week. The Councilor announced the Wilsonville Community Seniors Inc. has a new board member who learned about the volunteer opportunity through their participation in the Leadership Academy. She invited the public to take part in the Trolley Tours, and in the Movies in the Park.

Councilor Lehan– (Planning Commission and CCI Liaison) announced the results of the last Planning Commission, and the next Planning Commission meeting date. She welcomed the public to participate at the dedication of the new Murase Park Playground structure on July 23rd and invited the community to the annual Fun in the Park event set for August 1. The Councilor announced the Graham Oaks Park event was well attended.

CONSENT AGENDA

Mr. Kohlhoff read the title of the Consent Agenda item for the record.

A. **Resolution No. 2545**

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A Resolution Of The City Of Wilsonville Acting As The Local Contract Review Board Authorizing The Sough Metro Area Regional Transit Department (SMART) To Purchase A Technology Package To Enhance The Efficiency Of Both Fixed-Route And Paratransit Services.

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

Vote: Motion carried 5-0

PUBLIC HEARING

The City Attorney read Ordinance No. 770 by title only on first reading.

- A. **Ordinance No. 770** - 1st and 2nd reading
An Ordinance Amending Wilsonville Code, Section 2.420(1); and Declaring An Emergency

Mayor Knapp presented the hearing format and called the hearing to order at 7:35 p.m.

Mr. Kohlhoff provided the staff report. The City Council will be determining whether to refer a vote on forming a new Coffee Creek Urban Renewal District. Urban Renewal is complex and it is difficult to write a short, concise summary for forming a Urban Renewal District in 175 words (state standard for City elections where none have been adopted), let alone in 150 words (current City standard). The proposed ballot title has a summary using the 175 word standard. The 150 word limitation in the City's code does not limit the 150 words to the summary, but has been interpreted to apply to the summary. It is confusing to deal with these two standards and the state form under ORS 250.035 (1) for ballot tile is generally followed by most cities. The ballot title for a referral must conform to the City special election standard and it makes sense in times when we use the state's election dates for City measures to conform to the state standards.

In order to do so, the City standard must be amended before submittal of the ballot title to the county election official. Time is of the essence for a submittal in August to get on the November election which general attracts more voters. The public interest is better served by having greater public participation and given the combination of time being of the essence, referring a mater so more voters can voice their opinion, and using a summary that can more fully, yet concisely and impartially explain this particular urban renewal district formation supports a declaration of emergency.

Mayor Knapp invited public testimony, hearing none he closed the public hearing at 7:39 p.m.

Motion: Councilor Lehan moved to adopt Ordinance No. 770 on first reading. Councilor Fitzgerald seconded the motion.

Vote: Motion carried 5-0.

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Mr. Kohlhoff read Ordinance No. 770 by title only for **second** reading.

Motion: Councilor Lehan moved to adopt Ordinance No. 770 on second reading.
Councilor Fitzgerald seconded the motion.

Vote: Motion carried 5-0.
Councilor Starr – yes
Councilor Fitzgerald - yes
Councilor Stevens - yes
Councilor Lehan - yes
Mayor Knapp - yes

NEW BUSINESS

- A. **Resolution No. 2549** *Continued to the August 3rd Council Meeting.*
A Resolution Referring To The Voters Whether A Coffee Creek Urban Renewal District Should Be Formed.

Mayor Knapp said staff has requested the continuance of this resolution to the next Council meeting to allow additional work to be done by the consultants.

Motion: Councilor Lehan moved to continue Resolution No. 2549 to a date certain of the August 3, 2015 Council Meeting. Councilor Fitzgerald seconded the motion.

Vote: Motion carried 5-0

- B. **Resolution No. 2547**
A Resolution Of The City Of Wilsonville Amending Resolution No. 2512 And Authorizing Acquisition Of Property And Property Interests Related To The Construction Of The Kinsman Road Extension Project From Barber Street To Boeckman Road.

Mr. Kohlhoff read Resolution No. 2547 into the record by title.

Ms. Retherford prepared the following staff report. On February 19, 2015 City Council adopted Resolution No. 2512 authorizing the acquisition of property needed for the Kinsman Road Extension project (from Barber Street to Boeckman Road) and to exercise the use of condemnation if necessary. Subsequently, it has been determined that additional property is need from Oldcastle Precast, Inc. and from Charles F. Breuer. Engineering refinements show that an additional 385 square feet of right-of-way and 1,862 square feet of permanent slope easement are needed from Oldcastle Precast, Inc.

Additionally, the final design roadway alignment requires additional acquisition from property owned by Charles F. Breuer than was anticipated in Resolution No. 2512. The additional area comprises the remainder of the parcel which the City must offer to purchase since it will be left

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without access to Kinsman Road. This undeveloped property is currently accessed by an easement over neighboring property.

As this is a federalized project, the City must satisfy all FHWA right-of-way practices including right-of-way certification through ODOT. Consequently, Resolution No. 2547 includes Council authorization to use condemnation to acquire the needed property interests.

Staff has contracted with an appraiser and appraisals are currently being developed for all currently approved acquisitions. The appraisal assignment will be updated and modified with these additional legal descriptions.

The Breuer property acquisition is not for right-of-way, but because access cannot be provided to the property after the road project is completed due to lane configuration, engineering spacing standards for turns and the area is predominately wetlands. Because the City is leaving the Breuer's with an isolated remnant the City will appraise the land and make an offer to purchase that piece as well, which the City would be obligated to do either up front or, if the parcel is proven to be an uneconomic remnant – which it would be due to the lack of access, the City would still have an obligation to purchase it. Staff thought it made sense to make the initial offer to Mr. Breuer.

The initiation of acquisitions at this time is in preparation for a May 2016 bid date.

Project #4004 is funded through Street System Development Charges in the amount of \$936,900, and the Oregon State Transportation Improvement Program (STIP) in the amount of \$2,830,000, for a total FY 2015-16 budget of \$3,766,900, for final design and property acquisition.

Using a PowerPoint slideshow Ms. Retherford identified the property acquisition locations and indicated the previous alignment compared to the revised alignment proposed in the resolution. Zach Weigel, project manager for the Kinsman Road extension, identified the slope easements, and right-of-way locations on the PowerPoint.

Referring to Exhibit B in the packet Councilor Starr asked for the rational on why the City would purchase the piece.

Ms. Retherford explained the property currently takes it access over an easement across the Oldcastle property. After the new road is built there will no longer be any access to the Breuer property since typically this property would be served via access from the new road. In this situation we are not able to provide them with an access from the new road. Because we are not able to provide them with an access and we are severing their parcel and leaving them with a remainder piece that essentially has no value.

Councilor Starr asked if access could be gained from the far south piece the City would be purchasing.

Mr. Weigel said there was not be enough room to contain any traffic movements within their site without an easement from Oldcastle.

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Ms. Retherford added the City cannot condemn across one private property to benefit another private property.

Mayor Knapp asked for clarification. If their access to that property is through an easement across somebody else's property now, why can't their access be the same easement?

Ms. Retherford said if Mr. Breuer were left with the remainder piece, and he came to the City and wanted to develop something on the property, and he had an easement access here, which is for a farm purpose, this would not give him access rights for industrial purposes and he would need an access from the public right-of-way for that sort of development, or to develop in any capacity. Ms. Retherford described the areas that are wetlands and upland forest with the majority of the property in the SROZ.

Mayor Knapp asked the City Attorney if the City was obligated to purchase the property.

Ms. Retherford said for Mr. Breuer to put a road through this portion of his property he would have to go through the same permitting processes the City has to go through, and there is no guarantee that the permits would be approved. If they were approved, Mr. Breuer would then go through the City's development process which would look at access and where the driveway approach would be located. Traffic engineering would not allow a driveway in most of these areas, and he couldn't make a turning maneuver solely on his property, he would have to acquire some sort of easement from the adjoining property to access it.

The City could not acquire an easement for Mr. Breuer's benefit and use condemnation to do so; due to the ODOT process. The City has certain steps when going through an ODOT process, one is to have a condemnation resolution, and the City has to have them review and certify all of the right-of-way acquisitions. The City cannot condemn against one property to benefit a neighboring property. We also cannot leave somebody with an uneconomic remnant that results from our project.

The Mayor asked if the City had to have the authorities, or did the City have to use the authority after we have them. Once the City has the authority could the City pursue a pragmatic solution to the situation?

Ms. Retherford said the City has to have possession of all of the right-of-way that is needed for the project in time to certify the project in January.

Ms. Retherford added when the City was first looking at the piece with the appraiser, Ms. Jacobson, and Engineering staff to determine whether or not there would be any remaining economic value without having access, it seemed a foregone conclusion that without access there is no economic value. There is no assemblage value to this property given the wetland issue. An appraiser could approach it in two ways: to value and appraise the whole and assume the City is buying it all, and the second approach would be to value and appraise this piece needed for the project and look at any damages to the remainder. If those damages exceed the economic value of the remainder, the appraiser would determine there is not enough economic value in that remnant, and should the City put the property owner through the exercise of doing that full

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analysis when there is no access. The appraiser would value the property based on the conditions of the wetlands, the SROZ, and the other development limitations as well as the costs to fill the area, and going through a wetland permitting process compared to the development potential.

Councilor Starr asked if there was value to having a right in and right out only access.

Mr. Weigle said there are access spacing standards that must be met on this type of facility. As an alternative truck route through the west side, we want to make sure the access spacing meets established standards so traffic conflicts are not created. Future access to Oldcastle and WES are the major access points, and the BPA tower. The City had to demonstrate that this is the only location and alignment that works in this area for the roadway. It took over a year to get approval for the project.

Mayor Knapp commented all of which suggests a private individual seeking to build a commercial enterprise on the parcel will have a significant bar to achieve, and the cost of doing that relative to the value of the parcel. The Mayor thought it would be best for the City to acquire the property after hearing the logic.

Motion: Councilor Fitzgerald moved to adopt Resolution No. 2547. Councilor Stevens seconded the motion.

Councilor Starr understood Council was authorizing the appraisal of the property with adoption of the Resolution.

Ms. Retherford said adoption of the resolution would allow the City to move forward with the appraisal of the two sites to determine what the value would be.

Vote: Motion carried 5-0

C. **Resolution No. 2546**

A Resolution Of The City Of Wilsonville Authorizing A Memorandum Of Understanding Between The City Of Wilsonville, The City Of Hillsboro, And The Tualatin Valley Water District Regarding Placement Of Water Transmission Pipeline In Kinsman Road During Upcoming Construction.

Mr. Kohlhoff read Resolution No. 2546 into the record by title and presented the staff report.

The MOU is a cooperative agreement that allows the City of Hillsboro and Tualatin Valley Water District to take advantage of the City's construction of a segment of Kinsman Road to coordinate the construction of a segment of a large water transmission line that is proposed to go from Hillsboro through Wilsonville to the Willamette Water Treatment Plant. The target date for the full pipeline project to transmit water is 2026. Because this placement would occur before the right-of-way fee has been determined, as well as other matters, the MOU is intended to memorialize the risks, respective responsibilities, and set the table for a future agreement on right-of way fees that would include this segment. The time frame to put the future agreement in

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place is before bid opening of this project, which is scheduled for May 26, 2016.

Cooperation between the parties allows a segment of the pipeline to be constructed at the same time of construction of a new segment of Kinsman Road, rather than at a later date would necessitate tearing up the new road segment. The MOU provides for expectations to be clearly set forth as to risks, responsibilities and a time frame for determining right-of way fees.

Various timelines to accomplish bid opening by May 26, 2016 are provided in Exhibit C to the MOU. The Kinsman Road project is, in part, federally funded through ODOT. The timelines that are outlined are those necessary to have the project fully designed and permitted by the applicable governmental agencies in order to begin construction in the summer of 2016.

The MOU is designed to be cost neutral to the City for including the waterline segment for construction and to provide for a future agreement for a right-of-way fee.

There has been community outreach in the form of two focus groups, a public forum, and presentations to the Council regarding the pipeline routing. The MOU is scheduled to be adopted at a public meeting.

The placement of the pipeline section in Kinsman Road now will have less of a public impact than if done after the road is constructed. This segment is part of an overall pipeline project which will impact the public and the City's right-of ways and, in return, provide right-of way fees that will compensate Wilsonville taxpayers and rate payers for the use of the right-of-ways and the impacts involved. It is also part of an overall discussion regarding expanding the water treatment plant and being part of a regional water governing body that may benefit ratepayers and provide a greater voice in stewardship of the Willamette River.

Not allowing construction was a consideration. However, it was not a reasonable solution as the construction of the Kinsman Road project was scheduled for the summer of 2016. The MOU is designed to hold that construction date and have Hillsboro and TVWD bear the cost risks of any delay due to their water project.

Mayor Knapp confirmed when looking at the location for this waterline this location was the most advantageous to the City of Wilsonville.

Motion: Councilor Lehan moved to adopt Resolution No. 2546.
Councilor Starr seconded the motion.

Councilor Fitzgerald said one of the last provisions in the resolution reads, "Users acknowledge that Wilsonville may impose terms, conditions, and fees for the use of the rights-of-way and property in a future agreement and Parties intended to negotiate in good faith the terms, conditions, and fees for use of the rights-of-way and property in a future agreement;"

Vote: Motion carried 5-0

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D. Resolution No. 2548

A Resolution Adopting Collective Bargaining Agreement Between The City Of Wilsonville And SEIU Local 503

Mr. Kohlhoff read the title of Resolution No. 2548 into the record.

Ms. Troha presented the staff report. The Collective Bargaining Agreement with SEIU Local 503, OPEU Transit expired June 30, 2015. The City began bargaining with the union in February 2015. The collective bargaining process concluded on June 26, 2015 with a tentative agreement pending ratification by the union and approval by the City Council. SEIU Local 503 ratified the agreement on July 14, 2015 by a large margin.

The proposed collective bargaining agreement begins on July 1, 2015 and ends on June 30, 2017. The contract is within the City's 5 year financial forecast and within market comparisons with other comparable transit entities. Below is a summary of the compensation provisions for the proposed agreement:

Wage Adjustment	SEIU	
July 1, 2015	2.0%	
July 2, 2016	2.0%	
Health Insurance Cost Share	City Cost	Employee Cost
	90%	10%

The collective bargaining agreement is within the projected resources of the City's 5-Year Financial Forecast. As stated in the Proposed Budget, funds were not specifically budgeted in personnel accounts, but held back in contingency funds, because negotiations were underway. Now that negotiations are complete, Finance staff will evaluate the impacts and, if necessary, propose a budget adjustment to transfer funds from contingency to the appropriate accounts. The contract is in line with the market communities. The agreement is for two years due to anticipated PERS increases.

Motion: Councilor Stevens moved to adopt Resolution No. 2548. Councilor Fitzgerald seconded the motion.

Mayor Knapp expressed his appreciation to the members of SEIU Local.

Vote: Motion carried.

CITY MANAGER'S BUSINESS

Mr. Cosgrove noted there will be an August 17th Council meeting.

LEGAL BUSINESS

No report.

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ADJOURN

Mayor Knapp adjourned the meeting at 8:19 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor