

**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, September 16, 2019. Mayor Knapp called the meeting to order at 7:05 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

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

Staff present included:

- Bryan Cosgrove, City Manager
- Jeanna Troha, Assistant City Manager
- Barbara Jacobson, City Attorney
- Kimberly Veliz, City Recorder
- Chris Neamtzu, Community Development Director
- Bill Evans, Communications & Marketing Manager
- Mark Ottenad, Public/Government Affairs Director
- Patty Nelson, City Engineer
- Zoe Monahan, Assistant to the City Manager
- Pam Munsterman, Accounting Specialist
- Fred Weinhouse, Municipal Court Judge
- Dan Pauly, Planning Manager

Motion to approve the order of the agenda.

Motion: Councilor Lehan moved to approve the order of the agenda. Councilor Akervall seconded the motion.

Vote: Motion carried 4-0.

SUMMARY OF VOTES

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

SWEAR IN NEWLY APPOINTED COUNCILOR

Judge Weinhouse administered the oath of office to Councilor Appointee Joann Linville. A break for refreshments and pictures took place from 7:11 p.m. to 7:27 p.m.

Councilor Linville said she was honored to be on the Council. She thanked the Councilors for their support and confidence in her ability to fill the position. She also thanked Bob Harland for

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asking her to consider applying for the position. Lastly, she thanked her friends, neighbors, and family for their support.

COMMUNICATIONS

A. Multi-City Equity Summit

Assistant City Manager Jeanna Troha, David Salerno Director of Equity, Lake Oswego School District, and Willie Poinsette Co-founder and President, Respond to Racism, gave a detailed presentation on the history and development of the inaugural Multi-City Equity Summit. The Council was invited to attend the summit, which is a tool to learn and identify ways to support diversity, equity and inclusion in our communities. The Multi-City Equity Summit would take place October 19, 2019 from 8:00 a.m. to 4:00 p.m. at Lake Oswego High School (2501 Country Club Road Lake Oswego, OR 97034). A save the date and registration information was made available.

Councilor Lehan presumed the event would include a historical basis of things cross culturally. She was always asking who wrote the history and whose story might not have been told.

Mr. Salerno confirmed the event would include a couple of sessions on the historical context.

Councilor Akervall asked if participants needed to register in advance for the breakout sessions.

Mr. Salerno said yes, registration was required because a limited number of seats would be available.

Councilor Linville believed this was a wonderful way to include the community and governments.

Councilor West confirmed the event would be appropriate for children and families.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

Pat Wolfram, President of Wilsonville Rotary Club, invited the Council to attend the International Rotary Exchange on October 9, 2019 at 5:00 p.m. at the World of Speed.

Jeff Skreen, Wilsonville, said his neighborhood had become overflow parking for two major apartment complexes and Wilsonville High School. This has affected safety and livability in the neighborhood. He presented photographs showing line of sight issues and gave a detailed description of the safety issues shown in each photograph. He asked that no parking be allowed 50 feet from the edge of the intersections.

John Swiskey, Wilsonville, stated he was concerned about the parking issues in Meadows Loop. Safety clearance was needed in designated areas because drivers and currently at risk. He wanted a modification to the parking allowance in the cul-de-sac.

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City Manager Cosgrove responded that Staff had heard this concern from many of the neighbors. One concern was about people parking in front of the fire hydrant, so Staff cleared bushes and installed signage. Since then, Staff has not seen cars parked in front of that hydrant. Another concern was about fire truck access, so Staff requested that Tualatin Valley Fire and Rescue (TVF&R) do inspections during peak traffic times at Meadow Loop and Meadow Court. They found that the road was sufficient for emergency apparatus without any issues or concerns. Police and Code Enforcement are looking for parking violations in the area. Due to the unique parking demands in the area, there is an ORS regulation prohibiting parking within 20 feet of an intersection. Staff is looking into installing signage. Staff also heard concerns about speeding, so the City conducted two studies, which found that the cars parking on both sides is calming the traffic, as the street was designed to do. Staff would continue to work with the neighbors on the issues in the cul-de-sac. He provided copies of Staff's report to the audience.

Councilor Lehan confirmed with Staff that recreational vehicles (RV) could not be parked overnight on residential streets.

Councilor West added that vehicles could not hang beyond the corner or park within 20 feet of an intersection.

City Manager Cosgrove responded that would be a violation of the ORS and he wanted to install signage to prevent that because the City does not have its own local ordinance.

Kevin Ferrasci O'Malley, CEO of the Wilsonville Chamber of Commerce, read aloud a letter that he also submitted to Council in support of the Aurora Airport.

Joseph Schafer, Chair of the Aurora Planning Commission, thanked the Council for inviting the City of Aurora to their meeting. The City's policy is that geographic expansion of the airport should be preceded by annexation into Aurora and the City is currently opposing the pending application to convert the former church camp on Airport Road to office and aviation uses. Aurora City Council decided to oppose the Airport Master Plan as drafted. Although, that opposition could be transformed into support if the plan was revised. The City will submit extensive written comments and materials for consideration by the Board of Aviation when it adopts findings on how the master plan complies with land use regulations. Aurora knew that City of Wilsonville shares their concern about compliance with Statewide Planning Goal 1 on public involvement and Goal 2 on coordinated land use planning. Aurora was invited to participate in the Land Use Board of Appeals (LUBA) appeal filed by the Friends of French Prairie, but the City Council had not yet decided whether, and if so, how to participate in the appeal. However, Wilsonville would be informed of Aurora's decision. In the interim, he would be happy to coordinate with Wilsonville's team on these issues.

Wayne Richards, Chair of the Charbonneau Civic Affairs Committee, said he spoke at the November 28, 2019 meeting and since then, he had spoken to about 30 people and had not been able to find anyone in Charbonneau who supported the airport extension. Rule 1 of the Oregon Land Use Act was violated by not having public hearings and seeking input by those most affected in Wilsonville. Extending the runway would require use of the best crop growing land in the world. The noise will increase once jets are flying over Wilsonville and Charbonneau. A high

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quality, proper length runway already exists 22 nautical miles south in Salem. The Aurora airport not necessary. Leaded fuel rains 450 pounds of lead on Wilsonville and Aurora every year. Lead accumulates and does not disappear. More jets means more jet fuel. Sulfur, a byproduct of burning jet fuel, creates toxic exhaust. Air pollution deaths account for 10 percent of people who pass away from airplane exhaust. There is no municipal oversight for controlling sewage, water, and ground water. A creek runs right by the airport and the airport waste is becoming part of the aquifer. The airport has self-reported numbers to justify their master plan, knowing their tower has Federal Aviation Administration (FAA) personnel that logs every takeoff and landing. The real numbers likely exclude the airport from and FAA consideration of constrained takeoffs and landings. The airport worked out a permanent waiver for the Bombardier Global Express, which fully loaded is too heavy for that airport. The runway is 1,100 feet too short to take off in a fully loaded Bombardier and it would be irresponsible for that plan to land on that runway. If the airport is extended, traffic and parking will become a problem in the area. He requested a withdrawal of the current Oregon Department of Aviation (ODA) application and development of an inclusive intergovernmental agreement (IGA) that includes the communities affected by the airport extension.

Tony Helbling read aloud a letter from Bruce Bennett, President of the Airport Improvement Association, encouraging the City to submit comments to ODA in support of the master plan and refrain from participating in the Lan Use Board of Appeals (LUBA) appeal filed by the Friends of French Prairie.

Eric Holm, Wilsonville, said he supported the City investigating carefully and making its best judgement known on the Aurora Airport issues. He was concerned about the integrity of Oregon's land use planning process and believed the airport expansion was being rushed.

Ted Millar, Charbonneau, said he knew over 100 pilots who live in Charbonneau and support the airport. He had been a strong supporter of Wilsonville since 1958. He moved his business from Wilsonville to the airport and was involved for many years in the airport master planning process. When the master plan was approved, many of the opponents did not like the outcome, so they said the process was not transparent. However, all of the meetings he attended for over three years were very open and Wilsonville had a chance to participate. He strongly opposed the City joining the appeal of the ODA director's August 21, 2019 letter to LUBA. The airport is home to many businesses that are integral to the fabric of the community. Safe operations of the airport is vital to Wilsonville and the surrounding area's job base, economic development, and public safety. He made a letter available to the Council.

Bill Wallace, Charbonneau, said he recently moved to Oregon and was surprised to learn about the process the airport expansion had gone through. This project should improve the quality of life for the people affected by the project, but this project only creates more noise, construction impacts, and reductions to mobility and access without improving public safety. He urged the Council to revisit the master plan and do something right for this airport activity.

Ben Williams said he and Friends of French Prairie were Airport not opposed to the airport, aviation, or anything related like the Wilsonville employees who work there or any of the economic dynamics. The airport is an economic engine. However, they were opposed to

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inappropriate expansion and or growth that is not consistent with or violates Oregon land use laws. The 2012 Aurora Master Plan has not addressed the detail of the Land Use System and the data in the Master Plan. The data in the plan is presented to the FAA to get the FAA to fund the expansion. The air traffic control tower went live in 2015 and they did not oppose it because it enhanced the safety of the airport. However, because of having an air traffic control tower, all of the flights are counted. For 2018, the projected operations in the master plan was over 98,000, but the actual was 63,000. This data has been available for three years, but there has been no effort by the Department of Aviation to update the projections in the master plan to seek approval for FAA funding of the runway expansion. The biggest point of contention around constrained operations was a survey done by the Department of Aviation, which was fraught with problems. The Department of Aviation was under a State agency coordinating agreement at the time, but they met almost none of the requirements in the agreement. They were also under related administrative rules, but complied with almost none of those rules. This has been a nine-year long process now and has been inconsistent with land use laws.

MAYOR'S BUSINESS

A. Aurora Airport Master Plan Hearing

Mayor Knapp stated there were advantages and disadvantages to the airport and there were differences of opinion about whether one outweighed the other. There were concerns that Oregon land use laws were not followed appropriately and that the information presented was tainted or not analytical. These uncertainties have led to a lot of contention but could be resolved by a legitimate process that would clarify what was accurate. Wilsonville was rebuffed in its attempt to be involved in the IGA and the City's request for more inclusion in the process has been denied. He personally believed the City needed to preserve the ability to advocate for what the Council believed was best for citizens. He asked how long the City had known about this issue and what had been done since the City became aware of it.

City Manager Cosgrove said his office did not receive any notices, but he found out about it when Mark Ottenad brought it to his attention. He had three days to respond to the Council and the issue was added to the agenda even though Staff did not have any materials to present to the Council. He gave Mr. Ferrasci O'Malley all of the information he had on Friday. Staff's position on the airport has not changed. The IGA excluded Wilsonville and Clackamas County, which was a conscious choice by those who were making the decisions, which was not fair to the City or County because there are transportation impacts. There are legitimate concerns with the master plan and he believed Goal 1 had been violated. He asked if the Council wanted Staff to respond in writing to the appeal.

City Attorney Jacobson added that Wilsonville was not given much time to act. The City received a copy of the appeal the day after it was filed, on September 10, 2019, and was asked to intervene on the same day. Filing a motion to intervene must be done quickly and the Council can later decide to opt out, so the City would not be committed to any argument.

City Manager Cosgrove stated he had read the letter that the Friends of French Prairie sent to the director of ODA, which stated there were process errors. Then, two or three days later, the

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director said the ODA master plan was valid and the public hearing was announced. The public comment session is Tuesday, September 21, 2019 from 3:00 p.m. to 5:00 p.m. at the Salem Airport. The City's written testimony must be submitted by Friday, October 4, 2019. The hearing will be in Sun River on October 31, 2019. If the City does not submit testimony, Wilsonville will not have standing. Additionally, submitting testimony would be separate from filing a motion to intervene. He asked if the Council wanted to submit testimony.

Motion: Councilor Lehan moved to submit testimony, signed by the City Manager, by October 4, 2019, as outlined during the work session and consistent with the letter the City has already sent, requesting the inclusion of the City of Wilsonville and Clackamas County in the IGA, and stating the City's general land use concerns. Councilor Akervall seconded the motion.

Councilor Lehan thanked the City of Aurora for coming forward. These are volunteers that have taken their time and do not have robust Staff support. She understood the concerns about annexation and land use issues because this is a major industrial expansion. Those concerns need to be taken into consideration as this issue proceeds.

Councilor West appreciated hearing from a wide swath of the community. He believed the Aurora Airport was a gift to the community. The robust city he wants his children and grandchildren to grow up in includes the airport. The airport is older than Charbonneau and the runway was originally 4,100 feet long. In 1976, it was extended to 5,000 feet with plans to extend it again to 6,000 feet by 1995. This project has not been rushed. The public process is not always clean and can be gritty because democracy allows different ideas and opposing views to be battled out. He was proud of how the neighbors have respectfully debated this very contentious issue. He believed the Wilsonville community was heard during the meetings and open houses in 2012. Additionally, Charbonneau has attended every hearing. Many people and businesses in the community support the airport. The neighborhood that does not support the airport does not speak for the entire community. Wilsonville should not jump in so quickly because it is not clear what the community wants the City to say and the Council has not been given an overwhelming mandate one way or the other. Intervening creates the potential for the City to gum up the process or to be seen as obstructionist or subversive and Wilsonville does not even have jurisdiction on this issue right now. The letter from the Director of the ODA clarified that on August 21, 2019; the master plan was submitted to the FAA. The meeting minutes show the board voted on the master plan in 2012. This will affect the entire state and region. The airport has 10 percent of Oregon taxpayer funds and 90 percent FAA funds to pay for the expansion. He was excited to support that economic benefit to future generations. He believed the City should survey the businesses and take more input. He would not be pushed into making a decision quickly or before he hears from everyone on whether the City should join the lawsuit. He encouraged everyone to testify and engage in the public process. Meetings are being held all over the state and everyone has the right to make their voice heard. He did not believe the City was in a position to take sides right now.

Councilor Linville thanked the citizens who provided testimony. She had spent quite a bit of time delving into information about the airport, including the master plan and documents from 2011. She struggled with the opposition to updating a seven-year-old plan. She did not understand the

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resistance. She had not heard anything from the Council tonight that would lead her to refrain from supporting the Council's past position on this issue. She valued the airport and a transparent public process should reinforce the information that would lead the community to support the airport further. Should the public process happen and lead to a different outcome, she would support the decision.

Councilor Akervall stated the City's request to be notified of meetings had not been fulfilled. Everybody wants to be heard and wants to be part of the process. Wilsonville's testimony is one way to continue to be heard and participate in the process.

Councilor Lehan said she had lived with the airport her whole life and she had never opposed it as a rural airport for small aircraft. The City has always supported the airport in that capacity. If the airport is going to change into a big airport, the impacts to traffic, sewer, water, and storm runoff must be ameliorated. All other industries in Wilsonville must consider those system impacts.

Councilor West noted that the Boone Bridge is a priority and the City would have a lot more leverage for the bridge to be completed if the airport is expanded because Wilsonville would be seen as more of a viable economic hub. He encouraged Councilors to tour the airport, which is informative and educational.

Mayor Knapp stated he did not believe following the rules should be optional. If there really is that much benefit, that will come out during the process and the analytics will speak for themselves. He believed the community should preserve its ability to participate.

Vote: Motion carried 4-1.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	No
Councilor Linville	Yes

Mayor Knapp asked if the Council wanted to file a motion to intervene in the appeal.

City Attorney Jacobson explained that the LUBA appeal is a very limited land use issue. In October, the director of ODA stated in a letter that the draft master plan had not been submitted to the State Board of Aviation for adoption. Then in August, the director of the ODA sent a clarifying letter stating the draft master plan actually was submitted to the board. The litigation is to find out what process did or did not occur.

Motion: Councilor Akervall moved to file a motion to intervene in the LUBA appeal filed by Friends of French Prairie. Councilor Lehan seconded the motion.

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Councilor Linville wanted to know if the City deciding to act would be considered a lawsuit. She also wanted to know if the appeal was considered a lawsuit.

City Attorney Jacobson explained that it would not be a lawsuit in a court. The issue is before LUBA because it is a limited land use issue. The Court of Appeals will decide whether the process was correct or flawed.

Councilor West stated he was not comfortable with the City coming in at the ninth hour after all the work that had been done over many years. Wilsonville has danced around this issue for a long time.

Councilor Lehan disagreed with Councilor West. She did not believe Wilsonville had danced around the issue, but had been consistently saying they wanted to be included in the process and follow land use laws. The City could not have acted any faster after only hearing about this through the grapevine.

Mayor Knapp said Wilsonville had been discussing this for a decade and the issue has not changed. The City is not taking a position on whether the airport expansion merits outweigh the adverse impacts. The City is simply preserving its right to be part of the discussion if it becomes a more formal discussion through LUBA.

Vote: Motion carried 4-1.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	No
Councilor Linville	Yes

B. Upcoming Meetings

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

COUNCILOR COMMENTS

A. Councilor Akervall

Welcomed Joann Linville to Council and expressed thanks that she was serving on the Council.

B. Councilor Lehan

Welcomed new Councilor Linville and announced she would be speaking at McMenamins History Pub next week about myths and milestones of Wilsonville’s history.

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C. Councilor West

Welcomed Ms. Linville to the Council.

D. Councilor Linville

Said she was humbled and honored to be on the Council. She had met City Staff and department heads and found that every department was committed to quality and to the citizens. Staff seemed to enjoy working for the City. That speaks to the City Manager and the Council's management of the City. Her role is to make public policies in concert with the community and to serve the citizens.

PUBLIC HEARING

A. **Ordinance No. 838** – 1st Reading

An Ordinance Of The City Of Wilsonville Declaring And Authorizing The Vacation Of An Approximately 2,075 Square Foot Stub Of SW Cherbourg Lane Public Street Right-Of-Way North Of SW Berlin Avenue In Villebois Legally Described In Attachment 3.

City Attorney Jacobson read the title of Ordinance No. 838 into the record on first reading.

Mayor Knapp provided the public hearing format and opened the public hearing at 9:19 p.m.

No Councilor declared a conflict of interest, bias, or conclusion from information gained outside the hearing. No member of the audience challenged any of the Councilor's participation.

Planning Manager Pauly provided the Staff report via PowerPoint.

No legal comments were made.

Mayor Knapp invited public testimony. Seeing none, he closed the public hearing at 9:28 p.m.

Motion: Councilor West moved to adopt Ordinance No. 838 on first reading. Councilor Akervall seconded the motion.

Vote: Motion carried 5-0.

SUMMARY OF VOTES

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

CITY MANAGER'S BUSINESS

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City Manager Cosgrove welcomed Ms. Linville and reminded the Council of the League of Oregon Cities (LOC) conference, where the City would host a hospitality suite.

LEGAL BUSINESS

A. Solid Waste Franchise Rate Review Contract Extension – Bell & Associates, Inc.

City Attorney Jacobson recalled that at the last work session, Republic Services submitted testimony disagreeing with some of Staff’s findings pertaining to service rates. The Council had asked that more meetings be held, so Staff was requesting an extension to the contract with the City’s consultant.

Motion: Councilor Lehan moved to authorize up to an additional \$5,000 for Bell & Associates, Inc. to complete its review of Republic Services’ service rates. West seconded the motion.

Vote: Motion carried 5-0.

SUMMARY OF VOTES

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

ADJOURN

Mayor Knapp adjourned the meeting at 9:33 p.m.


Respectfully submitted,

DocuSigned by:

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Kimberly Veliz, City Recorder

ATTEST:

DocuSigned by:

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Tim Knapp, Mayor