



*Home of the Tualatin River National Wildlife Refuge*

# **CITY COUNCIL MEETING PACKET**

**FOR**

**Tuesday, May 21, 2024**

**Sherwood City Hall  
22560 SW Pine Street  
Sherwood, Oregon**

**6:30 pm City Council Work Session**

**7:00 pm City Council Regular Meeting**

This meeting will be live streamed at  
<https://www.youtube.com/user/CityofSherwood>



#### **6:30 PM WORK SESSION**

1. **Charter Review Committee Recommendations**  
(Ryan Adams, City Attorney)

#### **7:00 PM REGULAR SESSION**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CONSENT AGENDA**
  - A. **Approval of May 7, 2024, City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
  - B. **Resolution 2024-030, Appointing Rick Vauble to the Sherwood Senior Advisory Board**  
(Maiya Martin Burbank, Senior Center Manager)
  - C. **Resolution 2024-031, Authorizing the City Manager Pro tem to Enter into a Contract with Blackline, Inc. for the 2024-25 Slurry Seal Program** (Rich Sattler, Utility Manager)
  - D. **Resolution 2024-032, Authorizing the City Manager Pro Tem to execute a construction contract for the Sunset, Meinecke and Timbrel Grind and Inlay Project**  
(Craig Sheldon, City Manager Pro Tem)
6. **CITIZEN COMMENTS**
7. **PRESENTATIONS**
  - A. **Recognition of 2024 Oregon Mayor's Association, "If I Were Mayor...." local Contest Winners**  
(Mayor Rosener)
  - B. **Proclamation, Proclaiming May 19-25, 2024 as National Public Works Week** (Mayor Rosener)
8. **PUBLIC HEARING**
  - A. **Ordinance 2024-001, Vacating City Public Right-of-Way located on an unnamed street within the Tonquin Employment Area east of SW Tonquin Road** (Jason Waters, City Engineer)  
(*Second Reading*)
9. **CITY MANAGER REPORT**
10. **COUNCIL ANNOUNCEMENTS**

#### **11. ADJOURN**

#### **AGENDA**

#### **SHERWOOD CITY COUNCIL May 21, 2024**

**6:30 pm City Council Work Session**

**7:00 pm City Council Regular Session**

**Sherwood City Hall  
22560 SW Pine Street  
Sherwood, OR 97140**

This meeting will be live streamed at  
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**SHERWOOD CITY COUNCIL MEETING MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**May 7, 2024**

**WORK SESSION**

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 6:00 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Doug Scott, Taylor Giles, Dan Standke, and Renee Brouse. Councilor Keith Mays was absent.
3. **STAFF PRESENT:** City Manager Pro Tem Craig Sheldon, City Attorney Ryan Adams, Assistant City Manager Kristen Switzer, Community Development Director Eric Rutledge, IT Director Brad Crawford, Public Works Utility Manager Rich Sattler, Economic Development Manager Bruce Coleman, Interim Planning Manager Joy Chang, HR Director Lydia McEvoy, Police Chief Ty Hanlon, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.

**4. TOPICS:**

**A. Murdock Park Master Plan Update**

Assistant City Manager Kristen Switzer presented the “Murdock Park Master Plan Park Design Concepts” PowerPoint presentation (see record, Exhibit A) and introduced Brett Hoornaert with Lango Hansen. Mr. Hoornaert provided project background and explained that the project was currently in Phase 2. He explained that Phase 2 built upon the technical investigations, site analysis, and community feedback to develop creative design solutions that worked within site constraints, respected the project budget, and met community expectations. He outlined the project’s guiding principles of: provide green solutions, promote health and accessibility, enhance the play experience, improve and expand park amenities, and provide and elevated park design. He provided an overview of the site analysis on page 5 of the presentation and reported that it was determined that the pond qualified as a wetland and therefore required a 50-foot vegetated setback as well as other programming stipulations. He noted that some of the existing pathways were not ADA accessible. He summarized the feedback from the Parks and Recreation Advisory Board and open house and reported that people loved the natural and serene feel of the park, people wanted to enhance the pond, a bathroom, and the playground should be updated for both parents and children. He noted that the addition of a sports court had been divisive, with feedback focused on the noise of the sports court detracting from the serene environment of the park and the fact that Snyder Park’s sports courts were nearby. Councilor Scott commented that the Parks and Recreation Advisory Board discussion regarding the sports court cited similar concerns. Mr. Hoornaert continued that feedback also included the need for the park to be accessible and to be mindful of the informal ways in which the park was used and referred to wintertime sledding. He noted that in each concept, the pathway network had been expanded, the playground area had been made larger than the current play area, and each contained a restroom and shelter. He addressed Concept 1 on page 7 of the presentation and outlined that: the pathways largely followed the exiting pathways but would

be made more accessible; the play area would remain in roughly the same location with the addition of a central plaza space with a combined shelter and restroom to be located closer to the pond; the lookout area would be made larger and moved away from the road; and smaller scale sports facilities (ping pong or chess tables) were to be added. He addressed Concept 2 on page 9 of the presentation and outlined that: a portion of the park's grade would be raised to create a flatter area with a flexible lawn space and a flexible hardscape sports court; a shelter and restroom to be centrally located between the play area and the sports court; the play area would be shifted northward to help separate it from the shelter; the existing pathway would be diverted to create a longer trail with a pedestrian bridge over the wetland area; and the addition of a covered lookout that could be used year round. He addressed Concept 3 on page 11 of the presentation and outlined that: the pathways were more dynamic, playing into the nature theme; a smaller pond pathway with larger boulders to provide natural seating next to the pond would be added; a separated shelter and restroom; and the half-covered lookout area would be moved to the north edge of the pond. Mr. Hoornaert recapped that the Parks and Recreation Advisory Board had liked elements of each concept with the pathway option in Concept 3 being the most popular. Councilor Giles recommended not using trail material that could easily be thrown into the pond. Council agreed that they liked the trail network of Concept 3 best and that providing a sports court was unnecessary given the nearby sports facilities in other parks. Councilor Brouse asked if the existing playground equipment would remain or be replaced. Mr. Hoornaert replied that in each concept, the playground equipment would be replaced and explained that the current equipment was 11 years old and would reach the end of its design life within the next 4-9 years. He explained that Concept 1 could accommodate retaining the existing structures. Councilor Brouse explained that the existing play equipment had been purchased by the Rotary Club of Sherwood. She asked if it would be possible to work with the group again in some capacity on this project. Councilor Giles asked if the existing pond lookout needed to be replaced. Mr. Hoornaert replied that there had been some maintenance within the last five years, and it was in a state of good repair. Councilor Giles commented that he would prefer to provide an additional gathering place by leaving the existing lookout where it was. Council President Young commented she would prefer to utilize the existing playground equipment that had multiple years of use left rather than spend the money on new equipment. Assistant City Manager Switzer commented that the equipment could be replaced using a phased approach. Council commented they liked the boulders that provided a natural sitting area. Council discussed including ping pong tables in the park and their desire to provide a unique play opportunity. Mayor Rosener asked if any of the plans preserved existing trails to help cut down costs. Mr. Hoornaert replied that Concept 1 retained some of the existing trails, but large portions of the existing trails were not accessible and would need to be fixed regardless of the chosen concept. Councilor Giles asked if any of the concepts addressed existing maintenance issues at the park. Public Works Utility Manager Rich Sattler replied that overall, there were not large maintenance issues with the park. He noted that the existing culvert needed fixing, but the pedestrian bridge would pass over the area. Councilor Scott noted that Concept 2 would eliminate the ability for the park to be used for sledding in the winter. Councilor Giles referred to Concept 2 and said that the play area was not visible from the shelter, which would be a hinderance to parents, and he preferred the shelter placement in Concept 1. Councilor Scott stated he agreed and said that the pond lookout could also be a reservable space. Councilor Standke stated that he liked the additional trails, and he agreed that the sports court felt out of place for the area. Mr. Hoornaert recapped next steps and explained that the feedback from this meeting would be discussed at an upcoming Parks and Recreation Advisory Board meeting. After the Parks and Recreation Advisory Board meeting, the plans would be updated and published again for community feedback. He stated that staff would bring the feedback to Council to discuss a preferred option. Councilor Giles asked when prices would be attached to the concepts and Council commented on their desire to have a rough idea of the costs of different items within the plans.

## **B. Development Code Audit to promote Economic Development**

Community Development Director Eric Rutledge and Economic Development Manager Bruce Coleman presented the “Development Code Audit to Promote Stronger Economic Development” PowerPoint presentation (see record, Exhibit B). Mr. Rutledge explained that conducting a Development Code audit in FY24-25 to promote economic development was a Council goal and said that staff was looking for direction from Council. Mayor Rosener asked how the city was defining “stronger economic development.” Mr. Rutledge replied that to him, it meant creating the best opportunities to attract targeted industries to Sherwood as well as developing ways to speed up development to expand the tax base. Mr. Coleman commented that staff was aware that there were insufficient incentives within cities and the state to encourage business growth. He explained that if the city could expedite the entire process, it would create more opportunities for investment. He referred to economic cycles and how a quicker process would help developers in terms of timing economic cycles. Mayor Rosener commented it was important to try and attract developers that would bring jobs that paid high enough wages that would allow people to live in town. Mr. Coleman commented that the city’s flexible code was what had attracted developers to Sherwood rather than neighboring cities. Councilor Giles asked if the city could offer incentives to developers or business owners to be the first business of certain categories to locate in Sherwood. Councilor Scott asked if there were burdensome rules or procedures that could be removed to make the process more streamlined. He commented he wanted to ensure that the city could move towards the desired outcome without being overly prescriptive. Community Development Director Rutledge outlined that of the confirmed leases, it was a roughly even split between manufacturing and warehousing. He referred to the Tonquin Employment Area and explained that the city could conduct an audit of the future tenants and bring that information to Council for review for potential restrictions going forward. Mayor Rosener recommended that staff review “the wins” thus far and determine if they had brought in the types of jobs the city had hoped they would. Councilor Giles commented that the city should also be mindful of the type of atmosphere certain industries would create within the city. Councilor Brouse stated that she preferred to determine how to incentivize living wage jobs. Mayor Rosener commented that the URA provided a large number of tools the city could use to incentivize those jobs and referred to SDC offsets. Community Development Director Rutledge stated that staff sought feedback on if Council wanted to create a process for staff to fast track land use reviews for certain types of industries in addition to URA incentives. He recommended that the city state the SDC offsets as a URA incentive to help attract developers and Mr. Coleman commented he agreed. Council President Young referred to warehousing and asked if mini storage would be allowed under that category. Mr. Rutledge replied that mini storage would not be permitted under warehousing. Councilor Scott stated he liked the idea of tying the SDC offsets to Councilor Giles’ idea of trying to incentivize developers or business owners to be the first business of certain categories to locate within Sherwood. Economic Development Manager Coleman replied that advertising SDC offsets was a good way to attract developers and commented that the strength of the leasing market would also play a large role. Council President Young asked if it was possible to analyze the future benefits the city would receive by offering SDC offsets to developers and discussion occurred. Mayor Rosener referred to the City of Wilsonville’s use of tax increment financing and asked for staff to look into that option. Councilor Standke cited Policy 4.11 under Healthy and Valued Ecosystems of the Sherwood 2040 Comprehensive Plan and asked that the policy be included in the audit as an environmental incentive. He spoke on how the natural resources of Sherwood West could be incorporated into the design standards or used to incentivize developers to preserve more of the natural resources of the area and discussion occurred. Community Development Director Rutledge outlined that the economic Development Code was narrow in scope, but in order to achieve Council’s goals, it may be necessary to broaden the scope. He explained that he and Economic Development Manager Coleman could review the Council goals to determine if any goals should be added to the scope of the project. Councilor Giles commented that Councilor Standke’s suggestion could be included in the SDC offset incentives. Council discussed clear and objective standards and Mayor Rosener commented that the city could have more influence over the process if it had an incentive program. Discussion occurred regarding whether or not the incentives needed to be listed with in the Development Code. Mr. Rutledge commented that the incentives could be referenced but listing them

in the code was likely unnecessary and would make it harder to update the incentives. He stated that the process for fast tracking land use review should be cited in the Development Code to help defend Council decisions during the hearings process. Mr. Rutledge outlined that a review of the allowed, conditional, and prohibited uses in the Commercial and Industrial zones would be conducted. He referred to data centers and stated it was important that Council make those policy decisions and not city staff or Planning Commission. Mr. Coleman explained that data centers did not produce jobs, nor did they produce traffic, but they did create a revenue stream for cities and discussion occurred. Councilor Giles commented that he was fine with a smaller sized data center and Mayor Rosener commented that a policy was needed and referred to emerging AI data centers. Mr. Rutledge reported that he frequently received inquiries about data centers in Sherwood and commented that he wanted to get ahead of this topic before the city's hand was forced via a Land Use Application. Council asked that a work session be scheduled to discuss data centers. Community Development Director Rutledge recapped next steps and explained that staff would review the pertinent code sections as well as reviewing "Comparable Cities" per Resolution 2022-082. Staff would also conduct stakeholder interviews with developers and design professionals that had recently completed projects in Sherwood. Mayor Rosener asked that developers and design professionals that had completed projects in other cities that would be a good fit for Sherwood also be interviewed. Councilor Giles commented that developers who had expressed interest in Sherwood but had ultimately walked away should also be interviewed. Economic Development Manager Coleman spoke on industry trends and explained that the market was not favorable for built-to-suit lots. He explained that most developers wanted to own the properties and lease the buildings. Mr. Rutledge reported that per HB 2415, the city would move to a fully electronic building and planning permit system in 2025. He explained that hiring a Commercial Plans Examiner and/or striking a more favorable contract with a third-party plan reviewer would also be necessary to update the internal process.

*Record note: Prior to the meeting, Community Development Director Rutledge provided Council with the "Improve Development Code to Promote Stronger Economic Development" memo (see record, Exhibit C).*

## **5. ADJOURN:**

Mayor Rosener adjourned the work session at 7:02 pm and convened a regular session.

## **REGULAR SESSION**

- 1. CALL TO ORDER:** Mayor Rosener called the meeting to order at 7:10 pm.
- 2. COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Doug Scott, Taylor Giles, Dan Standke, and Renee Brouse. Councilor Keith Mays was absent.
- 3. STAFF PRESENT:** City Manager Pro Tem Craig Sheldon, City Attorney Ryan Adams, Assistant City Manager Kristen Switzer, Community Development Director Eric Rutledge, IT Director Brad Crawford, Public Works Utility Manager Rich Sattler, HR Director Lydia McEvoy, Police Chief Ty Hanlon, City Engineer Jason Waters, Law Clerk Emma Gill, and City Recorder Sylvia Murphy.
- 4. APPROVAL OF AGENDA:**

**MOTION: FROM COUNCIL PRESIDENT YOUNG TO AMEND THE AGENDA, MOVING ITEM A UNDER PRESENTATIONS TO ITEM B AND ADDING THE RECOGNITION OF THE MUNICIPAL COURT**

**PROSECUTOR AS ITEM A. SECONDED BY COUNCILOR SCOTT. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR MAYS WAS ABSENT).**

**MOTION: FROM COUNCIL PRESIDENT YOUNG TO APPROVE THE AMENDED AGENDA. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR MAYS WAS ABSENT).**

Mayor Rosener addressed the next agenda item.

**5. CONSENT AGENDA:**

- A. Approval of April 10, 2024, City Council Meeting Minutes**
- B. Approval of April 16, 2024, City Council Meeting Minutes**
- C. Resolution 2024-018, Authorizing the City Manager Pro Tem to Execute a Construction Contract with the Apparent Low Bid Contractor for the Cedar Creek Greenway Fence & Landscaping Restoration Project**
- D. Resolution 2024-027, Approving a Grant Agreement with the State of Oregon to Receive \$4 Million in State Lottery Funds for the Hwy 99W Pedestrian Bridge Project**
- E. Resolution 2024-028, Authorizing the City Manager to Sign a One-Year Extension to the On-Call Building Plan Review and Inspection Services Contract with Clair Company**
- F. Resolution 2024-029, Approving an Employment Agreement with Sebastian Tapia to Serve as Interim City Attorney**

**MOTION: FROM COUNCILOR BROUSE TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCILOR SCOTT. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR MAYS WAS ABSENT).**

Mayor Rosener addressed the next agenda item.

**6. CITIZEN COMMENT:**

Sherwood resident Mark Symonds came forward and stated that the new Brookman sewer line extension would traverse his property and provided a handout (see record) and referred to a previous email he had sent to Council on April 8<sup>th</sup>. He stated that the reimbursement district, as proposed by Clean Water Services (CWS) needed to be expanded to include a larger number of benefiting properties as only 22 property owners were being charged for the \$3.8 million extension. He stated that easement-related payments to landowners totaling up to \$674,000 were being included in the construction costs by CWS and were therefore being charged back to the property owners via the reimbursement district. Mr. Symonds stated that in addition to the initial assessment amounts being charged to the property owners through the reimbursement district, property owners were recently informed that they would also be charged an additional amount to run another pipeline through their properties so adjoining properties could connect to the pipeline. He explained that most property owners would have to finance the charges which would significantly increase the financial burden placed on property owners. He stated that CWS would make an additional \$2.1 million in income from these property owners, \$836,000 of which would be from collecting loan payments over the loan term. He stated that the assessments and loans in connection to CWS would place additional financial burdens on property owners by reducing the amount of funds they would be able to access from their banks for future home equity loans and home refinancing. Mr. Symonds stated that CWS had not replied to a letter he had sent on March 22<sup>nd</sup> nor to his submitted records request. He stated that based on the outlined issues, he requested that the city investigate the project, including the projected cost of the project, determine the number of property



owners that would utilize the pipeline, determine the minimum size pipeline required to serve the properties and ensure that only the costs related to the minimum size pipeline be charged to property owners via the reimbursement district.

Sherwood residents Dan and Joanne Tatman came forward and provided a handout (see record) and spoke on the new Brookman sewer line extension. Mr. Tatman stated that there was no information about the project available on the city's website. He stated that while the pipeline would serve a large area, the reimbursement district would only be comprised of 22 properties that would have the pipeline running through them. He commented that most properties were currently using septic systems and would not be utilizing the pipeline. He stated that the cost of the new pipeline should be shared equally by those who would benefit from the project. He stated that affected property owners were only informed of their share of the construction costs in March of this year. He outlined that property owners would need to take out a loan, with interest, in order to pay for the pipeline. He explained that should any of their septic systems fail, state law mandated that they must connect to the sewer line at their own expense. He stated that they would not be able to afford to do so and would be forced to sell their property. He stated that his loan would be around \$200,000, not including interest, and in 10 years, it would be over \$300,000. He stated that the figures CWS provided were subject to change because the total cost would be calculated 9 days after completion of the pipeline, which would be over two years from now. He stated that given the large area that this pipeline would serve, the city should contribute more financially to the cost of the project. Joanne Tatman stated that the pipeline would pass directly through the field where they kept their goats, and the installation would make half of their field unavailable for grazing for 1-2 years. She stated that they understood why the pipeline needed to cross their property, but they disputed that the reimbursement district would only be applied to 22 properties when it would service such a large area. She stated that the sewer line extension would cause a financial hardship for the property owners in the reimbursement district and asked that the city do what they could to help correct this "unfair and unreasonable" expectation from CWS and the City of Sherwood.

Mayor Rosener stated that their comments and concerns were very valid. He explained that CWS had designed the reimbursement district, not the City of Sherwood and commented that the city was informed of the district around the same time as the affected property owners. He commented that he agreed that the cost of the project should be spread out across more properties and said that he and City Manager Pro Tem Sheldon would meet to discuss this topic. He stated that the city would work to try and create a more equitable outcome with CWS, but the city did not have final say on the reimbursement district. He urged those who wished to express their concern about the project to attend a Washington County Commissioners meeting as Washington County Commissioners were also the CWS board members and provide comment. Ms. Tatman replied that they had contacted the Washington County Board of Commissioners, but the County referred them to CWS; and CWS had referred the Tatmans back to the informational documents they had been sent or to ask the city for more information.

Mayor Rosener addressed the next agenda item.

## **7. PRESENTATIONS:**

### **A. Introduction of Interim City Attorney Sebastian Tapia and Recognition of Municipal Court Prosecutor Emma Gill**

Mr. Tapia came forward and provided background on himself and stated that he had worked in government his entire career. He reported that he had served as a litigator for Lane County Counsel for 12 years. He stated that he had wanted to get into general counsel for some time and the fact that the Interim City Attorney position was a one-year opportunity was exciting to him. Council welcomed Mr. Tapia to the City of Sherwood.

City Attorney Adams reported that certified Law Clerk and Municipal Court Prosecutor Emma Gill's last day with the city would be May 10<sup>th</sup> and he wished to acknowledge the hard work and dedication Ms. Gill had shown during her time in Sherwood. Mr. Adams stated that Ms. Gill was, "one of the best law clerks I've ever had the chance to work with" and thanked her for her work and wished her well on her future endeavors. Ms. Gill replied that she had had a wonderful experience working for the city. Mayor Rosener commented that it had been great to work with Ms. Gill and Council President Young stated she appreciated how accessible her memos were. Council wished Ms. Gill the best of luck in her future endeavors and presented her with a certificate of appreciation.

Mayor Rosener addressed the next agenda item.

## **B. Proclamation, Proclaiming May 12-18, 2024 as National Police Week and May 15, 2024 as National Police Officers Memorial Day**

Mayor Rosener read aloud the proclamation and stated that Congress and the President of the United States had designated the week of May 12-18, 2024 as National Police Week, and the women and men of the Sherwood Police Department provided a vital public service by safeguarding the rights and freedoms of the Sherwood community. He stated that it was important that all citizens knew and understood the duties, responsibilities, hazards and sacrifices of their police department and that members of Sherwood's Police Department recognized their duty to serve the people by safeguarding life and property, protecting them against violence and disorder and protecting the innocent against deception and the weak against oppression. Mayor Rosener stated that the safety of citizens was the foremost goal of local, state, and national governments and the ability to exercise the rights and freedoms as set forth by our Forefathers depended upon law and order. He stated that law enforcement was one of the few chosen professions that required the willingness to lay down one's life to protect others; and the daily performance of a Police Officer's normal duty was dangerous, stress-filled, often unappreciated and required a person with a supportive family. He proclaimed May 12-18, 2024 as National Police Week and May 15, 2024 as National Peace Officers Day in Sherwood and urged all citizens to recognize and thank Law Enforcement Officers for the dedicated service they provided.

Mayor Rosener addressed the next agenda item and the City Recorder read aloud the public hearings statement.

## **8. PUBLIC HEARING:**

### **A. Ordinance 2024-001, Vacating City Public Right-of-Way located on an unnamed street within the Tonquin Employment Area east of SW Tonquin Road**

City Engineer Jason Waters presented the staff report and explained that this ordinance would vacate a portion of an unnamed road located east of SW Tonquin Road. He reported that the road portion of the roadway was deemed too steep and not needed for vehicular access. He reported that staff had worked with PGE, Public Works Department, and all other franchise utilities and the area was no longer needed, and staff was therefore recommending the vacation of the outlined portions of the unnamed road. He stated that the Applicant representatives were present to answer any questions. Mayor Rosener asked for Council questions prior to opening the public hearing. Councilor Giles asked for the definition of "vacate" in this context and Mr. Waters explained that it meant that the city no longer maintained the public right-of-way of the area and it was no longer a city asset. He explained the difference between a public right-of-way and a utility easement. Councilor Giles asked if the city had paid for the access and Mr. Waters replied that this was an old county

road which the city had acquired when the land was annexed. Councilor Standke asked who initiated this process and Mr. Waters replied that the property owners had initiated the process.

Mayor Rosener opened the public hearing to receive testimony on the proposed ordinance. Glen Southerland with AKS Engineering came forward and stated that he had served as the consultant for the applicant, Schnitzer Properties. He asked for any questions from Council. With no questions, and no other public testimony received, Mayor Rosener closed the public hearing and asked for discussion from Council. Councilor Giles asked if there was a drawback for passing this ordinance. Councilor Scott replied that the road would be replaced by newer, "proper" roads so there were no negatives in his view. City Engineer Waters reported that the city would establish utility easements in the area and would record the necessary easements at the county. Councilor Standke asked what would happen to the old road and Mr. Waters replied that the area would be turned into a parking lot and storm lines would be routed through the area. Mayor Rosener reported that there would be a second reading on the proposed ordinance.

Mayor Rosener addressed the next agenda item.

## **9. CITY MANAGER REPORT:**

City Manager Pro Tem Craig Sheldon reported that the city's Safe Routes to School grant application was now in Phase II. He reported that the Bike & Roll at Middleton Elementary event would be held on May 8<sup>th</sup>. He reported that the Sherwood Wine Walk event would be held on May 9<sup>th</sup> and the Saturday Market was now open. He reported that the Arbor Day event had been rescheduled to May 13<sup>th</sup>. He reported that the first Budget Committee meeting would be held next week.

Police Chief Ty Hanlon reported that a shred event would be held on May 18<sup>th</sup> at the Sherwood Police Department.

Mayor Rosener addressed the next agenda item.

## **10. COUNCIL ANNOUNCEMENTS:**

Councilor Giles reported that Sherwood High School was putting on a production of "Almost Maine" and encouraged those interested to attend. He reported that Sherwood's concert choir group had done well in state competitions. He reported that the Sherwood Middle School track team would compete in their league finals this week. He reported that the library's "Learn to Hula" celebrating Hawaiian culture and heritage event would be held on May 18<sup>th</sup>.

Councilor Brouse reported she was unable to attend the Housing Advisory Committee as she was out of town. She reported she would attend the Senior Advisory Board meeting on May 8<sup>th</sup>. She reported that the next Chamber of Commerce meeting would be held on May 14<sup>th</sup>. She spoke on the Cruisin' Sherwood event and Sherwood Week. She reported that "Donuts and Donations" benefitting local charities would be held on May 11<sup>th</sup>.

Councilor Scott reported that he attended the Police Foundation's Boots and Bling Gala. He reported he attended the most recent Parks and Recreation Advisory Board meeting where they heard a presentation on Murdock Park.

Councilor Standke reported that tickets for the Wine Walk event were still available. He stated he attended Trashpalooza and reported that the event was well attended. He reported that the Planning Commission had

not met and stated that there was still a Planning Commission vacancy. He encouraged those interested to apply. Councilor Scott reported that there were also vacancies on the Parks and Recreation Advisory Board. Councilor Standke reported that the Planning Commission would discuss creating climate friendly communities in Sherwood, after which the topic would come to Council for discussion.

Councilor Scott reported that the city had held an appreciation dinner for all board and commission members.

Council President Young reported on her attendance at the Police Foundation's Boots and Bling Gala. She reported the event raised \$122,000, \$88,000 net. She reported she and Mayor Rosener attended the Robin Hood Festival Madrigal Feast. She spoke on the State of the City Address event. She reported that she would be interviewed by the LOC for their publication regarding the Robin Hood Festival.

Mayor Rosener reported on his attendance at the Police Foundation's Boots and Bling Gala. He reported he would attend the Wine Walk event. He spoke on his attendance at the volunteer appreciation dinner. He spoke on his attendance at the Robin Hood Festival Madrigal Feast. He reported on recent Metro meetings where they discussed tipping fees. He reported he had an urban growth stakeholder meeting with Metro. He reported he attended the most recent NLC and LOC Telecom Policy Committee meeting. He reported that the city had applied for a broadband grant to continue to expand Sherwood Broadband's service area.

## **11. ADJOURN:**

Mayor Rosener adjourned the regular session at 8:05 pm.

Attest:

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Sylvia Murphy, MMC, City Recorder

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Tim Rosener, Mayor

**TO:** Sherwood City Council

**FROM:** Maiya Martin Burbank, Adult Community Center Manager  
**Through:** Kristen Switzer, Assistant City Manager, and Craig Sheldon City Manager Pro Tem

**SUBJECT:** **Resolution 2024-030, Appointing Rick Vauble to the Sherwood Senior Advisory Board**

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**Issue:**

Should the Council appoint Rick Vauble to the Sherwood Senior Advisory Board?

**Background:**

A vacancy exists in position #3 on the Sherwood Senior Advisory Board due to a resignation. The term of office for this vacancy expires in June 2024. Due to the timing of the expiration of the current term, staff is requesting that this resolution extend the term for a full three-year term with an expiration of June 2027. The City advertised the vacancy and received two (2) applications. Rick Vauble submitted an application for consideration of appointment and was interviewed by the interview panel. The interview panel consisting of Board Chair Caz Thomson, Council Liaison Renee Brouse, and Staff Liaison Maiya Martin Burbank all of which unanimously recommended the appointment of Rick Vauble to fill the vacancy. The Mayor has recommended this appointment to Council. In accordance with City Council Rules of Procedure, all such appointments are subject to the approval of City Council by resolution.

**Financial Impacts:**

There are no financial impacts from this proposed action.

**Recommendation:**

Staff respectfully recommends City Council's adoption of Resolution 2024-030, Appointing Rick Vauble to the Sherwood Senior Advisory Board.



**RESOLUTION 2024-030**

**APPOINTING RICK VAUBLE TO THE SHERWOOD SENIOR ADVISORY BOARD**

**WHEREAS**, a vacancy exists on the Senior Advisory Board, Position 3, due to a resignation; and

**WHEREAS**, the term of this position expires in June 2024; and

**WHEREAS**, due to the upcoming term expiration, staff is requesting this term expiration be extended to June 2027; and

**WHEREAS**, Rick Vauble applied to be appointed and was interviewed by Board Chair Caz Thomson, Council Liaison Renee Brouse, Staff Liaison Maiya Martin Burbank; and

**WHEREAS**, the interview panel considered all of the applicants and recommended to the Mayor that Rick Vauble be appointed to fill the vacancy; and

**WHEREAS**, the Mayor has recommended to Council that Rick Vauble be appointed; and

**WHEREAS**, in accordance with Council Rules of Procedure, all such appointments are subject to the approval of the City Council by resolution.

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The Sherwood City Council hereby appoints Rick Vauble to Position 3 on the Sherwood Senior Advisory Board with a term expiring at the end of June 2027.

**Section 2.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 21<sup>st</sup> day of May 2024.**

---

Tim Rosener, Mayor

Attest:

---

Sylvia Murphy, MMC, City Recorder

**Agenda Item:** Consent Agenda

**TO:** Sherwood City Council

**FROM:** Richard Sattler, Utility Manager

**Through:** Craig Sheldon, City Manager Pro Tem and Ryan Adams, City Attorney

**SUBJECT: Resolution 2024-031, Authorizing the City Manager Pro tem to Enter into a Contract with Blackline, Inc. for the 2024-25 Slurry Seal Program**

---

**Issue:**

Should City Council authorize the City Manager Pro Tem to enter into a contract with Blackline, Inc. for the 2024-25 Slurry Seal Program?

**Background:**

The City has a responsibility to maintain our public infrastructure and to perform preventative maintenance to prolong the quality of our streets.

As in past years, the City of Sherwood has partnered with the City of Hillsboro to combine our efforts for Slurry Seal. The City of Hillsboro included language for Sherwood to partner in their Request for Proposal (RFP) process. Allowing the city to use Hillsboro's RFP process enables us to save time and money by not going through the procurement process separately.

The roads selected (attached) are prioritized in our Pavement Management System which was updated in January 2022. The system is updated every three (3) years. This work will be scheduled in July/August and prior to school starting in September 2024.

**Financial Impacts:**

The anticipated cost to complete the work is \$167,573.00. Staff recommends adding 10% contingency (\$16,757.30) for a total amount not to exceed \$184,330.30. These funds are covered in the FY2024-25 street budget.

**Recommendation:**

Staff respectfully recommends City Council adoption of Resolution 2024-031, authorizing the City Manager Pro Tem to enter into a contract with Blackline, Inc. for the 2024-25 Slurry Seal Program.



## 2024-25 City of Sherwood Slurry Seal

<u>Road Name:</u>	<u>From:</u>	<u>To:</u>
Oregon	Parabout	Langer Farms Prkwy
Oregon	Langer Farms Prkwy	Lincoln
Lincoln	Oregon St.	Darla Kay
Lincoln	Darla Kay	Clifford Ct.
Lincoln	Clifford Ct	Willamette
Darla Kay	Lincoln	EOR
Clifford Ct.	Lincoln	EOR
Arrow	Olds	EOR-West
Arrow	Olds	EOR-East
Olds	Tualatin Sherwood Rd	Arrow
Olds	Arrow	EOR
Langer Farms Prkwy	Oregon St.	Whetstone
Langer Farms Prkwy	Whetstone	Century
Langer Farms Prkwy	Century	Tualatin Sherwood Rd
Langer Farms Prkwy	Tualatin Sherwood Rd	99W





# Sherwood 2024 Slurry Seal-Approx 46093 Square Yards

Date: 5/6/2024

Legend

2024 Slurry Streets

Taxlots

Resolution 2024-031, Attachment to Staff Report  
May 21, 2024, Page 2 of 2

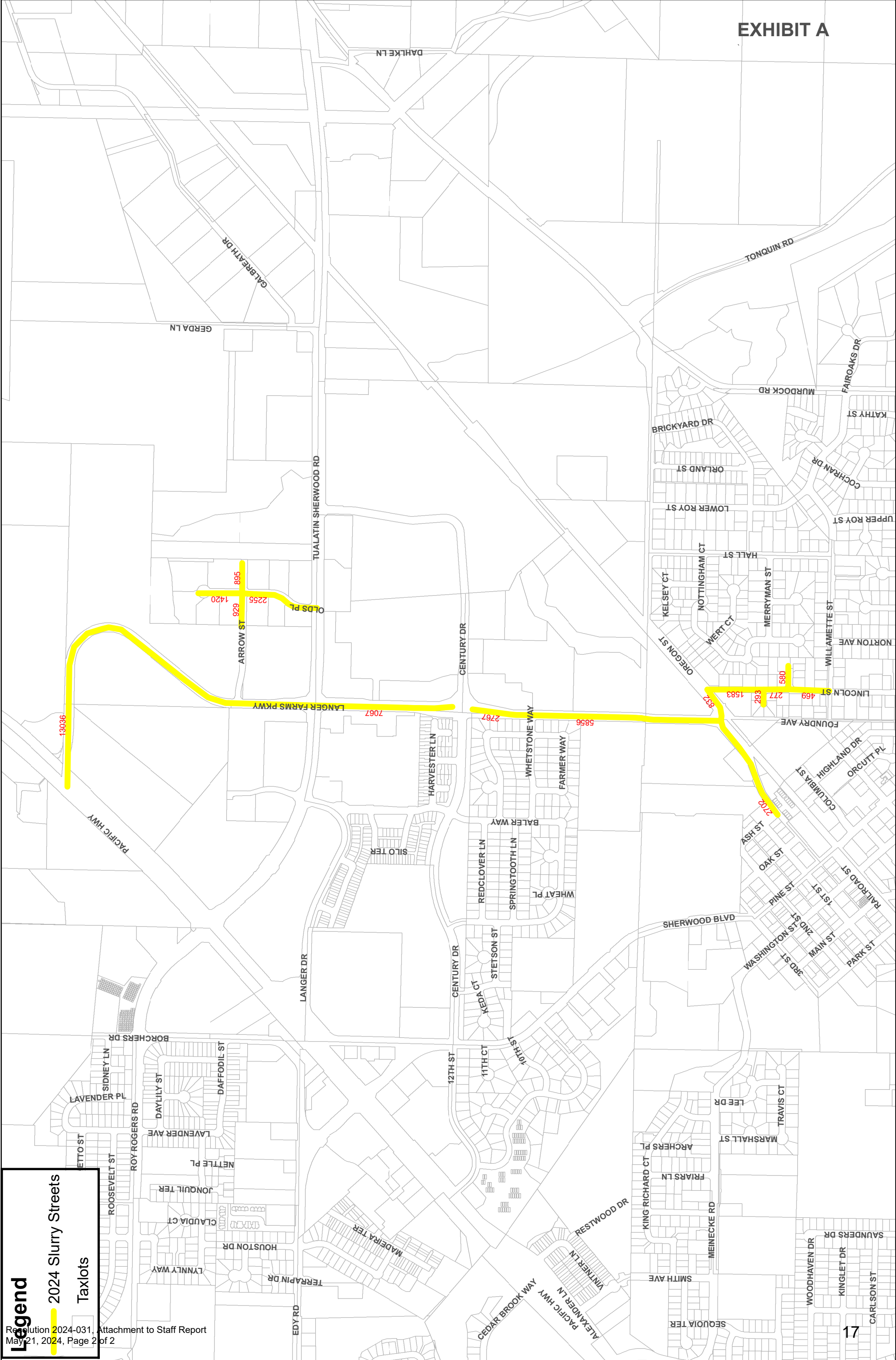


EXHIBIT A



## RESOLUTION 2024-031

### **AUTHORIZING THE CITY MANAGER PRO TEM TO ENTER INTO A CONTRACT WITH BLACKLINE, INC. FOR THE 2024-25 SLURRY SEAL PROGRAM**

**WHEREAS**, the City has a responsibility to maintain the City's infrastructure; and

**WHEREAS**, the City partnered with the City of Hillsboro to include Sherwood's 2024-25 Slurry Seal program in their Request for Proposal (RFP) for the same services; and

**WHEREAS**, the RFP process identified Blackline, Inc. as the lowest responsible bidder.

### **NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The City Manager Pro Tem is hereby authorized to enter into a contract with Blackline, Inc. for an amount not to exceed \$167,573.00.

**Section 2.** Subject to the limitations of local and state contracting rules, the City Manager Pro Tem is hereby authorized to execute contract change order(s) for an amount not to exceed \$16,757.30 (10% of the original award) for a total contract amount not to exceed \$184,330.30.

**Section 3.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 21<sup>st</sup> of May 2024.**

---

Tim Rosener, Mayor

Attest:

---

Sylvia Murphy, MMC, City Recorder

**TO:** Sherwood City Council

**FROM:** Craig Sheldon, Public Works Director/City Manager Pro Tem  
**Through:** Ryan Adams, City Attorney

**SUBJECT:** Resolution 2024-032, Authorizing the City Manager Pro Tem to execute a construction contract for the Sunset, Meinecke and Timbrel Grind and Inlay Project

---

**Issue:** Should City Council authorize the City Manager Pro Tem to execute a construction contract with the lowest responsive bidder for the construction of pavement rehabilitation within SW Sunset Boulevard, SW Timbrel Lane, and Meinecke Roundabout?

**Background:** SW Sunset Boulevard (from SW Eucalyptus Terrace to SW Main St/SW Ladd Hill Drive), SW Timbrel Lane (from SW Sunset Boulevard to SW Middleton Road), and Meinecke Roundabout (between SW Dewey Drive, SW Meinecke Road, and SW Meinecke Parkway) currently have deficient pavement in need of replacement. The proposed street work for SW Sunset Boulevard, SW Timbrel Lane, and Meinecke Roundabout will consist of grinding the existing surface and overlaying a new asphalt surface. New ADA compliant sidewalk ramps will replace those existing on both sides of SW Sunset Boulevard from SW Eucalyptus Terrace to the crosswalk location next to the vehicle exit of Archer Glen Middle School, and at the intersection of SW Timbrel Lane/SW Middleton Road. Full depth pavement rehabilitation will occur on sections of SW Sunset Boulevard showing greater deterioration.

Grind and inlay were chosen to provide a smooth driving surface at a lower cost than a full pavement removal and cement treatment.

The city solicited competitive bids from contractors and opened bids on May 16, 2024 to determine the lowest responsive bid. The bidding process is currently in the seven (7) day protest period.

Work is expected to begin June 2024, with completion by the middle of August 2024. City staff provided notification to area residents of the upcoming project. Work on Sunset Boulevard will commence after the end of the school year to avoid any conflicts with Archer Glen Middle School. The grind and inlay of Meinecke Roundabout will occur at nighttime to avoid conflicts with surrounding businesses, although the temporary median removal and restoration work (necessary for traffic changes), will occur during the daytime.

**Financials:** Funding for the project was included in the FY23-24 and FY24-25 budget and includes 15% of the base contract amount for construction contingency.

**Recommendation:** Staff respectfully requests City Council adoption of Resolution 2024-032, authorizing the City Manager Pro Tem to execute a construction contract for the Sunset, Meinecke, and Timbrel Grind and Inlay Project upon completion of the seven (7) day protest period.



## RESOLUTION 2024-032

### **AUTHORIZING THE CITY MANAGER PRO TEM TO EXECUTE A CONSTRUCTION CONTRACT FOR THE SUNSET, MEINECKE, AND TIMBREL GRIND AND INLAY PROJECT**

**WHEREAS**, the City has identified the pavement on SW Sunset Boulevard (from SW Eucalyptus Terrace to SW Main St/SW Ladd Hill Drive), SW Timbrel Lane (from SW Sunset Boulevard to SW Middleton Road), and Meinecke Roundabout (between SW Dewey Drive, SW Meinecke Road, and SW Meinecke Parkway) to be deficient; and

**WHEREAS**, the City completed the design, produced bid documents and solicited contractors using a competitive bidding process per ORS 279C, OAR 137-049; and

**WHEREAS**, the City opened bids on May 16, 2024 and issued the Notice of Intent to Award with the mandatory seven (7) day protest period which is currently in process; and

**WHEREAS**, the City has budgeted for the construction cost of this project within the FY2023/2024 and FY2024/FY2025 budget.

### **NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1:** The City Manager Pro Tem is hereby authorized to execute a construction contract upon the completion of the seven (7) day protest period with the lowest responsive bidder with a Construction Contingency of 15% of the Base Contract Amount.

**Section 2:** This Resolution shall be in effect upon its approval and adoption.

**Duly passed by the City Council this 21<sup>st</sup> day of May 2024.**

\_\_\_\_\_  
Tim Rosener, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

Agenda Item: Public Hearing (*Second Reading*)

**TO:** Sherwood City Council

**FROM:** Jason M. Waters P.E, City Engineer  
**Through:** Craig Sheldon Public Works Director/City Manager Pro Tem, Ryan Adams, City Attorney

**SUBJECT:** Ordinance 2024-001, vacating city public right-of-way located on an unnamed street within the Tonquin Employment area east of SW Tonquin Road

---

**Issue:**

Should the City release the public's interest in an unnamed street right-of-way located east of SW Tonquin Road approximately 280 feet southeast of SW Oregon Street?

**Background:**

This Ordinance is being submitted as a public request of Schnitzer Properties, LLC, who have ownership of the Sherwood Commerce Center LLC for which property in Document No. 2024-004454 is owned by. Attached are exhibits showing the location of the right-of-way to be vacated in reference to surrounding properties and streets.

Title to the vacation of the unnamed right-of-way will revert back to the original property from which it was originally dedicated, in the case of the right-of-way between SW Tonquin Road and SW Commerce Court, the property will revert back to Cascade Civil Development, Inc. (Doc. No. 2023-043257), in the case of the right-of-way east of SW Commerce Court, the property will revert back to Sherwood Commerce Center LLC (Doc. No. 2024-004454), in conformance with ORS 271-140. ORS 271 describes the criteria and processes for vacating public right-of-way and easements, which includes public noticing of the proposed action and a public hearing in which the governing body may grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

The unnamed street right-of-way petitioned to be vacated was recently transferred from a Washington County right-of-way to a city right-of-way upon the annexation of the adjacent properties within the Tonquin Employment Area. The right-of-way was originally for access to existing homes in the area which have now been demolished and therefore is no longer needed. Also, SW Commerce Court and SW Industrial Way are nearing completion which will provide access to surrounding developments in the area.

Vacation of this right-of-way has been reviewed by and deemed acceptable by City of Sherwood Public Works Department and Community Development Department. A public storm and sanitary sewer easement has been recorded over the entirety of the right-of-way between SW Tonquin Road and SW Commerce Court for the city to operate and maintain storm sewer and sanitary sewer facilities located within the right-of-way to be vacated. The Community Development Director determined that a pedestrian interconnect through this unnamed street right-of-way between SW Tonquin Road and SW Commerce Court is not necessary. Maintenance access to city storm sewer and sanitary sewer will be constructed, within the unnamed street right-of-way to be vacated, by surrounding developments.

Vacation of the unnamed street right-of-way east of SW Commerce Court will allow for the property to the east to obtain full development potential.

Currently there are existing overhead franchise utilities within the unnamed street right-of-way. The adjacent development is currently in the process of getting these overhead facilities relocated to the PUEs along SW Commerce Court and SW Industrial Way. Since a PUE is not being maintained over the right-of-way to be vacated, existing overhead utilities will need to be relocated and the existing overhead facilities removed prior to recording of this right-of-way vacation.

Vacation of this right-of-way will not have an adverse effect on any adjacent property values, whereas redevelopment of this land may actually increase the property value of adjacent properties.

City Council adoption of Ordinance 2024-001, vacating the unnamed street right-of-way shown and described in the attached Exhibit "A", causes no negative impacts to City owned infrastructure. Vacation of the unnamed street right-of-way will enhance Sherwood livability and promote Resident well-being.

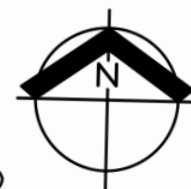
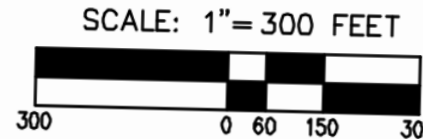
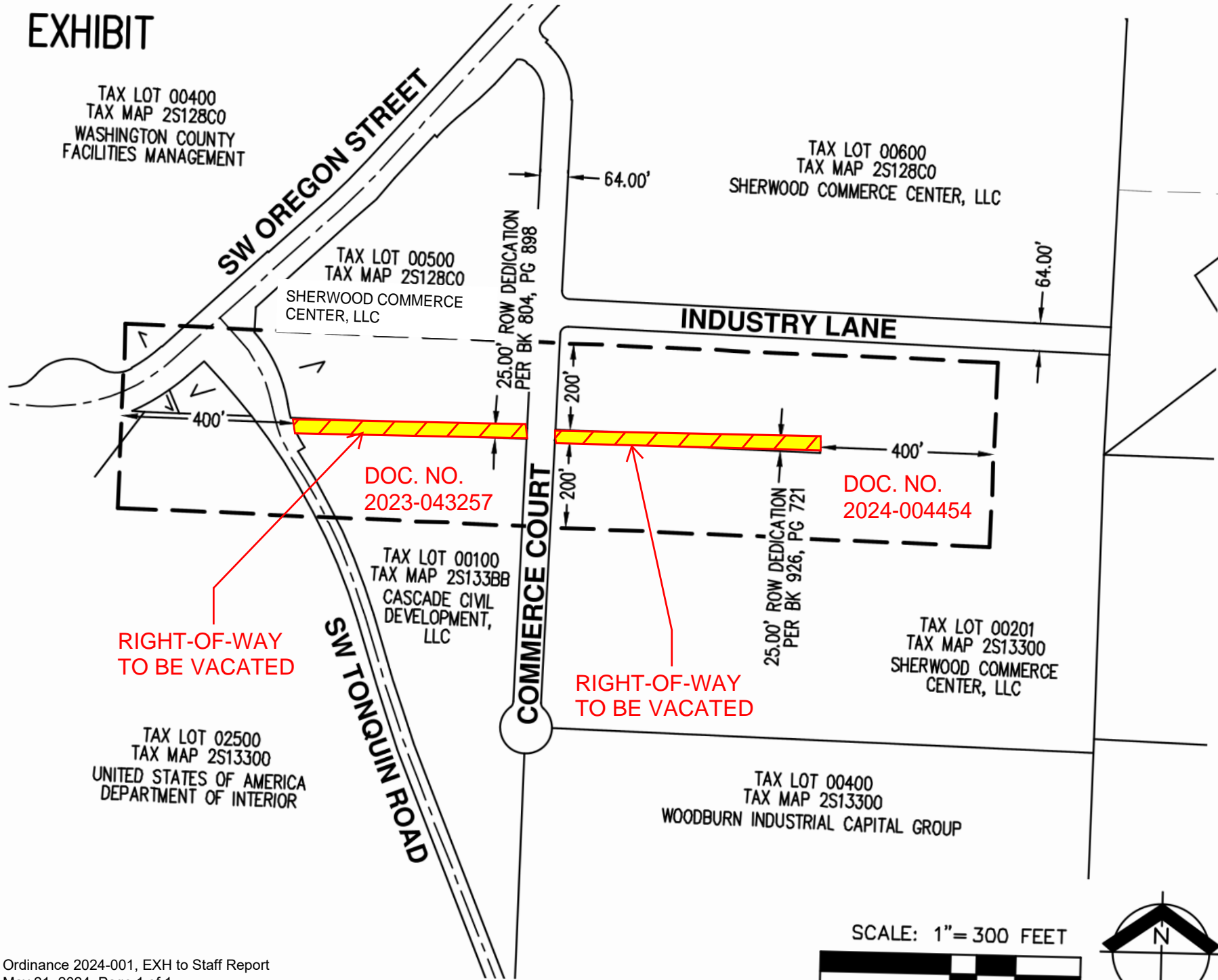
**Financial Impacts:**

There are no future costs to the city associated with vacation of this right-of-way and the applicant has paid a deposit ensuring that the full cost of this request is paid for by them. Vacation of the right-of-way comprises the release of the public's interest in right-of-way that is no longer needed. This unnamed street right-of-way vacation does not extend to any right-of-way dedications or easements granted to the city since the most recent section of the unnamed right-of-way annexed into the City on March 15, 2022. Vacation of this right-of-way will add property in private ownership and thereby add to the taxable land base.

**Recommendation:**

City staff respectfully recommends that City Council hold a second public hearing and consider adoption of Ordinance 2024-001, vacating city public right-of-way located on an unnamed street within the Tonquin Employment area east of SW Tonquin Road.

# EXHIBIT



AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUGALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		RIGHT-OF-WAY VACATION EXHIBIT		12/14/2022 DRWN: WCB AKS JOB: 9749
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## ORDINANCE 2024-001

### VACATING UNNAMED CITY RIGHT-OF-WAY LOCATED EAST OF SW TONQUIN ROAD IN THE TONQUIN EMPLOYMENT AREA

**WHEREAS**, the City has received a petition to vacate an unnamed street right-of-way located east of SW Tonquin Road in the Tonquin Employment Area being more particularly described and shown on the attached Exhibit “A” (Legal Description) and Exhibit “B” (Survey Map); and

**WHEREAS**, the petition for vacation included the written consent of the owners of all abutting properties and not less than two-thirds of the area of the real property affected thereby, as defined in ORS 271.080; and

**WHEREAS**, the City posted a notice of the vacation request at the point of the intersection of the unnamed right-of-way with SW Tonquin Road and mailed notification to property owners within 1000 feet of the vacation area and published the notice in a local newspaper on two separated dates, March 21 and March 28, 2024 in, all in accordance with ORS 271.110; and

**WHEREAS**, title to the vacated right-of-way will revert back to the original property from which it was originally dedicated, in the case of the right-of-way between SW Tonquin Road and SW Commerce Court, the property will revert back to Cascade Civil Development, Inc. (Doc. No. 2023-043257), in the case of the right-of-way east of SW Commerce Court, the property will revert back to Sherwood Commerce Center LLC (Doc. No. 2024-004454) per ORS 271.140; and

**WHEREAS**, the homes that were previously served by the unnamed street have been demolished; and

**WHEREAS**, new right-of-way and PUE have been dedicated in this area for new streets known as SW Commerce Court and SW Industry Way which are currently nearing completion of construction and will provide access to the property previously using the unnamed street; and

**WHEREAS**, the existing unnamed street right-of-way east of SW Commerce Court is no longer needed for any present or future purposes; and

**WHEREAS**, the existing unnamed street right-of-way between SW Tonquin Road and SW Commerce Court has been determined by city staff to only be needed for storm sewer and sanitary sewer purposes for which an easement has been granted to the City; and

**WHEREAS**, adjacent developments will be constructing necessary maintenance access for City maintenance access to storm sewer and sanitary sewer facilities located within the right-of-way to be vacated; and



**WHEREAS**, the vacating of the right-of-way does not extend to any right-of-way dedications or easements granted to the city since the most recent section of the unnamed right-of-way annexed into the City on March 15, 2022; and

**WHEREAS**, there are existing overhead franchise utilities located within the unnamed street right-of-way that are in process of being located underground along the newly constructed streets of SW Commerce Court and SW Industry Way, which will need to be completed along with the removal of the existing overhead franchise utilities prior to recording of this right-of-way vacation.

**NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

**Section 1:** After full and due consideration of this right-of-way vacation application and the City Staff Report, the City Council finds that the consent of the owners of the requisite area has been obtained, notice has been duly given and the public interest will not be prejudiced by the proposed vacation.

**Section 2:** The City Council authorizes the vacation of the unnamed street right-of-way from SW Tonquin Road to its eastern terminus upon relocation and removal of the existing overhead franchise utilities located within the unnamed street right-of-way.

**Section 3:** This ordinance will become effective the 30<sup>th</sup> day after its enactment by the City Council and approved by the Mayor.

**Duly passed by the City Council this 21<sup>st</sup> day of May, 2024.**

\_\_\_\_\_  
Tim Rosener, Mayor

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Standke	_____	_____
Giles	_____	_____
Scott	_____	_____
Mays	_____	_____
Brouse	_____	_____
Young	_____	_____
Rosener	_____	_____



AKS ENGINEERING & FORESTRY, LLC  
12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
P: (503) 563-6151 | www.aks-eng.com

AKS Job #9749

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

## EXHIBIT A

### Right-of-Way Vacation

A tract of land located in the Northwest One-Quarter of Section 33, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon, and being more particularly described as follows:

Commencing at the north one-quarter corner of said Section 33; thence along the north line of said Section 33, North 88°43'56" West 654.51 feet to the east line of a 25.00 foot wide Right-of-Way Dedication per Book 926, Page 721, Washington County Deed Records, and the Point of Beginning; thence along said east line, South 01°09'31" West 25.02 feet to the south line of said Deed; thence along said south line, North 88°43'49" West 654.27 feet to the south line of a 25.00 foot wide Right-of-Way Dedication per Book 804, Page 898, Washington County Deed Records; thence along said south line, North 88°50'36" West 557.79 feet to the northeasterly right-of-way line of SW Tonquin Road (37.00 feet from centerline); thence along said northeasterly right-of-way line on a non-tangent curve to the right (with a radial bearing of North 66°17'15" East) with a Radius of 264.84 feet, a Central Angle of 05°50'02", an Arc Length of 26.97 feet, and a Chord of North 20°47'44" West 26.95 feet to the north line of said Book 804, Page 898; thence along said north line, South 88°50'36" East 567.75 feet to the north line of said Book 926, Page 721; thence along said north line, South 88°43'56" East 654.38 feet to the Point of Beginning.

The above described tract of land contains 30,441 square feet, more or less.

The Basis of Bearings for this description is based on Survey Number 34,413, Washington County Survey Records.

12/12/2022

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

A handwritten signature in black ink, appearing to read 'Mike Kalina'.

OREGON  
JANUARY 12, 2016  
MICHAEL S. KALINA  
89558PLS

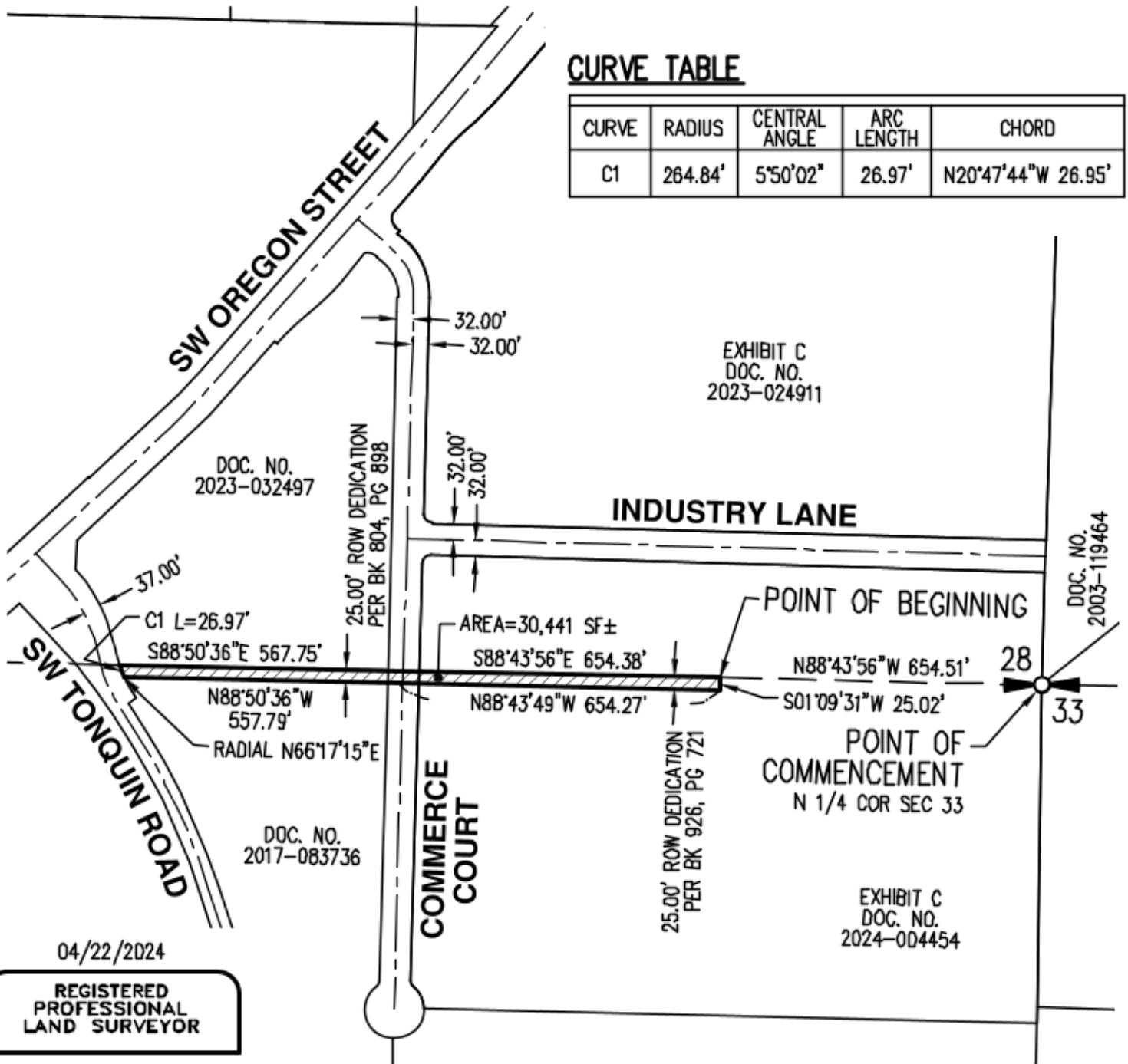
RENEW: 6/30/23

## EXHIBIT B

A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 33,  
TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,  
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

### CURVE TABLE

CURVE	RADIUS	CENTRAL ANGLE	ARC LENGTH	CHORD
C1	264.84'	5°50'02"	26.97'	N20°47'44"W 26.95'



04/22/2024

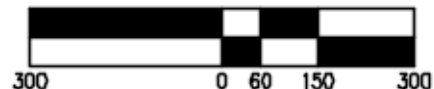
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael S. Kalina*

OREGON  
JANUARY 12, 2016  
MICHAEL S. KALINA  
89558PLS

RENEWS: 6/30/25

SCALE: 1"=300 FEET



AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062  
503.563.6151 WWW.AKS-ENG.COM



RIGHT-OF-WAY VACATION

PUBLIC RIGHT-OF-WAY  
DRWN: WCB CHKD: MSK  
AKS JOB: 9749  
EXHIBIT B

Sherwood City Council Meeting

Date: May 21, 2024

- List of Meeting Attendees: ✓
- Request to Speak Forms: ✓
- Documents submitted at meeting: ✓

Work Session

- “Charter Review Committee Recommendations to City Council” from City Attorney Ryan Adams,  
Exhibit A

Sherwood City Council Meeting Date:

May 21, 2024

## ATTENDANCE SHEET

NAME

ADDRESS

PHONE

Nancy Kay Co	Sherwood	
Brenda Selby	17289 SW Gralwood Dr.	(503) 807-7167
Bala Sethuraman	Sherwood	503-683-1555
Jana Wags	Wheat Pl., Sherwood	
Neil Shawver	Sherwood	625-9114
Denise Falconer	Sherwood	(925) 580-9805

**In any City forum or meeting:**

- Individuals may not impugn the character of anyone else, including but not limited to members of the community, the reviewing body, the staff, the applicant, or others who testify. Complaints about staff should be placed in writing and addressed to the City Manager. If requested by the complainant, they may be included as part of the public record. Complaints about the City Manager should be placed in writing and addressed to the Mayor. If requested by the complainant, they may be included as part of the public record.
- Comment time is 4 minutes with a Council-optional 1 minute Q & A follow-up.
- The Chair of a meeting may have the ability to modify meeting procedures on a case-by-case basis when especially complicated issues arise, or when the body is involved in extraordinary dialogue, but only after receiving the advice and majority consent of the body. The Chair may also cut short debate if, in his judgment, the best interests of the City would be served.  
(Note: Written comments are encouraged, and may be submitted prior to the meeting by mail, or at the meeting. There is no limit to the length of written comment that may be submitted)

**Persons who violate these rules** may be asked to stop their comments by any member of the body. Comments beyond the 4-minute limit may not be included in the record of the meeting. Persons who impugn the character of anyone will be required to stop immediately. Their comments will not be included in the record of the meeting, and they will forfeit their remaining time. Any person who fails to comply with reasonable rules of conduct or who causes a disturbance may be asked or required to leave and upon failure to do so becomes a trespasser.

\*\*\*\*\*

***I have read and understood the Rules for Meetings in the City of Sherwood.***

Name: DAN TATMAN Date: 5/21/24  
Address: 24351 SW MIDDLETON SHERWOOD  
Telephone: 503-625-2163 Email: \_\_\_\_\_

**I would like to speak to the Council regarding:**

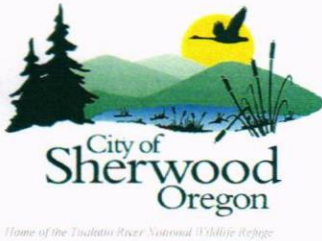
Subject: CLEAN WATER SER

**Land Use Hearings, please indicate:** In Favor of Application: \_\_\_\_\_ Opposed: \_\_\_\_\_

If you want to speak to Council both during a public hearing and during citizen comments, **please submit a separate form for each item.** Public hearing comments must be relevant to the matter before the Council.

**Please give this form to the City Recorder prior to you addressing City Council. Thank you.**





## Office of the City Attorney MEMORANDUM

City of Sherwood  
22560 SW Pine St.  
Sherwood, OR 97140  
Tel 503-625-5522  
Fax 503-625-5524  
www.sherwoodoregon.gov

To: Sherwood City Council  
From: Ryan Adams, City Attorney  
CC: Charter Review Committee  
Date: May 21, 2024

**Mayor**  
Tim Rosener

**Council President**  
Kim Young

**Councilors**  
Renee Brouse  
Taylor Giles  
Keith Mays  
Doug Scott  
Dan Standke

**City Manager Pro Tem**  
Craig Sheldon

Subject: Charter Review Committee Recommendations to City Council

Pursuant to the authority of Sherwood Municipal Charter (SMC) section 1, and at the direction of the Sherwood City Council, the Charter Review Committee (CRC) met three times: March 21, April 23, and May 15. On May 15, 2024, the CRC authorized me to transmit to you its recommendations. The recommendations are as follows:

1. Adjust section 37 of the SMC to align council travel reimbursement policies with the standard policies and procedures used by all City Staff. *Exhibit A* attached hereto provides the CRC's recommended language.
2. Commission a study on the sustainability of Sherwood's water, surface water, sewer, and street utility fees. Presently, section 47 of the SMC (*Exhibit B*) prevents Council from changing those rates above 2% per year absent a vote from 50% of registered voters voting in an election. Clean Water Service's charges are passed through to customers, however, there remains concern that the City would not have the means to fund capital or emergency replacement projects when the need arises.
3. Review and consider the removal of any references to "state law" in the CRC in accordance with *City of Corvallis v. State*, 304 Or. App. 171 (2020). In this case, the City of Corvallis sought to have ORS 222.127<sup>1</sup> declared unconstitutional under the Oregon Constitution's "home rule" provisions. Corvallis argued the statute "impermissibly interferes with the procedures of municipal governments." However, its charter contained a provision that required all annexations to comply with state law. The Court reasoned in part that because of this charter provision, Corvallis was bound by the modified provisions of ORS 222.127.

The CRC stands in recess pending further direction, if any, from City Council.

<sup>1</sup> In summary, ORS 222.127 requires City Council to approve (most) annexations without submitting to the voters for approval.

5/21/2024  
Date

WS  
Agenda Item

City Council  
Gov. Body

A  
Exhibit #

### **Section 37—Original Text**

The council must authorize the compensation of City appointive officers and employees as part of its approval of the annual city budget. The mayor and councilors shall not be compensated but may be reimbursed for actual and reasonable expenses.

### **Section 37—Recommendation**

The council must authorize the compensation of City appointive officers and employees as part of its approval of the annual city budget. The mayor and councilors shall not be compensated but may be ~~reimbursed~~ compensated for actual and reasonable expenses in accordance with the City of Sherwood's personnel and travel policies as may be amended from time to time.



## **Section 47**

After July 1, 2015, any ordinance, resolution or order approved by a majority of the City Council that imposes a new city tax, charge, or fee and/or increases by more than two percent annually any city utility tax, charge, or fee including but not limited to water charges, sewer and surface water charges, and street utility fees that are imposed on residential properties occupied by owners and/or occupants within the City of Sherwood boundaries, shall not be effective unless ratified by a majority vote of the City's qualified electors voting in an election where at least 50 percent of the registered voters cast a ballot, or the election is held in May of an even numbered year or November of any year.

# Approved Minutes



**SHERWOOD CITY COUNCIL MEETING MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**May 21, 2024**

**WORK SESSION**

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 6:32 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Keith Mays, Taylor Giles, and Dan Standke. Councilors Renee Brouse and Doug Scott were absent.
3. **STAFF PRESENT:** City Attorney Ryan Adams, Community Development Director Eric Rutledge, IT Director Brad Crawford, Economic Development Manager Bruce Coleman, Interim City Attorney Sebastian Tapia, Police Chief Ty Hanlon, and City Recorder Sylvia Murphy.
4. **TOPICS:**

**A. Charter Review Committee Recommendations**

Mayor Rosener recapped that the city performed a review of the City Charter every six years. City Attorney Ryan Adams recapped that the Charter Review Committee had met three times and had created three recommendations for Council's consideration. He addressed the first recommendation and explained that this was a housekeeping item. He explained that the Oregon Government Ethics Commission (OGE) had a rule regarding elected officials' use of credit cards and travel reimbursement. He explained that the OGE had stipulated that elected officials could be reimbursed for travel expenses as long as it was a part of a "reasonable compensation package." He outlined that the travel policy for city staff was currently being updated in order to comply with that language and stated that the Charter Review Committee recommended that that same language be used for City Council. Mayor Rosener commented that doing so would bring the city into alignment with every other state. City Attorney Adams outlined that the Charter Review Committee had provided recommended language for the change and read aloud from the "Charter Review Committee Recommendations to City Council" memo (see record, Exhibit A). He clarified that updating the language would clean up this section of the Charter and bring it into alignment with the OGE's rules. Council agreed to move forward with the recommended change in language. City Attorney Adams addressed the second recommendation and explained that this related to the city's fee schedule for water, surface water, sewer, and street utility fees. He outlined that Section 47 of the Sherwood City Charter prevented Council from changing those rates above 2% per year without a vote from registered voters. He explained that the Charter Review Committee recommended that a study be conducted to determine the sustainability of Sherwood's water, surface water, sewer, and street utility fees. He outlined that the 2% the city was permitted to raise rates was being outpaced by inflation and the city would not have the necessary funds to complete necessary repair or construction costs. He said the study would help determine what percentage would be sustainable and appropriate for the city to utilize. Discussion occurred and Council agreed to proceed with the study. Councilor Mays spoke on the costs associated with the city meeting its contractual obligations to Clean Water Services (CWS) as well as state and federal standards. Councilor Standke commented that the study would



be a useful tool to help illustrate to residents the need for the rate adjustment and Council President Young agreed. City Attorney Adams commented that this would likely be addressed via the master planning process and explained that the study would likely take over eight months to complete. Council President Young commented that the city could use a capital bond for the project. Councilor Mays spoke on how the current infrastructure would continue to age and would therefore need more repair work and eventual replacing. Mayor Rosener recapped that he felt that the study was a good idea to help better understand the financial situation and spoke on the Water Fund's rates being set to meet the expense of the Willamette Intake Facility upgrades and how he wanted to get the other water rates to that same level of sustainability. City Attorney Adams addressed the third recommendation and spoke on home rule in Oregon and preemption, particularly with land use. He stated that the Charter Review Committee recommended that Council review references to "state law" in the City Charter. He referred to SB 1537 in 2016 and explained that the bill took away the ability for City Councils to deny most annexations without a vote from registered voters. He outlined that the City of Corvallis had sued the state for interfering with home rule and explained that Corvallis had lost that case because their city charter had references to "state law." Mr. Adams reported that Sherwood's City Charter had similar references to "state law" and asked if Council wished to proceed with removing those references. Mayor Rosener commented that it was important not to remove provisions that granted the city authority, and it was also important to remove references that would allow for preemption by the state. Mr. Adams outlined that there were roughly 15 references to "state law" in the Charter and commented that he did not recommend removing all of them, only some of them. He provided an overview of the references to "state law" that he recommended removing. He referred to the Charter's references to "state law" and "municipal court judge" and stated that he recommended allowing Sherwood's Municipal Court Judge to provide his input. Mayor Rosener asked Council their opinion and Council agreed that they would like more information about which references to "state law" should be removed from the Charter. City Attorney Adams explained that the Charter Review Committee stood in recess until any further direction from Council was given. He referred to the Section 37 recommendations and explained that it could be placed on the November 2024 ballot, or it could be placed on a later ballot if Council chose. Discussion occurred regarding the timeline for the completion of the water rate study and the complexity of some of the recommendations. Mayor Rosener recapped that staff would conduct a water rate study and come back with recommendations. Council stated that they would like the council travel reimbursement recommendation to be placed on the November 2024 ballot.

## **5. ADJOURN:**

Mayor Rosener adjourned the work session at 6:59 pm and convened a regular session.

## **REGULAR SESSION**

- 1. CALL TO ORDER:** Mayor Rosener called the meeting to order at 7:06 pm.
- 2. COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Keith Mays, Taylor Giles, and Dan Standke. Councilors Renee Brouse and Doug Scott were absent.
- 3. STAFF PRESENT:** City Attorney Ryan Adams, Interim City Attorney Sebastian Tapia, Community Development Director Eric Rutledge, Public Works Utility Manager Rich Sattler, Police Chief Ty Hanlon, City Engineer Jason Waters, and City Recorder Sylvia Murphy.
- 4. APPROVAL OF AGENDA:**



**MOTION: FROM COUNCIL PRESIDENT YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCILOR GILES. MOTION PASSED 5:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILORS BROUSE AND SCOTT WERE ABSENT).**

Mayor Rosener addressed the next agenda item.

**5. CONSENT AGENDA:**

- A. Approval of May 7, 2024, City Council Meeting Minutes**
- B. Resolution 2024-030, Appointing Rick Vauble to the Sherwood Senior Advisory Board**
- C. Resolution 2024-031, Authorizing the City Manager Pro tem to Enter into a Contract with Blackline, Inc. for the 2024-25 Slurry Seal Program**
- D. Resolution 2024-032, Authorizing the City Manager Pro Tem to execute a construction contract for the Sunset, Meinecke and Timbrel Grind and Inlay Project**

**MOTION: FROM COUNCIL PRESIDENT YOUNG TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCILOR GILES. MOTION PASSED 5:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILORS BROUSE AND SCOTT WERE ABSENT).**

Mayor Rosener addressed the next agenda item.

**6. CITIZEN COMMENT:**

Sherwood resident Dan Tatman came forward and spoke on Clean Water Services (CWS) and stated that CWS had over \$1 billion in assets in Oregon and a \$600 million budget. He stated that he was concerned that CWS had "lost some sensitivity to the plight of a few people" who did not have access to large sums of money to help pay for the Brookman sewer extension. He stated that those who were affected were at risk of losing their investments due to the state mandate that property owners within 300 feet of the pipeline had to pay to connect to the pipeline. He stated he and his neighbors were concerned about losing their properties due to the costs associated with the sewer line extension. He stated that he had been in contact with the Washington County Appraiser's Office, and they had told him that the County was not allowed to conduct an audit of CWS. He asked that the city conduct an audit since the city was paying for 20% of the project cost. He stated that the 22 residents had no control over how much they would be charged for the project.

Mayor Rosener addressed the next agenda item.

**7. PRESENTATIONS:**

**A. Recognition of 2024 Oregon Mayor's Association, "If I Were Mayor...." local Contest Winners**

Mayor Rosener introduced the 2<sup>nd</sup> place local contest winner Raegan Falconer. Raegan provided an overview of her poster and explained that her project was about improving the environment by adding more trees, creating more habitat for local animals, and an "adopt-a-block" program where people could clean up their adopted block. She explained that she focused on the environment for her project because she felt that there was a lot of trash in town and local trees were being cut down. Mayor Rosener presented Raegan with a certificate and gift prizes.

Mayor Rosener introduced the 1<sup>st</sup> place in the middle school category local contest winner Addison Selby. Addison provided an overview of her essay and explained that she wanted to create a community pool to



host local swim meets, create building design standards for Old Town, and ways to decrease shoplifting to help businesses save money. Mayor Rosener presented Addison with a certificate and gift prizes.

Mayor Rosener introduced 1<sup>st</sup> place in the elementary school category local contest winner and 1<sup>st</sup> place in the state contest winner Prakrithi Balasubramanian. Prakrithi provided an overview of her poster and explained that she wanted to create a community garden to help provide fresh food to people in need. She explained that the diversity of the food grown in the garden would provide people with the opportunity to try new foods. She explained that she also wanted to add regular STEM events at the library as well as read-to-animals events for patrons. Prakrithi stated that she also wanted to create a free park-and-ride lot to encourage public transportation usage. She stated that the city could introduce a program where kids could pick up trash around the city and exchange it for prizes. Mayor Rosener presented Prakrithi with certificates and gift prizes.

Mayor Rosener addressed the next agenda item.

#### **B. Proclamation, Proclaiming May 19-25, 2024 as National Public Works Week**

Mayor Rosener read aloud the proclamation and stated that public works services were important to the health, safety and well-being of Sherwood's citizens and these services could only be provided through dedicated public works professionals. He stated that these employees were the city's silent heroes who guaranteed that essential services were always working. He proclaimed May 19-25, 2024 as National Public Works Week in Sherwood and urged all citizens to recognize and thank public works employees for the dedicated services they provided.

Mayor Rosener addressed the next agenda item and the City Recorder read aloud the public hearings statement.

### **8. PUBLIC HEARING:**

#### **A. Ordinance 2024-001, Vacating City Public Right-of-Way located on an unnamed street within the Tonquin Employment Area east of SW Tonquin Road (Second Reading)**

City Engineer Jason Waters outlined that the County had informed the city that they did not have any interest in the vacation and explained that this was the last step in the process. He stated that there were no additional comments or updates since the first reading. Mayor Rosener opened the public hearing to receive testimony on the proposed ordinance. Hearing none, Mayor Rosener closed the public hearing and asked for discussion or a motion from Council.

**MOTION: FROM COUNCILOR MAYS TO READ CAPTION AND ADOPT ORDINANCE 2024-001, VACATING CITY PUBLIC RIGHT-OF-WAY LOCATED ON AN UNNAMED STREET WITHIN THE TONQUIN EMPLOYMENT AREA EAST OF SW TONQUIN ROAD. SECONDED BY COUNCILOR GILES. MOTION PASSED 5:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILORS BROUSE AND SCOTT WERE ABSENT).**

Mayor Rosener addressed the next agenda item.

### **9. CITY MANAGER REPORT:**

Police Chief Ty Hanlon spoke on the recent shred event held at the Police Department. He reported that the



Bowl with a Cop event was held at Langer's. He gave his kudos to Public Works staff. Mayor Rosener reported the city was awarded a \$5 million EPA grant and explained that the money would be used to help clean up the tannery site on Oregon Street. Mayor Rosener reported that the city had been awarded a \$1 million for expanding rural broadband. Police Chief Hanlon reported that Music on the Green would begin in July.

Mayor Rosener addressed the next agenda item.

#### 10. COUNCIL ANNOUNCEMENTS:

Councilor Standke reported on the most recent Planning Commission meeting where they continued their discussion on Climate Friendly and Equitable Communities regulations and reported that Council would hear the first reading on the proposed ordinance at the July 16<sup>th</sup> City Council meeting.

Councilor Mays reported that the Charter Review Committee met for a third time last week where they asked staff to prepare a report to Council, which was discussed at the work session held prior to this meeting. He reported he attended the most recent Budget Committee meeting. He reported on his attendance at the most recent Cultural Arts Commission meeting where they discussed how to utilize the EPA grant.

Councilor Giles reported that the WCCLS had passed a preliminary budget and the Library Advisory Board had completed some visioning and planning for the upcoming year. He reported that the Sherwood School District had recently adopted new graduation requirements. He reported that the coffee with Representative Courtney Neron event would be held on June 1<sup>st</sup> at the Sherwood Senior Center. He reported that a pride celebration would be held on June 1<sup>st</sup> at Stella Olsen Park. He reported the new Sherwood School District Superintendent would be announced on May 22<sup>nd</sup>.

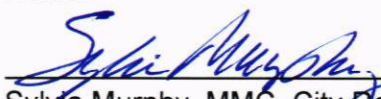
Council President Young reported that she attended the Bike and Roll Day at Middleton Elementary. She reported she attended the Wine Walk event. She reported she attended the most recent Sherwood Chamber of Commerce breakfast. She reported she attended the swearing in of Police Officer Caraway. She reported on her attendance at the LOC's General Government Committee meeting where they discussed items to put forward for the upcoming session.

Mayor Rosener reported on his attendance at the Wine Walk event. He reported on his attendance at the LOC's Telecom Committee meeting where they discussed items to put forward for the upcoming session. He reported that he would attend the Westside Economic Alliance's annual Mayors Forum. He reported he attended the presentation of the Sherwood West Concept Plan to the Metro Urban Growth Report stakeholder group. He reported the presentation would also be shown to the MPAC and the Metro Council. He reported he attended the WCCC meeting where they discussed MSTIP funding. He spoke on solid waste rates and Metro tipping fees.

#### 11. ADJOURN:

Mayor Rosener adjourned the regular session at 8:05 pm.

Attest:

  
Sylvia Murphy, MMC, City Recorder

  
Kim Young, Council President