

Mayor
Patricia Smith

Council President
Mark Clark

Councilors
Stanley Dirks

Timothy Clark

Scott Harden

**REGULAR MEETING OF THE
WOOD VILLAGE CITY COUNCIL**

April 23, 2013

MINUTES

PRESENT: Mayor Smith, Council President Mark Clark, Councilors Stanley Dirks, Tim Clark and Scott Harden, City Attorney Condit, City Administrator Bill Peterson, Finance Director Peggy Minter, Public Works Director Mark Gunter, and interested parties.

ABSENT: None.

MAYOR SMITH CALLED THE MEETING TO ORDER AT 6:00 PM.

PLEDGE OF ALLEGIANCE

CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

- a. Commission Appointments
 - Jimmy Frank: Budget Committee – Term to Expire 12-31-16
- b. Project Acceptance: Fire Hydrant Replacement Project

Upon motion by Tim Clark, seconded by Harden and passing 5-0, the Consent Calendar was approved.

PRESENTATION: ARATA ROAD DESIGN AND SPEED

Adam Soplop the Multnomah County engineer for the Arata Road project gave the presentation. Soplop stated that the project design is underway. A meeting was held with the bicycle and pedestrian committee, and they proposed revisions to the roadway template which will make it safer for bikes and pedestrians and save money. Soplop explained that the original design included sidewalks and bike lanes on both sides of the street. The bike and pedestrian committee suggested a wider multiuse path be created on one side, and a traditional sidewalk on the other with no bike lanes in the street. Soplop stated that the potential savings may make it possible to complete the entire roadway project.

Soplop explained that he wanted to present the proposed template, and ask if further process was needed. Smith asked if signage would be added to the multiuse sidewalk to indicate that bicycles are allowed on it. Soplop stated that signs would be included. Dirks asked if the multiuse sidewalk would be paved. Soplop stated that it would be. Peterson asked about potential conflicts with driveways. Soplop explained that there might be some issues because the multiuse pathway is planned for the

north side of the street. There are more driveways on the north side of Arata, but there is also better pedestrian connectivity on the north side.

Mark Clark stated that he likes the combined approach, and asked about the potential of vehicles running into the planting areas. Soplop stated that the planting areas have a minimal slope of four to six inches to retain water, but there will be a full curb as well. Mark Clark asked about driveway slopes. Soplop explained that driveway slopes will meet current design standards.

Peterson asked what portion of the roadway is not funded. Soplop stated that it is the north section west of Wood Village Blvd. That section may be able to get built because of the estimated savings in the redesign. Peterson stated that on street parking will be eliminated with this project, and that will impact some businesses that currently utilize on street parking.

Tim Clark asked when the construction of the project would begin. Soplop stated that the target date is about a year and a half away. Harden asked how the County is able to allow bicycles on sidewalks. Soplop explained that it will actually be a multiuse pathway. This pathway will also be better for people using carts or strollers. Harden asked how these improvements will be tied in to the undeveloped portion of Wood Village Blvd. Soplop stated that a portion of the bike and pedestrian facilities will be built on the undeveloped portion of Wood Village Blvd. The remainder of that project will be built as money allows. Dirks asked how much of the Arata Road project is unfunded. Peterson stated that it is around \$500,000. Soplop stated that the project is being designed as if it were fully funded. The County is confident additional funding, or savings will be found to complete the entire project.

Peterson stated that if the Council wants to revise the roadway template, a resolution can be brought at their next meeting. The Council requested a resolution approving the revised roadway template.

ORDINANCE 7-2013: EMERGENCY MANAGEMENT CODE REVISION

Peterson stated that this is an update to the emergency management code provisions. Peterson explained that when the code was first adopted it included a section that would allow the Council to prohibit the sale, possession or display of guns and weapons. Peterson stated that section is not enforceable, and the City is preempted by state and federal law from taking action. Peterson explained that the recommendation is to remove that provision from the code.

Upon motion by Mark Clark, seconded by Tim Clark and passing 5-0, the first reading by title only of Ordinance 7-2013 revising the emergency management code was approved.

Minter gave the first reading by title only of Ordinance 7-2013 revising the emergency management code.

Upon motion by Harden, seconded by Dirks and passing 5-0, the second reading by title only of Ordinance 7-2013 revising the emergency management code was approved.

Minter gave the second reading by title only of Ordinance 7-2013 revising the emergency management code.

Upon motion by Dirks, seconded by Mark Clark and passing 5-0, Ordinance 7-2013 revising the emergency management code was adopted.

RESOLUTION 16-2013: PERSONNEL MANUAL UPDATE FOR MEDICAL LEAVE

Records Manager/HR Specialist Greg Dirks presented the resolution. Greg Dirks stated that the Council adopted significant revisions to the Personnel Policies this past March. A revised medical leave policy was part of the proposed revisions, but that policy was not adopted in March because of staff concerns regarding the new policy. Greg Dirks explained that the current medical leave policy follows the Family Medical Leave Act and the Oregon Family Leave Act. Employees are not eligible for leave under either of those provisions.

Greg Dirks explained that the proposed policy was developed with assistance from the Local Government Personnel Institute, and is very similar to FMLA and OFLA. The proposed policy allows for extended medical leave to care for yourself or a family member suffering or recovering from a serious health condition. The leave would typically not extend beyond 12 weeks. Greg Dirks stated that the proposed policy permits employees to use accrued leave while on medical leave, but it is not required. Greg Dirks explained that the revised policy permits medical leave for employees, even though employees are not eligible for protected medical leave under FMLA or OFLA.

Mark Clark stated that his employer is covered by FMLA, and they require employees to use accrued leave time. Peterson stated that can be added to this policy. Mark Clark asked how a position would be covered if an employee were out for 12 weeks. Peterson stated that there are several ways that could be handled, and it depends on the position. Peterson explained that if a utility worker were out, we probably would not temporarily fill that position. If the Finance Director were out, we might use a temp agency to fill that position while the employee was away.

Upon motion by Mark Clark, seconded by Tim Clark and passing 5-0, the Council directed staff to require that sick leave be used during the medical leave, and bring back a revised policy at their next meeting.

CHLORINE SUPPLY CONTRACT

Gunter presented the contract, and stated that it is between the City and Brenntag Pacific for chlorine supply. Gunter explained that the City uses chlorine to disinfect the water supply, and the chlorine is currently purchased in five gallon buckets that have to be delivered to the wells almost daily. The buckets also have to be lifted to fill the small containers at the wells. Gunter stated that the contract with Brenntag Pacific would install larger tanks at each well site, and have chlorine delivered directly to the tanks. Using the buckets is an old method that takes a heavy toll on the utility workers.

Smith asked how the tanks would be stored at the wells. Gunter stated that the tanks would be added inside the well house. Tim Clark asked if it would be less expensive over time if the City purchased the tanks without entering into the contract. Gunter stated that these tanks have a lifespan of about seven to ten years. Getting the tanks as part of the contract is a good deal. Gunter stated that after three years the City can purchase chlorine from another supplier if we choose to. The contract also includes the necessary pumps and controls to link the tanks directly to our system.

April 23, 2013

City Council Minutes

Page 3 of 8

Tim Clark asked how often the tanks will be filled. Gunter stated that depends on the use at the particular well, but it will be every two to six months. Smith asked how large the tanks are. Gunter stated that one tank is 160 gallons; the others are a few hundred gallons. Tim Clark stated that the cost of the chlorine is more expensive than what the City is currently paying. Gunter stated that is in part because the tanks are being supplied as well. Staff time will be saved by going with the tanks instead of the current bucket method.

Mark Clark stated that chlorine gas is far less expensive compared to liquid chlorine. Gunter stated that while chlorine gas is less expensive than liquid chlorine, there are increased safety expenses and other related costs. Gunter stated that there are also significant public notices and disclosures that have to be made. Peterson stated that the majority of water utilities no longer use chlorine gas including Portland. Gunter stated that the liquid form is safer, and overall it is more cost effective than gas.

Upon motion by Dirks, seconded by Tim Clark and passing 5-0, the City Administrator was authorized to enter into an agreement with Brenntag Pacific for chlorine supply.

BRUSH UP WOOD VILLAGE PROJECT SELECTION

Greg Dirks presented the information on Brush Up Wood Village. Greg Dirks stated that the Brush Up Wood Village program was approved by Council in September 2012 with the goal of painting one to two homes in the City. The qualifying criteria for the program was the home had to be owner occupied, the household income had to be within HUD's guidelines, and everyone in the home had to be 60 years or older, or disabled. Greg Dirks stated that the home also had to be in the Original Village, and in need of painting without areas of excessive rot or decay.

Greg Dirks explained that the program was advertised in the City's newsletter in November, January and March. The program was also advertised at City Hall, and on the City's webpage. Greg Dirks stated that the application period ran from January 1st through March. The City did not receive any applications. Greg Dirks explained that after not receiving any applications, staff contacted several homeowners who could benefit from the program, but none were interested.

Greg Dirks stated that the Council can take several different actions. The Council can revise the program criteria to encourage people to apply, and re-run the program. The Council could select a project on City owned property with the intent of showing the residents what the program is capable of accomplishing, or the Council could simply close the program for this year. Smith asked if there was any interest in the program from residents. Greg Dirks stated that a few residents came in and asked about the program, but none of them applied even after they were encouraged to do so. Greg Dirks explained that the largest barrier for one resident was the issue of pride.

Harden stated that he understands why that may be an issue because all of a sudden all your neighbors know that you are considered low income. Harden stated that it might be better to revise the criteria to state that only one of the criteria has to be met; not all three. Smith stated that she would like to open

the program up to the entire City. Dirks stated that he is concerned about not including income as part of the requirements. Dirks explained that he does not want to use this program to help a millionaire. Smith agreed and stated that income can be taken into consideration when they review the application.

Harden stated that he does not want to do a City project, and asked if the program could be re-advertised with the revised criteria. Peterson stated that staff will continue to promote the program. Harden asked if an application deadline was needed. Peterson stated that the application process could remain open until the Council selects a project.

The Council directed that the Brush Up Wood Village application be revised, and re-advertised.

DISCUSSION: REVISED SEWER SYSTEM DEVELOPMENT CHARGES

Peterson presented the discussion and stated that the current sewer SDC operates in the exact same manner as the former water SDC did before it was recently updated. Peterson explained that when the current sewer SDC was adopted in 2004, the City's infrastructure was limited and the City received two fines from DEQ for sewer overflows. Since that time the City has invested over \$3 million to get the sewer system in a place to meet future growth and demands.

Peterson stated that the master plan that was developed in 2003 has mostly been completed. Two lift stations have been constructed, there have been several upgrades to the electronic controls and monitoring, and several inflow and infiltration projects have been completed. Peterson explained that the remaining projects include the Arata to Halsey sewer lines which will be finished in a few weeks, and the Halsey line upgrade which will occur in mid-2014. Peterson stated that the debt for these projects has been paid, and the fund has a positive balance.

Peterson explained that the revised SDCs have a dramatic reduction from the current fees. Peterson stated that is in part because under the current prospective fees, the value of the projects was estimated at \$1.8 million more than they cost to build. The proposed fee is a combination of a prospective fee to complete additional projects, and a reimbursement fee to pay for a share of the recent projects. Peterson explained that the methodology to come up with the sewer SDC was done in the same manner that the water SDC was done in. The current usage and capacity is calculated along with the excess capacity and how many equivalent dwelling units can be served. The value is then determined for the excess capacity and divided up among the excess EDUs for the rate.

Peterson stated that additional treatment capacity will have to be purchased from Gresham. Even though the City's sewer treatment bills have been high, the per capita use has dropped dramatically. Peterson explained that the per capita use was 110 gallons per day, and now it is around 76 gallons per day. The wet weather flow went from 220 gallons to 145 gallons. The inflow and filtration work has made an impact. Peterson stated that part of the consumption decline is because several high users are no longer in the City.

Peterson stated that the estimated build out population of the City 4,650 people. The estimated consumption per day per person is 110 gallons. The peak flow is estimated at 655 gallons a minute, with the capacity to pump 804 gallons per minute. Peterson stated that the excess capacity of the system is 367 EDUs. Peterson explained that unlike the water EDUs, the sewer EDUs also include flow characteristics with higher rates for stronger users.

Peterson stated that in summary, most of the current master plan is built out. There is \$2.6 million is non-depreciated asset value. Peterson explained that the reimbursement fee is \$946.71 per EDU. The multi-family rate is 80% of that which equates to \$758.80. Peterson stated that there is an additional capital need of \$950,000. That is to complete the Halsey sewer line, the sewer master plan, and purchasing additional capacity from Gresham. The total proposed SDC is \$2,800 per EDU. Peterson stated that the next steps are to hold a formal hearing, adopt the ordinance for the methodology, and resolutions for the rate and capital facilities plan.

Harden asked about the requirement to set aside a certain amount of money for inflow and infiltration projects. Peterson stated that requirement is in two contracts. The requirement states that the City has to spend \$1 million on inflow and filtration work within ten years. Harden asked what kind of work can be completed with the remaining funds to be spent. Peterson stated that the Halsey line upgrade will accomplish a lot of infiltration work while increasing capacity. Peterson explained that the contract with Gresham for treatment also includes that item. The work will have to be completed in order to purchase the next increment of capacity.

Tim Clark asked if Gresham has to add additional capacity if the City purchases more capacity. Peterson stated that he believes excess capacity for the City and Fairview was already added to the plant during their last upgrade. The capacity already exists.

Mark Clark asked if a developer who built when the fees were higher could sue the City because the SDCs are now lower. Peterson stated that when the time the methodology is adopted, there is a limited time for an appellate process to occur. Once the methodology is applied, it cannot be challenged. Condit stated that the right to sue is blocked by law once the review period has expired. As long as all users are treated the same, there is no due process challenge. Peterson explained that the courts can also look at the net profit return and determine if an SDC was an undue burden. There cannot be a case if there is a reasonable rate of return. Condit stated that the Homebuilders Association pays close attention to SDC rates.

Peterson stated that several cities have offered SDC waivers as an economic incentive. A case was brought against a city that did that, but the case failed. Harden stated that the SDCs have to be updated anyway. Peterson stated that is correct. The current structure does not allow the City to collect any money. Mark Clark asked if the SDC will have to be revised after the master plan. Peterson stated that is possible, but not likely.

Upon motion by Mark Clark, seconded by Harden and passing 5-0, the Sewer System Development Charges were requested to be brought back on May 14th for a public hearing and consideration of adoption.

PUBLIC WORKS DIRECTOR'S REPORT

Gunter presented the report and stated that the 230th – 231st sidewalk project had two community meetings. There was little response to either meeting so staff posted notices in that area with still little feedback. Gunter stated that the project is moving forward, and the City has posted a request for bids on the project. Gunter explained that the Arata to Halsey water and sewer line project is nearly complete. There are just a few items left to finish. Gunter stated that the fire hydrant replacement project is complete. There were a few complications, but overall it was a good project that came in under budget.

Gunter stated that the MS4 Stormwater report has been sent in. The Shea lift station has been rebuilt which will allow for better operations. Gunter explained that well 3 had a new chlorine analyzer installed, and the older units will be replaced over time. Gunter stated that staff went to several training sessions this past month. One session was on new reporting methods, and the City will most likely have to test for additional items in seven to ten years. Gunter explained that there was also training for trenching and shoring, confined spaces, and code enforcement.

FINANCE DIRECTOR'S REPORT

Minter presented the report and stated that the fiscal year is 75% complete. The revenues are on track except for two items. The Multnomah Business Income tax and Cigarette tax are lower than this time last year. Minter stated that expenses are on track expect for sewer treatment, but with the test results coming back within range that should have things come back in line.

Minter stated that the total investments are about \$4.6 million and earning .6% interest. The first budget meeting is scheduled for Thursday, May 2nd. Harden asked if it would be possible to get a refund on some of the payments to Gresham for treatment. Peterson stated that a strategy is being developed to elevate that discussion with Gresham. There is no guarantee that any refunds or adjustments will be made.

CITY ADMINISTRATOR'S REPORT

Peterson stated that the annual performance plan is on track and the details are on the packet.

COUNCIL REPORTS

Mark Clark stated that the PDX Noise Advisory Committee met, but he does not have anything to report on at this time. Tim Clark stated that there is nothing new to report from EMCTC that the Council is not already aware of. Tim Clark stated that he feels there are politics at work in some areas of EMCTC. Tim Clark explained that the minutes from MPAC used to be emailed to the Council, but asked if a brief report at the Council meeting would work instead. The Council liked that approach.

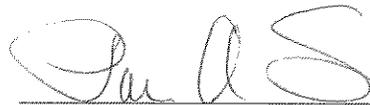
Smith stated that she did not attend the EMEA meeting, but Peterson did. Peterson stated that the EMEA presentation was by the Oregon Business Bureau, and focused on PERS and the relative cost of public employment.

Harden stated that the Reynolds Citizen Budget Committee is meeting on the same day and time as the City's budget meetings. Harden stated that he wants to serve the City, but it is also good to have firsthand knowledge of what is going on at the school district. Harden explained that since the City's budget is fairly straight forward, he would like to attend the Reynolds meetings. The Council agreed.

Smith stated that there have been recent conversations with the area Mayors about recruiting a new economic development professional and asked if that can be added to a future agenda. Peterson stated that there is still current action taking place, and recommended it not be added until the second meeting in May.

ADJOURN

With no further business coming before the Council, and upon motion by Tim Clark, seconded by Dirks and passing 5-0, the Council adjourned at 8:12pm.

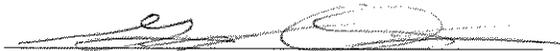


Patricia Smith
Mayor

5-13-2013

Date

ATTEST:



Greg Dirks
City Recorder