

*Mayor*  
Patricia Smith

*Council President*  
Mark Clark

*Councilors*  
Stanley Dirks

Timothy Clark

Scott Harden

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

**April 8, 2014  
MINUTES**

**PRESENT:** Council President Mark Clark, Councilors Stanley Dirks, Tim Clark and Scott Harden, City Administrator Bill Peterson, City Attorney Jeff Condit\*, Public Works Director Mark Gunter, and interested parties.

**ABSENT:** Mayor Patricia Smith, and Finance Director Peggy Minter.

**COUNCIL PRESIDENT MARK CLARK CALLED THE MEETING TO ORDER AT 6:00 PM.**

**CITIZEN COMMENTS**

There were none.

**ORDINANCE 3-2014: MORATORIUM ON MARIJUANA DISPENSARIES PURSUANT TO SB 1531**

Peterson presented the ordinance, and stated that there is a good amount of legal issues with this item. Peterson explained that the state legislature passed laws that permit the use of medical marijuana as well as recent laws that permit dispensaries. Peterson stated that in October of 2013, a local business attempted to apply for a business license to open a medical marijuana dispensary. Peterson explained that the City denied the application, because the business was not in compliance with federal laws. That information was presented to the City Council, and the decision was made to not revise the City's regulations in favor of waiting to see what the Oregon Health Authority approved for regulations.

Peterson explained that the Oregon Health Authority drafted rules which allow dispensaries to locate within commercial, industrial or mixed use zones. Cities cannot zone out dispensaries in those locations. Dispensaries cannot be located at the same site as a medical grow, or be within 1,000 feet of a school. Peterson stated that cities cannot tax or prohibit dispensaries. Peterson explained that the main driver behind the dispensaries is the 59,000 medical marijuana card holders in the state. Peterson explained that Senate Bill 1531 specifically prohibits cities from enacting additional regulations to dispensaries other than location as mentioned earlier, hours of operation, and the reasonable conditions of dispensing. Peterson stated that last item is vague, and had not been defined. Condit stated that last section was added at the end of the deal, and was not specifically addressed by the legislature.

Peterson stated that there are still a lot of unsettled legal issues including federal preemption, state preemption of local authority, and about 20 legislatures are discussing additional legislation at their next session. Peterson explained that there is also the possibility of an initiative measure at the November election. Peterson stated that a lot of issues are still undecided.

Condit stated that marijuana is still illegal under federal law, but the current administration has indicated that they will allow states to regulate marijuana. That could change with new administration. Condit explained that the potential passage of recreational marijuana laws would change the rules altogether. Condit explained that this ordinance allows the City to put this issue on hold for one year. That allows time to see what comes out of the November election, and the next legislative session. Condit explained that there would be months of legislation to accomplish in revising the City's codes even if the Council wanted to permit dispensaries right now. The rules may change after November anyway.

Condit stated that there are a lot of uncertainties with this issue, including the moratorium. The bill allows for cities to implement a moratorium, but there are still potential land use and constitutional issues as well. Condit explained that a lot of cities are adopting the moratorium even though there is some potential liability, and adopting the ordinance seems like the most prudent thing to do while the unknowns are being sorted out.

Peterson stated that the moratorium allows cities to prohibit medical marijuana dispensaries until May 1, 2015. The ordinance has to be filed with the state, and the City has to start taking some actions to permit the use. Peterson explained that the City's business license code provisions and zoning codes will have to be revised. Peterson stated that he feels lawsuits will be filed on this issue somewhere in the state, but time will sort out the rules and regulations. Peterson explained that the state has adopted rules that can be followed if the Council does not want to adopt the moratorium.

Peterson stated that there is no urgency to adopt the ordinance, but the Council cannot act to adopt the ordinance past May 1<sup>st</sup> of this year. Peterson explained that the staff recommendation is to adopt the moratorium.

Mark Clark stated that he was a bit unsettled by the item at first, but then understood the need for additional time as he read through the ordinance. Dirks stated that he is open to the idea, but feels that more time is needed. Tim Clark agreed. Harden asked if the moratorium had to be for one year, or if it could be for a shorter amount of time. Peterson stated that the moratorium is written as a maximum of one year or until rescinded, so it could be removed sooner. Harden asked if a shorter timeframe could be used instead. Peterson stated that it can be for a set time period as long as it is less than a year. Harden stated that he feels there is some risk with adopting the moratorium, and asked if adopting it would put a target on the City or open the City to some class action suit. Condit

stated that it would be very hard to get identified in a class action suit. It is possible that some City in Oregon could get sued, and the outcome of that case will affect the other cities. Condit explained that the more likely scenario will be that the laws regarding marijuana will be changed at the November election.

Harden stated that if the City did not adopt the moratorium, then we would be ahead of the competition if and when marijuana is legalized. Harden explained that could also help advertise the City as being business friendly. Harden stated that he is not the concerned about not having a moratorium because there are only so many that could locate in the City, and there has not been a huge need at this point. Harden explained that he is okay with having a dispensary locate in the City.

Dirks stated that he can agree with a lot of what Harden has stated and legitimizing the industry could help remove the criminal element. Dirks stated that it does need to be done right which will take some time, but the City is known for having everything you need in one square mile. Harden asked if the codes could be revised in 90 days. Peterson stated that it depends on how detailed the regulations get. The business license code and zoning codes will have to have the federal requirements removed which is not a big change. Peterson explained that the zoning changes will have to go through the notice period which is at least a 90 day process.

Dirks asked if the moratorium could be left in place while those actions were being done. Harden stated that he would like to have a date certain on the moratorium to show potential businesses that the City is activity working on revising the regulations. Tim Clark stated that he is concerned that the City will spend a lot of time and resources revising the code when it could all change in November. Harden stated that he would prefer to have the revisions in place before November, and not have to react after the fact. Tim Clark stated that a lot of resources could be spent and there are not any potential businesses at this point, and the rules may change in November anyway. Tim Clark explained that having the moratorium allows for the election to take place, and the Council can always lift the moratorium early.

Peterson stated that staff can remove the federal requirements from the code early on, and then wait until after the November election to work on the zoning and planning issues.

Upon motion by Harden, seconded by Tim Clark and passing 4-0, the first reading by title only of Ordinance 3-2014 declaring a moratorium on the establishment of medical marijuana dispensaries was approved.

Peterson gave the first reading by title only of Ordinance 3-2014 declaring a moratorium on the establishment of medical marijuana dispensaries.

Upon motion by Tim Clark, seconded by Harden and passing 4-0, the second reading by title only of Ordinance 3-2014 declaring a moratorium on the establishment of medical marijuana dispensaries was approved.

Peterson gave the second reading by title only of Ordinance 3-2014 declaring a moratorium on the establishment of medical marijuana dispensaries.

Upon motion by Dirks, seconded by Tim Clark and passing 3-1, with Mark Clark, Dirks and Tim Clark Yea and Harden Nay, Ordinance 3-2014 declaring a moratorium on the establishment of medical marijuana dispensaries was adopted.

\* Condit left at 6:35pm.

**PRESENTATION: METRO UPDATE – METRO COUNCILOR SHIRLEY CRADDICK**

Metro Councilor Shirley Craddick gave the presentation and stated that she wanted to provide the Council with updates on the transportation plans, the Climate Smart Community work, and the Natural Areas Initiative. Craddick stated that transportation planning plays a large role in community vision and growth, and Metro is the federally designated planning organization for the region. Craddick explained that the 2040 growth plan was adopted a few years ago, and serves as the blueprint for growth over the next several decades.

Craddick stated that there are several planning efforts currently in the works. The regional transportation plan is underway and nearing completion. The RTP includes several regional transportation plans including the East Metro Connections plan. Craddick explained that the active transportation plans will also be rolled into the RTP. Craddick stated that the federal government requires metro areas to have regional transportation plans. This RTP brings in the area cities as well as ODOT, Trimet, the Port of Portland, and the counties. Craddick explained that the RTP is a big plan and process, and it gets updated about every four years.

Craddick stated that transportation projects do not get funded unless they are identified on the RTP. The projects that came out of the East Metro Connections plan will be the funded projects for this area. Craddick explained that the current plan expires in September, and funds cannot be used on any transportation projects if the plan is not updated. Craddick stated that project solicitation is done through the East Multnomah County Transportation Committee, and public comment on the RTP is going on right now. Craddick explained that the Joint Policy Advisory Committee on Transportation will make their recommendation in July, and then it will head to Metro for a vote. Craddick stated that Metro can accept the plan or send the plan back for modifications, but it cannot veto the plan.

Craddick stated that there are about 1,200 projects identified in the RTP, and about 30% are active transportation projects. Road and bridge work still takes up the largest share of projects. Craddick explained that even though active transportation projects make up 30% of the project list, they only account for about 9% of the total costs. Roads and bridges make up about 30% of the cost followed by highways and transit projects. Craddick stated that the RTP will have active transportation elements, and those projects will help bring in regional bike and pedestrian paths and trails to the overall system. The plan is to increase the existing trails from 350 miles to over 1,000 miles.

Craddick stated that the Powell Division Transit Corridor Study is another one of their top projects. Craddick explained that Powell and Division are highly used transit corridors, and this study will look at ways to enhance the service. Powell has about 8,700 transit riders per day, and Division has over 9,000 riders per day. Craddick stated that a steering committee made up of 22 people has been formed, and it includes people from different jurisdictions and groups. The goal is to come up with the appropriate mode and locations for high capacity transit. Craddick explained that study covers the area from PSU all the way to MHCC. High capacity transit options include light rail, rapid transit bus, and street cars. Craddick stated that the high capacity transit is the most likely option, and the study will be completed in about 16 months.

Craddick stated that the other large Metro project is the Climate Smart Communities Initiative. Craddick explained that this project is driven by the state mandate to reduce greenhouse gas emission by 20% by the year 2035. That goal is attainable, and they are starting to present on the five different scenarios to achieve the goal. Craddick stated that one of the most important aspects of the plan is that cities will have to build what is identified in the plan in order to achieve the goal. Craddick explained that the public comment period ends May 5<sup>th</sup>, and comments can be submitted online.

Craddick stated that work has also been occurring to improve the region's natural areas. Blue Lake Park is receiving some upgrades, and a new trail section will open on April 22<sup>nd</sup>. Craddick asked if there were any questions.

Mark Clark stated that having electric high capacity transit buses would fit in well with the climate smart community's initiative. Tim Clark stated that there was a lot of push back in Eugene when they implemented high capacity transit. Craddick stated that high capacity transit is more flexible than fixed rail systems. The high capacity transit buses could have designated lanes, but it is not required. There would also be designated stations, and not just traditional stops.

Peterson asked about the relationship between JPACT and Metro, and if there was another entity involved in the funding process. Craddick stated that Oregon authorizes Area Commissions on Transportation, and JPACT is responsible for the metro region. Craddick explained that there is some tension between the smaller outlying communities and JPACT because of the lack of

representation. There is currently a discussion going on to try to resolve that issue. Craddick stated that the Metro Council would like to continue to have JPACT represent the metro area, but a rural ACT could be formed to help better represent the outlying communities.

Craddick stated that she noticed that the City applied for a Nature in Neighborhoods Grant to improve and expand the park trail system. Craddick stated that she was able to tour the project site, and was very encouraged about the possibilities for a larger interconnected trail project. Craddick thanked the Council for their initiative for that project, and stated that Metro will be contacting the area cities to help partner with the connections.

Tim Clark asked about the percentage of funding for the active transportation projects, and if that was high compared to other areas. Peterson stated that in the Grants Pass area, active transportation projects accounted for about 1% of spending, but in Bend they account for the majority of their projects. Craddick stated that people are driving less in the Portland area, and the idea is to help people who take short trips to find alternatives modes to get where they are going. Craddick explained that the majority of active transportation projects are for sidewalks, and safer pedestrian crossings.

The Council thanked Craddick for the presentation.

**CONSENT CALENDAR:**

- a. Review of bills paid in March, 2014
- b. Contracts \$2,500 - \$50,000
  - There were none
- c. Council Minutes:
  - March 11, 2014
  - March 25, 2014

Mark Clark asked what the payment to Brenntag was for. Gunter stated that is the company that supplies the chlorine for the City's water system.

Upon motion by Harden, seconded by Tim Clark and passing 4-0, the Consent Calendar was approved.

**RESOLUTION 12-2014: PGE FRANCHISE EXTENSION**

Peterson presented the resolution and stated that another franchise extension is needed. Peterson explained that the issues have been resolved, but the legal team on either side has yet to sign off on the agreement. Peterson stated that no new costs are being occurred at this point, there is still not a

signed agreement. Peterson stated that he contacted PGE, and they are okay with another extension that is valid until the new one is signed.

Upon motion by Dirks, seconded by Harden and passing 4-0, Resolution 12-2014 Extending the PGE Franchise agreement was approved.

**RESOLUTION 13-2014: ADOPTION OF THE 2014-15 ANNUAL PERFORMANCE PLAN**

Peterson presented the resolution and stated that there are two actions occurring with the resolution. Peterson stated that the first action is adopting the annual performance plan, and the second action modifies the performance evaluation for the City Administrator. Peterson explained that the Council drafted an aggressive APP which he likes, and stated that some items may have to roll into the next year. Peterson stated that the modification to the City Administrator's evaluation will take into account the aggressive APP, and that issues will come up that could delay or push back projects. Peterson explained that the APP concept is a cutting edge tool that has been in place in the City for five years. The City is ahead of a lot of other organizations in this respect.

Peterson stated that the Council has adopted a set of goals, and each project ties to one of those goals. Peterson explained that the majority of what staff does every day to keep the City running is not in the plan. Peterson stated that the staff is highly supportive and takes a lot of initiative to help make the City successful.

Peterson stated that the Tree City Designation, Police Service Alternatives, and Transit Alternatives have been removed from the APP. Peterson explained that the Supporting School Projects item has been modified to a budgetary action with Council support. Harden stated that he will take the lead on that project.

Peterson stated that the water and sewer rate analysis and SDC updates will take a lot of time, as will the Park Master Plan update. Peterson explained that staff will also hold off on listing the City Hall property for sale until the Sheriff's Office relocation has been decided. Peterson stated that overall the APP is close to being in balance, but it would not take much to push it over. Peterson stated that he does like the aggressive plan, and the staff recommendation is to adopt the resolution.

Tim Clark asked if the revised City Administrator review process would be too soft for the next potential administrator. Peterson stated that he drafted the language with that in mind. The Council still has the final authority and approval for items to cross over into the next year. The Council could deny an extension, and still hold the City Administrator accountable.

Upon motion by Harden, seconded by Tim Clark and passing 4-0, Resolution 13-2014 approving the 2014-15 Annual Performance Plan, and modifying the City Administrator evaluation guidelines concerning the accomplishment of the Annual Performance Plan was approved.

### **DISCUSSION: 15<sup>th</sup> ANNUAL CITY NITE OUT EVENT**

HR/Records Manager Greg Dirks presented the discussion, and stated that the event is scheduled for Friday, July 18<sup>th</sup>. Greg Dirks stated that he has met with representatives from the MCSO and Baptist Church to discuss the event. Greg Dirks explained that he is proposing to start the event with the parade at 5pm, and the event will kick off at 5:30pm. Greg Dirks stated that he has contacted Clark Bondy to perform at the event, and there will be lots of children's activities as well. Greg Dirks explained that he has contacted the Oscar Meyer hot dog mobile, but he is still planning on providing the food items because it is unlikely that the mobile will show up to the event.

Greg Dirks stated that the parade route is the same as last year. The staging will take place at City Hall, and will go down Halsey to the Town Center, then on Wood Village Blvd to Arata before arriving at the church. The Council asked if the parade route will be marked in advance. Greg Dirks stated that barricades marking the route will be placed along the route. Tim Clark stated that last year they ran out of candy before they got to Arata. Greg Dirks stated that he will provide additional candy.

Greg Dirks explained that the Council has moved away from door prize drawings, and has moved to supplying free safety related items. Last year the City gave away bicycle helmets, and the year before that the City handed out disaster preparedness items. Greg Dirks explained that the MCSO really liked the bike helmets and thought that more bicycle safety items would be good. Greg Dirks asked if the Council would like to continue to offer giveaway items this year. The Council requested that an assortment of bicycle safety items be available. The items could include helmets for small children, bike lights, and reflective vests.

Greg Dirks presented the draft schedule, and stated that there are fewer demonstrations, but each demonstration will last longer. Greg Dirks explained that is in part to reduce overtime costs for the MCSO. The revised schedule should also work better to avoid conflicts when some items run long. Greg Dirks stated that this year will also be the last year for K-9 Varo, and a big feature is being planned for that. Greg Dirks explained that a lot of organizations have already signed up to have a booth, and the event should go very well. \$6,000 is in the proposed budget for the event, and staff will solicit for sponsors to help cover some of the costs.

Upon motion by Dirks, seconded by Harden and passing 4-0, the City Nite Out event was approved as presented.

### **DISCUSSION: CITY CLEANUP DAY EVENT**

Greg Dirks presented the discussion, and stated that the event is scheduled for Saturday, May 17<sup>th</sup>. The event will be held at the Baptist Church from 9am – 2pm. Greg Dirks explained that the event will be a drop off event like last year, but pickup assistance will be available for elderly or disabled

residents. Greg Dirks stated that the event will be free, but there will be a suggested two can food donation for Snowcap.

Greg Dirks presented a list of items that will be accepted at the event. Greg Dirks explained that household garbage, construction materials, and hazardous items will not be accepted. A Metro hazardous waste collection event is occurring on the same day in Gresham which will allow residents to dispose of their hazardous waste products. Greg Dirks stated that the event will also have a load limit of one truck or eight foot trailer per visit, but there is no limit on how many visits a person can make. The load limit helps expedite the unloading process and avoids longer lines.

Greg Dirks presented the proposed site layout, and stated that there will be six drop boxes for the items. Greg Dirks stated that Metro has provided the City with 15 disposal vouchers, and Waste Management will provide the drop boxes and drivers. The local Fraternal Order of the Eagles will help with the reuse area, and Frontier indicated that they will volunteer as well. Greg Dirks explained that there will be a volunteer BBQ at the end of the event.

Greg Dirks stated that there is \$1,000 in the budget for this event, and the main costs are for safety supplies, food and beverages and t-shirts for volunteers. Greg Dirks asked if the Council wanted to provide volunteers with t-shirts or caps this year. The Council requested some of both so volunteers could have an option. Tim Clark asked what would happen if there were not enough disposal vouchers. Greg Dirks stated that last year the City only used eight vouchers. Peterson stated the disposal cost would be a few hundred dollars per container if the vouchers were all used.

Upon motion by Dirks, seconded by Tim Clark and passing 4-0, the City's Cleanup Day event was approved as presented.

## **FINANCE DIRECTOR'S REPORT**

Peterson presented the report, and stated that Minter suffered a medical emergency last week. Peterson explained that Minter is under a doctor's care, and will be back after her upcoming vacation. Peterson stated that there were some bumps in the financial software conversion, but it has been the best process he has seen in his entire career. Peterson explained that there are some issues with the Accounts Receivable module because it is an older version, but overall the process is going well. Peterson stated that he would like to gather with the Personnel Committee to discuss putting together reengineering awards for some staff members who worked on the project.

Tim Clark asked what the problems are with the Accounts Receivable Module. Peterson stated that it is version 9, and the rest of the software is version 10. There are some issues linking the databases, but the City will receive version 10 one is it released. Peterson stated that overall the Accounts Receivable Module is not as heavily used as the others. Peterson stated that the budget is on track, and even though some revenues are down, the overall budget is in good shape.

Harden asked about the property tax revenue, and asked if the revenue was up because of increased collections. Peterson stated that the centrally assessed facilities had a very large increase in value over the last year, and there is where a lot of the increased revenue is coming from. Harden asked if that was unique to Wood Village, or is it a regional trend. Peterson stated that he has tried to get answers to that question, but has not received any from the county. Tim Clark asked if the City is still trying to make up the lost value from the decline of the dog track facility. Peterson stated that value has been made up and then some.

**DISCUSSION: TIMES ON AGENDA**

Tim Clark stated that he requested times on the agenda to help with the flow of the meetings, but not to stop the discussions. Tim Clark stated that he was concerned about items at the end of the agenda being rushed, and wanted a way to help facilitate the meetings. Mark Clark stated that he took the times as a guideline for presentations and guests and not necessarily for their own discussions.

Peterson stated that for the most part items can be brought back if the Council is running out of time. Tim Clark stated that he does not want Councilors to leave a meeting before it is over, and would like to have some guidelines or time table. Harden stated that he cannot remember many meetings going past 8:30pm. Mark Clark stated that his big learning from all of this is how fast time can go. Tim Clark stated that good discussions should not be cut short, and there are ways to move or push items.

**ADJOURN**

With no further business coming before the Council, and upon motion by Dirks, seconded by Tim Clark and passing 4-0, the Council adjourned at 8:31pm.

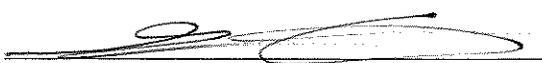


Patricia Smith  
Mayor

5-13-14

Date

ATTEST:



Greg Dirks