



Mayor
Patricia Smith

Council President
Mark Clark

Councilors
Stanley Dirks

Timothy Clark

Scott Harden

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

March 12, 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.

PUBLIC SAFETY REPORT

Chief Deputy Jason Gates of the Multnomah County Sheriff's Office presented the report. Gates stated that for the month of February the MCSO provided 166 hours of service which resulted in 332 calls for service and 21 written reports. Gates stated that there were 19 transients arrested in the City this past month which is a high number. Gates explained that during a regular check at the Travel Lodge, deputies came across a person who they suspected provided them with a false identity. The deputies partnered with the Portland Police to bring out a portable fingerprint analysis machine which identified the suspect as a wanted suspect out of Idaho. Gates stated that it was a good example of following up on suspicious people.

Dirks asked if overall the City is staying relatively quiet. Gates stated that there is. Smith stated that she has noticed an increase in graffiti in the park. Gates stated that will occur as the days get warmer. The best approach is to remove it as soon as possible.

The Council thanked Gates for the report.

CONSENT CALENDAR

- a. Review of bills paid in February, 2013

- b. Contracts \$2,500 - \$50,000

- Multnomah County – Street sweeping/patching and Catch Basin Cleaning: \$7,645.42
- City of Gresham – Shared Emergency Manager Position: \$7,000
- Ferguson Waterworks – Water System Supplies: \$2,560.27

c. Council Minutes:

- February 12, 2013
- February 26, 2013

d. Commission Appointments

- Catherine Johnston: Parks Commission - Term to Expire 12-31-15
- Byron Barnett: Budget Committee – Term to Expire 12-31-16

Smith asked Johnston to come forward and inform the Council about why she would like to serve on the Parks Commission. Johnston stated that she has visited the park several times, and enjoys it. Tim Clark asked if Johnston has any specific ideas for the park. Johnston stated that she just wants to ensure that the park stays clean, and graffiti is removed. The Council thanked Johnston for her willingness to volunteer.

Smith asked Barnett to come forward and inform the Council about why he wanted to serve on the Budget Committee. Barnett stated that he has some experience with governmental budgeting and has found it interesting. Tim Clark stated that he feels all citizens should have to rotate through the Budget Committee in order to understand all the issues and complexities. Harden asked if there was any specific issue that Barnett was interested in. Barnett stated that he was curious about the sidewalk along Halsey and why some portions were never finished. Smith stated that was a County project using County funds. Peterson explained that the full project is scheduled to be completed this spring. The Council thanked Barnett for his willingness to volunteer.

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

PRESENTATION: MT. HOOD CABLE REGULATORY COMMISSION

Clark Santee the City’s representative on the MHCRC introduced Julie Omelchuck who is the Program Manager for the MHCRC, Mary Beth Henry who is the Director, and Rebecca Gibbons who is the program coordinator for the MHCRC. Santee stated that the presentation tonight will focus on the highlights and investments by the MHCRC over the past ten years.

Omelchuck stated that she would like to thank Santee for serving the community, as well as Tim Clark who served on the MHCRC from 2007-2009. Omelchuck explained that franchise fees are

collected from the service providers, and those resources are used throughout the community to support various public missions and services. The service providers include Comcast, Frontier and Reliance Connects. Omelchuck stated that since the MHCRC serves the entire county, the investments that are made are not typically jurisdiction specific.

Omelchuck explained that the franchise fees collected over the past ten years has amounted to about \$54 million. The majority of that money was spent funding Metro East Community Media, while the remaining funds were spent on the MHCRC as well as the participating jurisdictions. Omelchuck stated that in addition to the franchise fees, the cable providers also pay another fee to fund capital projects. The capital projects fund has earned about \$36 million over the past ten years. Those funds have been used for Community Media, The Community Access Capital Grant Program, and the Institutional Network otherwise referred to as the I-Net.

Omelchuck explained that the Community Media center serves East County and provides local programming options as well as media training opportunities. Over the past ten years the MHCRC has invested \$5.9 million for operations, and \$4.9 million for capital funds. Omelchuck stated that this year alone, the MetroEast Community Media center produced 3,800 new local television programs which were as diverse as the people who created them.

Omelchuck explained that the Community Access Capital Grant Program provides funding directly to nonprofits, educational institutions, and local governments so they can use the cable system to address the public's needs. The program has assisted over 50 local organizations fund over 115 projects. Omelchuck stated that \$12 million in grants has been invested along with another \$26 million in matching funds. The majority of funds have gone to educational institutions and nonprofits.

Omelchuck explained that some of the grant projects were used to support domestic violence victims by acquiring video equipment that allowed victims to apply for restraining orders at a local center instead of the courthouse. Grant support was also used to improve distance learning, online access to job applications, and training opportunities.

Omelchuck stated that the I-Net has allowed the MHCRC to provide a high quality network service while containing costs. Omelchuck explained that the I-Net is a separate fiber network contained within Comcast's system. The primary users of the I-Net are school districts, and the system also connects to Portland's IRNE network. Comcast owns and maintains the system, and users pay a user fee. Omelchuck stated that the MHCRC helped fund the system's infrastructure through the I-Net Capital Fund which has put in over \$12 million over the past ten years.

Omelchuck stated that the I-Net is a critical resource because of the bandwidth needs of our public institutions continues to expand. Omelchuck explained that the bandwidth needs for the

Metropolitan Educational Service Districts doubles every 18 months. The Multnomah County Library system serves over 95,000 computer users a year. Omelchuck stated that the I-Net allows a cost effective way for public institutions to meet their technology needs.

Omelchuck stated that those are the highlights from the past ten years and asked if there were any questions. Mark Clark asked what the MHCRC has planned for the next ten years. Omelchuck explained that the Comcast franchise was recently renewed, and we were able to retain the public benefits in that renewal. Omelchuck stated that the MHCRC is currently working on redesigning the capital grant program in order to support the educational goals of each individual school. There are also \$4.5 million in upgrades that are occurring this year.

Peterson asked if the I-Net was limited to Gresham and Portland for governmental users. Omelchuck stated that the I-Net is not limited to those users, but Wood Village is not a high bandwidth user so it is more cost effective for the City to use a commercial provider. Omelchuck stated that the service is available, and would be happy to have that conversation.

The Council thanked Omelchuck and the members and staff of the MHCRC for the presentation and service to the community.

PUBLIC HEARING: ORDINANCE 6-2013: C/I ZONE TEXT AMENDMENT

Peterson presented the ordinance and asked the Mayor to read the Hearings Disclosure Statement. Smith read the Hearings Disclosure Statement and asked if there were any conflicts of interest or ex parte contacts. There were none.

Peterson stated that this text amendment pertains to the C/I zone. Peterson explained that this zone was amended a short time ago to allow a limited amount of industrial service businesses. Truck stops were excluded from the definition of industrial service. Peterson explained that an applicant is proposing to construct a travel center and fueling station in the C/I zone, and the Council authorized that the text amendment proposal go to hearing.

Peterson explained that while there is a specific proposal for a specific site, this process is about an amendment to the entire zone. Peterson stated that the C/I zone is north of I-84, and the purpose of the zone is to have a diversity of freeway oriented activities. Peterson explained that there are a lot of potential industrial uses, with some land available for institutional uses, but not residential.

Peterson stated that the C/I zone was revised in 2009 to reduce the types of businesses that could locate there. The intent of the revision was to have land uses that are high in value and job creation. Peterson explained that in 2009 it was reasonable to think that the restrictions placed

on the zone reflected the inventory of available land, and would get high value investments and job creation.

Peterson stated that since 2009, the Port of Portland completed the industrial lands survey and found that there is currently a 15 year supply of industrial lands. The sites along Sandy Blvd. are not necessarily development ready because of the lack of large lots over 25 acres and infrastructure limitations. Peterson explained that while Title 4 still applies to the area and the City still desires high value investments, the revisions to allow industrial servicing did bring in a new investment.

Peterson stated that there are certain findings of facts that need to be established, and the Planning Commission has an interpretation of those facts as well as their recommendation. Peterson explained that the first issue is of citizen involvement. Peterson explained that staff went beyond the code requirements and notified all the owners within the zone. Peterson stated that the land use planning goal for the zone was also met. Peterson explained that goal 9 for economic development was the most difficult to determine. Peterson stated that the decision is about the core idea to hold out for higher and better uses for some time in the future versus an instant development. Peterson explained that the Planning Commission looked at the goals and the diversification of the zone and determined that the immediate employment opportunities would best serve the needs of the community.

Peterson stated that goal 12 is for transportation, and the purpose of the goal is to determine if there would be significant impacts and conflicts with the transportation plan. Peterson explained that when the transportation plan was adopted in 2001, a similar truck stop was in operation and included in the plan. There is no conflict with the existing plan. Peterson stated that Multnomah County agreed with that interpretation with the caveat that if a conditional use permit were to be issued, more details may be needed as well as traffic mitigation features. Peterson explained that the City's conditional use process already includes that step.

Peterson stated that the Planning Commission also made a finding that permitting up to 20% of the C/I zone for industrial service may be too high, and recommended that it be reduced to 15%. Peterson explained that in order to amend the code, the facts have to support that the amended version better serves the community than what is already in the comprehensive plan. Peterson stated that the Planning Commission found that the amended code does better serve the community.

Peterson explained that if the code were revised to limit industrial service to 15% of the zone, there would be at most one acre left for development if the truck stop were to be built. Peterson stated that the staff recommendation is to adopt the findings as recommended by the Planning

Commission which would eliminate the current prohibition for auto and trucks stops, and reduce the industrial service category to 15% of the zone.

Ty Wymann a land use attorney for Pilot Travel Centers stated that Pilot was before the Council in December asking to authorize the text amendment process on their behalf. Wymann stated that he would like to thank Peterson and the City's staff for their help during this process. Wymann explained that he is here to answer any questions that may come up.

Ross Shaver the project manager for Pilot thanked the Council for the opportunity to present their project. Shaver stated that Pilot has been in business since 1958, and is now the largest diesel provider in the County. Shaver presented a preliminary site plan, and explained that it would be located east of the Gresham Transfer facility. The facility would include a restaurant which is currently planned as a McDonald's. Truck and auto traffic would have separate entrances, and separate fueling stations. Shaver presented a preliminary floor plan which included the restaurant, retail store, and laundry and shower facilities for travelers. Shaver explained that they have added large timbers to their entrances to help fit in with the City's designs.

Shaver presented a tax analysis that Pilot prepared regarding the project. Shaver explained that overall the project will pay about \$5 million a year in taxes with about \$40,000 of that going to the City. The facility would employ about 79 people with a total annual payroll of over \$1 million.

Jerry Johnston a real estate economist presented a breakdown of the employee wages. Johnston explained that of the 79 projected employees, 77 of them would be hired from the local area. Pilot also pays higher than the average for this type of industry. Shaver explained that health benefits are also offered to both full and part time employees.

Johnston presented a history of the proposed site. Johnston stated that there is a piece of vacant land to the north of the site. The plan is to move the current storage area from the east portion of the property to the vacant northern section. Johnston stated that the north side would be difficult to market because of the land conditions and elevations. Johnston explained that this project would utilize vacant land, and Metro did not comment on the Title 4 inventory which indicates that it is not a high priority land.

Shaver stated that when the owners of the parcel bought the land in 2000, they divided it up into three parcels. There has not been any real interest in the land until now. Shaver stated that the higher uses that were envisioned may not be a reality because of traffic and topography issues, but it is a great fit for their project.

Peterson asked if Johnston could reiterate the presentation he gave to the Planning Commission about the concerns regarding high tech industries at that location. Johnston stated that the land topography and proximity to the railroad is not ideal for a high tech industry. Those industries have specific items that they look for, and this parcel would be difficult for them to develop on. Johnston explained that with the proximity of shipping and warehousing firms, this location is a natural link for a travel center.

Shaver stated that he has a concern regarding the reduction in industrial service from 20% to 15% because Pilot has not decided on their final plan. Shaver explained that if their final design uses 11 acres, they may have to request another text amendment. Peterson stated that if there was a 15% limit, that would leave 10.04 acres remaining for development as industrial service. Shaver asked if the Council could consider increasing the limit to 16% to allow more flexibility in the design.

Tim Clark asked why the limit is needed. Peterson stated that the Planning Commission still likes the idea of having higher end manufactures in the zone. The limit for industrial service is intended to discourage some uses, while not turning them down. Tim Clark asked if having the restriction could hurt the City. Peterson stated that having the restriction could hurt the City if there was a developer looking at several sites. Peterson explained that there are high paying industrial service jobs, and if a developer were looking at four locations and this was the only one with a restriction, the City would probably not be chosen even with our expedited process.

Harden stated that while he does not speak for the Planning Commission, he was not in favor of reducing the limit from 20% to 15%. Harden stated that he is okay with industrial service being a conditional use, or an outright permitted use. Harden explained that once he took a look at the area, it is unlikely that a large lot developer would come in, and the possibility of high tech is also very low. Harden stated that he understood that the reduction was also designed to prevent another truck stop from locating in that area. Shaver stated that it would be very unlikely that another truck stop would locate in that area. There are already two large stops a mile down the road, and it is unlikely that the market would support more than three truck stops.

Tim Clark stated that if the reduction was not put into place, it could open the door for future investments. Harden asked how much money Pilot has spent on this process so far. Shaver stated that it is probably around \$60,000, but as a large developer that is not uncommon. Shaver explained that a smaller developer would most likely not put that kind of money into an unknown situation and go elsewhere.

Smith opened the Public Hearing

Byron Barnett from 23901 NE Halsey #26 stated that this firm is offering benefits to all their employees which sounds like a good thing, and asked what the chances are that another developer would come in. Peterson stated that he has worked on about 15 leads for the site, and there was little to no interest in the site because of the land constraints.

Smith closed the Public Hearing

Mark Clark stated that it looks like this could be a good partnership, and has no reservations about the text amendment. Mark Clark stated that he is also okay with reducing industrial service to 15%. Peterson stated that while the Planning Commission recommended the reduction to 15%, the applicant has asked for 16% to accommodate their project.

Dirks stated that valid points about future development in that location were made. Dirks explained that it may be worth having a conversation at a future meeting regarding how to attract higher end industrial service users since it looks like high tech will not occur in that area.

Tim Clark stated that he is in favor of keeping the current 20% limit because there are constraints on several properties. Smith asked how the 20% limit was developed. Peterson stated that it came from the differential of land uses over the transportation impacts from the current uses.

Smith asked if a traffic study would have to be completed. Peterson stated that if the text amendment is approved, the applicant could then apply for a conditional use. As part of the conditional use hearing, a transportation study has to be completed along with potential facility improvements. Peterson stated that would have to occur anywhere in the Metro region.

Harden stated that while he does not like going against Planning Commission's recommendations, he is not in favor of limiting industrial service to 15%. Harden stated that even with the use at 20%, it would only leave about five acres left after the truck stop was built. Mark Clark stated that even though he does not like going against the Planning Commission, he is fine with keeping the limit at 20%. Tim Clark asked what Peterson's thoughts are on the limit. Peterson stated that he carried forward the Planning Commission's recommendation. Peterson explained that when limits are placed on a zone, it may result in extra work by a developer which could result in them relocating to a different site. Peterson stated that while Pilot has spent \$60,000 in this process, they have also gone far and above what is required in a text amendment. The average cost is probably around \$10,000-\$12,000.

Upon motion by Tim Clark, seconded by Harden and passing 5-0, the ordinance was amended to keep the industrial use limit to 20% of the zone.

Upon motion by Dirks, seconded by Tim Clark and passing 5-0, the first reading by title only of Ordinance 6-2013 amending the Wood Village zoning and development code to amend conditional uses for industrial service in the commercial/industrial zone was approved.

Minter gave the first reading by title only of Ordinance 6-2013 amending the Wood Village zoning and development code to amend conditional uses for industrial service in the commercial/industrial zone.

Upon motion by Mark Clark, seconded by Harden and passing 5-0, the second reading by title only of Ordinance 6-2013 amending the Wood Village zoning and development code to amend conditional uses for industrial service in the commercial/industrial zone was approved.

Minter gave the second reading by title only of Ordinance 6-2013 amending the Wood Village zoning and development code to amend conditional uses for industrial service in the commercial/industrial zone.

Upon motion by Dirks, seconded by Mark Clark and passing 5-0, Ordinance 6-2013 amending the Wood Village zoning and development code to amend conditional uses for industrial service in the commercial/industrial zone was adopted.

BID AWARD: FIRE HYDRANT REPLACEMENT PROGRAM

Gunter presented the item and stated that it is a bid award request for the fire hydrant replacement program which is an APP item. Gunter explained that staff has identified 11 hydrants that need replaced because they are old and only have a two-inch port instead of the industry standard steamer port which is over five inches.

Gunter stated that two bids came in for the project, and the low bidder had a bid of \$33,400. Gunter stated that bid will need to be increased because the contract used to solicit the bids did not include the current insurance requirements. The additional insurance increased the total to \$37,400 which is still a good bid. Gunter stated that the other bid came in at \$56,000, and does not know why there is a large difference.

Smith asked how many fire hydrants are in the City. Gunter stated that he does not have the exact number off hand, but it is somewhere around 100. Smith asked if all 11 hydrants needed to be replaced. Gunter stated that the new hydrants will put out three times the amount of water compared to the ones that they are replacing, in addition to the faster connection time.

Mark Clark asked if the bid including the cost of the hydrants. Gunter stated that it does. Mark Clark asked if the hydrants will come with the quick connector for fire engines. Gunter stated that the hydrants will be equipped with the storch connector. Mark Clark asked if the new

hydrants would reduce home insurance rates for nearby residences. Peterson stated that the ISO has indicated that simply replacing hydrants does not affect insurance rates.

Tim Clark asked why the insurance limit had to be increased. Peterson stated that the state of Oregon used to have tort limits of \$500,000. Recent laws have increased that amount to \$1.3 million, and will soon be \$2 million. Peterson explained that the City's insurance provider indicated that not carrying sufficient coverage could void all claims that would be paid by the provider leaving the City responsible for the full amount. Condit stated that this occurred a few years ago, and the limits will keep going up. Peterson stated that while it does add to the cost, larger companies are already carrying \$2 million coverage, and it is mainly the smaller companies that still have \$1 million in coverage.

Upon motion by Dirks, seconded by Tim Clark and passing 5-0, the bid award for the fire hydrant replacement project was awarded to D&T Excavation Inc. for \$37,400.

PUBLIC HEARING - RESOLUTION 8-2013: WATER SYSTEM DEVELOPMENT CHARGES AND METHODOLOGY

Peterson presented the resolution and stated that a public hearing is required as part of the rate adoption process. Peterson explained that a detailed review of the water system development charges was presented at the last Council meeting. Peterson stated that a full review of the water system's capacity and use was presented as well. Peterson explained that the proposed water SDC combines a reimbursement fee, as well as a prospective fee. A public hearing is needed for the rates, and there is a resolution adopting the fee and methodology, and a separate resolution for the capital facilities plan.

Harden asked if the water SDC had to be revised because the City essentially completed all the projects that were in the water master plan. Peterson stated that is correct, and the City cannot collect any new SDC's under the current system. Tim Clark asked if it made sense to adopt the new SDC prior to the updated water master plan. Peterson explained that there will be revisions to the capital facilities plan once the water master plan is completed, but the capital facilities plan can change over time while the methodology stays the same.

Smith opened the public hearing.

There were no comments

Smith closed the public hearing

Upon motion by Mark Clark, seconded by Harden and passing 5-0, Resolution 8-2013 adopting the water SDC methodology and rates was approved.

RESOLUTION 9-2013: ADOPTING THE WATER SYSTEM CAPITAL IMPROVEMENT

Peterson stated that there is a revision to the resolution to add the water system master plan to the capital facilities improvement plan.

Upon motion by Tim Clark, seconded by Dirks and passing 5-0, Resolution 9-2013 adopting the capital facilities improvement plan as amended was approved.

RESOLUTION 10-2013: PERSONNEL POLICIES

Records/HR Manager Greg Dirks presented the resolution. Greg Dirks stated that the proposed revisions were presented to the Council at their last meeting. Greg Dirks explained that the resolution would adopt the revisions as they were presented except for section 235 regarding medical leave. Greg Dirks stated that there were concerns by employees regarding the revisions to that section. Greg Dirks explained that even though management is confident that the revisions are proper, it would be better to wait to adopt that section until the staff has had their concerns addressed.

Peterson stated that the main concern is regarding the eligibility of employees for FMLA leave. Peterson explained that even though the City is a covered employer, there are certain requirements that employees must meet in order to qualify for the leave. One of the requirements is that the covered employer must employ 50 or more employees. For OFLA the requirement is 25 employees. Since the City only has 15 employees, no employee is eligible for FMLA or OFLA leave. Peterson stated that management staff tried to communicate that to employees, but more work is needed in order to explain that facet of the law.

Tim Clark asked if it would be better to wait and adopt the manual at a later date. Peterson stated that there were no other concerns regarding the rest of the revisions. The revisions will help the City stay in compliance with current laws and best practices.

Upon motion by Tim Clark, seconded by Harden and passing 5-0, Resolution 10-2013 revising the City's personnel policies except for section 235 for Medical Leave was approved.

UPDATE: 25TH ANNUAL EASTER EGG HUNT

Dirks asked for an update regarding the upcoming Easter Egg Hunt. Greg Dirks explained that the hunt is coming along. The City has received donations from Advanced Metal and Wire, Brasher's Auto Body, and the 76 Station. Greg Dirks stated that the Eagles are helping to gather donated prizes and they are stuffing eggs. Greg Dirks explained that there 25,000 eggs, and the Chapel in Troutdale is working on stuffing 12,000 of them. The remaining eggs will be stuffed during two events on March 25th and 26th. Greg Dirks stated that there will be three reserve

deputies at the hunt along with five members from search and rescue. Ten volunteers from Reynolds High School have also signed up to help at the hunt.

Tim Clark asked if anyone would be available that speaks Spanish at the event. Greg Dirks stated that he has followed up on some leads, but no one has been willing to volunteer their time. Smith asked if there was been any word from Wal-Mart. Greg Dirks stated that the Wood Village Wal-Mart has a new store manager, and he is working on setting up a meeting with her as soon as possible.

The Council thanked Greg Dirks for the update.

UPDATE: COMMUNITY GARDEN

Dirks asked for an update on the Community Garden, and how many gardeners have signed up. Greg Dirks stated that five plots have been reserved out of the 25 available plots. There is a garden cleanup scheduled for Saturday, March 16th which should hopefully entice additional gardeners. Dirks stated that he would like to review the garden program after this season.

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 8:30pm.



Patricia Smith
Mayor

4-9-2013

Date

ATTEST:



Greg Dirks
City Recorder