MEETING OF THE WOOD VILLAGE CITY COUNCIL
October 27, 2015
MINUTES

PRESENT: Mayor Patricia Smith, Council President Tim Clark, Councilors Scott Harden, Bruce Nissen, and Jimmy Frank, City Attorney Jeff Condit, City Manager 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.

CITIZEN COMMENTS
There were none.

RESOLUTION 36-2015: PARK TRAIL IMPROVEMENT SUPPORT
Peterson presented the resolution and stated that this is an administrative requirement for the state park grant that was authorized at the last Council meeting. Peterson explained that there was specific language that needed to be included in the adopting resolution for maintaining the improvements made with the grant funds. Peterson stated that this resolution contains the required language.

Upon motion by Harden, seconded by Nissen and passing 5-0, Resolution 36-2015 supporting the trail improvement project at the Donald Robertson Park was approved.

RESOLUTION 37-2015: SEWER SYSTEM DEVELOPMENT CHARGES
Peterson presented the resolution and stated that the updated Waste Water Master Plan has been adopted, including the capital facilities plan. That action can now allow an update to the system development charges. Peterson explained that there has to be a public hearing as part of the process.

Petersons stated that Oregon law describes how an SDC can be established. Peterson explained that there are two types of SDC's. There is a reimbursement SDC, and a prospective SDC. Peterson stated that SDC's must be exclusively used to handle increased demand from new development. Peterson explained that an SDC cannot be used to pay for maintenance or projects that would otherwise have to occur. Facilities that have to be built for a new development can be paid for by the developers.

Peterson stated that MSA completed the work on the master plan which only covered the collection system. Staff then did an analysis of the treatment capacity. Peterson explained that the City has used a combination of prospective fees and reimbursement fees. Peterson stated that in the early 2000's there were concerns about the development of the Town Center, and the available capacity of the system. Those improvements have been built, and were constructed for about half of the expected costs. Peterson presented a list of the completed capital projects.

Peterson stated that the Wood Village trunk line will need to be upsized prior to the buildout of the City. Peterson explained that something will have to be done with the Sandy Blvd. line as well. Peterson stated that there will need to be some future discussions about the Sandy Blvd. line which is shared with the City of Fairview. Peterson explained that the replacement of Sandy Blvd. was included in the SDC, because funds for the potential project could not be collected if the project was not included in the facilities plan.

Peterson stated that the proposed SDC will be just about $2,700 per EDU. Peterson explained that is about $5,000 less than it was about ten years ago. Peterson explained that the reimbursement SDC looks at the current system, and excess capacity. A value is then give to the excess capacity and measured by 5/8 or 3/4 meter equivalent connection. Peterson stated that an improvement SDC looks at the increased capacity needs and the associated costs of those projects.

Peterson stated that the method used for this SDC is not dissimilar to the SDC revisions done in 2013, but the numbers have changed. Peterson explained that there has been a 50% decline in peak dry weather flow. There has also been a reduction in industrial use, as well as inflow and infiltration. Peterson stated that the per capital daily dry weather average has gone from 140 gallons in 2003 to 67 gallons today. Peterson explained that means the system can handle twice as many users for the same amount of capacity.

Peterson stated that the buildout projections have a high and low end. Peterson explained that the population projection is not being adopted, but the total flow required to handle the increased population is being adopted. Peterson stated that the projected flow is for 4,680 residents. The projected flow at buildout is about twice as much as it is today. Peterson explained that there are not capacity issues until about the last ten years of buildout except for the Halsey Street line. That line is scheduled to be replaced and upsized this year. Peterson explained that the Wood Village trunk line will have issues ten years from buildout, and something will have to be done about the Sandy Blvd. line. Peterson stated that the City's master plan identifies that the lift station and force main can handle the flow if Fairview's system is used for excess storage. Peterson explained that Fairview's masterplan calls for replacing the line altogether.

Peterson stated that is a summary of the system, and there are no deficiencies in pumping capacity. Peterson stated that there will need to be an increase in treatment capacity as well as the expansion of certain lines. Peterson stated that reimbursement fee is $810.00 per single family residence, or $648.00 per multi-family unit. Peterson explained that multi-family units consume 80% less compared to single family units, so the rate is reduced to 80%. Smith asked why that occurs. Peterson stated that multi-family units tend to have less overall consumption because of the amenities and lack of irrigation needs.

Peterson stated that the improvement fee is calculated by the engineer's estimate for all capital facilities, and a determination is made on how much of the current system would be consumed by new development. The master plan includes a contributing flow indicator. Peterson explained that 45% of the flow in the Wood Village trunk line will come from current users. Peterson stated that for the purpose of the SDC, 100% of the costs of the Wood Village trunk line and Sandy Blvd. line will go to new development. A new line would not be needed if the new development did not occur. Peterson stated that the breakdown is 100% of the expansion costs, and 50% of the improvement costs will go to new development. That breaks down to about 75% of the costs as an SDC, and 25% of the costs to current users.

Clark asked if the estimates were calculated in today's dollars. Peterson explained that the estimates were written with 2014 dollars, but estimates at that level are always plus or minus 15%. Clark asked about inflation. Peterson stated that this SDC resolution adopts the methodology and amounts. After that there is an annual resolution to index the rates by the engineering news records construction costs index. Peterson explained that the rates will be adjusted based on the cost of living.

Peterson stated that the treatment capacity will need to increase. While the EDU's will nearly double, the amount of flow will not. Peterson explained that there needs to be about 332,000 gallons of treatment capacity added to meet the buildout demand. Excess capacity costs about $8,000 per 1,000 gallons. Peterson stated that Gresham is already planning to expand their plant in two phases, and the City's increased flow is incidental to the overall expansion projects. Clark asked if the increased capacity has to be purchased before the expansion project. Peterson stated that as long as the City is within the current purchased capacity then everything is okay. Once that capacity has been consumed, more will need to be purchased with a revised IGA. The minimum purchase amount is 50,000 gallons.

Peterson stated that the combined reimbursement and improvement SDC is $2,750.56 for a single family unit. Peterson explained that larger users, or businesses with specialty uses can have negotiated SDC rates. Frank asked about the different meter sizes, and the associated rates. Peterson explained that is about the flow characteristics of the meter, and the assumed BOD and suspended silds in the flow.

Harden asked about the user rates and how the negotiations can go both ways some times. Peterson stated that the Council has already authorized that water consumed in a product and not entered into the sewer system is not charged. Clark asked how an SDC works if there is an existing connection. Peterson stated that if a new business moves in and does not need any extra capacity then there is no SDC. The SDC was already paid for when the development was built. If extra capacity were needed, then only the difference in meter sizes would need to be paid.

Frank asked about future development at the former greyhound park, and if the City was in a good position for potential redevelopment of that site. Peterson stated that there is a two-inch meter currently on the site. If the redevelopment consumes more than the two-inch capacity, then an SDC would have to be paid. Peterson explained that each connection would have to be authorized, and there is a connection and meter permit with associated fees.

Harden stated that it looks like the City has the lowest SDC rates in the area. Peterson presented a chart of the SDC rates in the area cities. Peterson stated that the City's is the lowest in the area, and about a third of what Portland charges. Peterson explained that the City is the only jurisdiction that does not have a storm water or park SDC. Peterson stated that the City does not need a storm SDC as there are no facilities to build. Clark asked if Gresham's SDC rates are based on the geographical area. Peterson stated that some areas have SDC rates based on location, but Gresham does not.

Harden asked what would occur when the Sandy Blvd. line needs replaced, and Fairview does not want to use the pumping method. Peterson stated that is a complex topic, but basically the pumping method has to use existing lines and facilities in Fairview. This would surcharge the lines, but not overflow into the streets. Peterson explained that the City would not allow surcharging, but we are allowing it to occur in a different city. Peterson stated that the method works from an engineering perspective, but it is a question for a larger group of people. Peterson explained that the Sewer User Board will have to reconvene at some point in the future to discuss this matter.

Peterson stated that the City's new combined SDC rate for a single family home is $5,637.56. The SDC rate for Gresham is $16,692.95. Peterson explained that the updated rate results in a drop of about $1,250 from the previous rate.

Smith opened the floor for public comments.
There were no comments.
Smith closed the floor to public comments.

Upon motion by Nissen, seconded by Clark and passing 5-0, Resolution 37-2015 establishing new a Sewer SDC methodology and rates was approved.

RESOLUTION 38-2015: ANNUAL WATER SYSTEM DEVELOPMENT CHARGE ADJUSTMENT

Peterson presented the resolution and stated that this is an annual update to the water SDC rates. Peterson stated that this action helps make sure that the fees can pay for the projects in the capital facilities plan. Peterson explained that the fees are adjusted by the Engineering News Record, and the capital facilities list was put together by Keller and Associates using a similar method that was just discussed for the Sewer SDC rates.

Peterson stated that this update would increase the water SDC rates by 2.1%, which is what the increase was to the construction cost index that is used for municipal projects. Peterson explained that takes the rates from $2,887 to $2,947 per single family unit.

Clark asked about the former greyhound park facility, and if they would not have to pay an SDC as long as they do not need to increase the size of their meter. Peterson stated that is correct. Clark asked about the cost of physically installing new meters. Peterson stated that is a different issue, and the City does bill for the actual cost of the meter, and the time to install the meter.

Upon motion by Clark, seconded by Nissen and passing 5-0, Resolution 38-2015 adjusting the water SDC for inflation was approved.

COUNCIL MEETING DATES FOR 2016

HR/Records Manager Greg Dirks presented the item, and stated that Councilor Nissen has conflicts with some of the meeting dates in 2016. Those dates are outlined in the staff report, and the dates can be revised to the following Thursday.

Upon motion by Clark, seconded by Harden and passing 5-0, the Council meeting dates were adjusted per the staff report.

DISCUSSION: CONSIDERATION OF FUTURE AGENDA ITEM PLACEMENT FOR OPTING OUT OF RECREATIONAL MARIJUANA SALES

Smith stated that this topic has been discussed, and is only being brought up again is to determine if the Councilor who missed the meeting should have an opportunity to have a say in the matter. Clark stated that there is no formal Council policy in reconsideration of issues, but it does not happen that often. Clark stated that he feels that had Councilor Frank been at the meeting, then the vote would have been different. Clark explained that he also feels that the outlet might have sold recreational marijuana anyway, but it is only going to be another six to eight months before the OLCC issues their final rules.

Smith stated that since there are no real rules, she is concerned about overall enforcement. Peterson explained that there are enforcement officers, but he does not know about their activities. Smith stated that there are no official rules or correction methods. Clark stated that he

is putting his faith into the state process, and feels that any issues that may occur can be handled by the state. Clark stated that the City lacks real enforcement power, and he wants to do what is best for the City. Smith stated that she does too. Clark stated that if there are problems at the location now, that might make it more difficult for the retailer to get a state recreational license. Clark stated that while the City can opt out, it might be best to just let the retailer continue their operations. Smith stated that she hopes the OLCC has some real enforcement capacity.

Harden stated that there may be more scrutiny once there is active state enforcement. Smith stated that she hopes that will be the case. Nissen stated that nothing has changed from his perspective on the matter. Harden stated that the Council should take up the issue of reconsideration of items in general, and was a bit suspicious of this item coming back on the agenda. Clark stated that the vote really was not decided, and only ended by default. Smith stated that she thought the full Council should have had an opportunity in the matter. Clark stated then the item should have been tabled, but that did not occur. Clark stated that it does not seem right to take a new vote on the issue.

Frank stated that he understands the position that the City is in because he missed the meeting. Frank explained that he tends to be conservative in this area, and would have liked to have the state rules in place. Frank that he is not necessarily against marijuana, but it still is against federal laws.

Clark stated that he was surprised that Gresham opted out of early sales. Smith stated that Fairview will put the item on the 2016 General Election to ban all sales within the City. Harden stated that the Councilor's absence should be taken into account when the Council reconsiders an item. Clark stated that a mistake was made. Nissen stated that in hindsight the item should have been tabled. Smith agreed and stated that was her fault for not tabling the item. Clark stated that he does not want to reconsider the item, and what is done is done.

Condit stated that the Council would need to take a motion to reconsider the motion, but no action is needed if they do not want to take further action on the item. Clark asked if the item was reconsidered and the vote was different, could there be a lawsuit. Condit stated it is a legislative matter that is not preempted by state law. Condit explained that there is nothing that requires a conditional use to continue. While there are issues under the zoning law, that is not the case here. Condit stated that the City has the right to opt out at any time even if there had been an outlet selling recreational marijuana. Peterson stated that it is a discretionary ability, not a personal or property right or contract. Condit stated that it would be the same as if the item was on the November ballot to ban the sales.

Clark asked about the new state rules, and thought that official recreational sales would be in about eight months. Peterson stated that seems about right. Peterson explained that at the time

the rules are finalized, the outlet would then have to apply to the OLCC for a recreational license, and go through a conditional use hearing with the City for approval.

Frank apologized for missing the meeting.

PUBLIC WORKS DIRECTOR'S REPORT

Gunter presented the report and stated that the Parks Master Plan is wrapping up, and will be presented to the Council at the next meeting. The Halsey Street sewer line project is scheduled to go out to bid within the next few months. Gunter explained that the crew is still working on the Shea lift station project, and the new three-phase power will go through the operations building, then to the new lift station. That way the project can be completed with an electrician, and not PGE.

Gunter stated that there was an attempt to get some contractors out to fix the valve boxes on 238th, but the job was too small for them. The work will be done by the county, and new lifters will be installed which should fix the problem of lids coming off. Gunter stated that work is also progressing on moving Treehill to the upper water pressure zone. The engineers are working on the modeling and plans. Gunter explained that once the plans come in, staff will get together with the HOA in the area to discuss the project. Smith asked if there would be any issues with the change. Gunter stated that increasing pressure can do interesting things to older fixtures and pipes. Gunter explained that would all be discussed as part of a larger neighborhood meeting.

Peterson explained that he would like to handle the project as a discretionary improvement. Peterson stated that the City is trying to improve the water pressure inside the development, but he does not want to move forward on the project if the residents do not want it. Harden stated that he would like to get the information from the City via meetings or door hangers, and not through the HOA. Gunter stated that they plan on having at least three outreach meetings to discuss the project and potential issues. Peterson explained that the pressure change would not be dramatic, but it would increase the water pressure especially for the upper floors.

Clark asked if the pressure could be increased a little over time instead of all at once. Gunter stated that once the pressure is in the system, you cannot remove it. You can control the volume of water though. Clark asked if the pressure was going through a booster station. Gunter stated that the water is not going through a booster station, it is the pressure in the line. Gunter explained that there could be some issues with this project, and he wants to get the information out in the community to see what the reaction is from those people.

Gunter stated that the 238th island project is moving forward, and the contract should be coming to the Council at the next meeting. Gunter explained that the City has been doing some vegetation management at the park, and several areas have been opened up and cleared. Harden

stated that it makes the area feel more secure and safe. Gunter stated that most of the work was completed by inmate work crews.

Gunter stated that there has been some enforcement issues with mobile homes in the City, and the City is working through those issues. Gunter explained that the owner of the park has not been stopping illegal building or modifications to the units, so the City is trying to take action. Peterson explained that the City had to post one of the units, and have had to cite the homeowner for trespassing. Harden asked if there was any way to get the park owner to take some responsibility. Peterson explained that there are limited options to get at the park owner. Harden stated that he wants the rules to be followed, but he wants to show compassion as well. Peterson explained that this particular matter has been going on for over three years, and the City has provided many options including payment plans and no cost services. Gunter stated that there are no easy answers to this issue. Peterson stated that there is a lot to discuss with this item, and it would be better suited in executive session.

FINANCE DIRECTOR'S REPORT

Minter presented the report and stated that overall the City is in good shape. Minter explained that revenues are up except for cigarettes. Expenses are on track, and within budget authority. Minter stated that the City purchased a Freddie Mack bond today. The $101,000 investment will return 1.25% interest with an effective rate of 1.1%. That is nearly double what the City is getting at LGIP. Minter explained that the bond matures in a little over three years. Minter stated that the auditors are continuing their work, and there has not been any issues.

Smith asked about the ADU that the Council approved, and if there would be property tax increases because of the addition. Peterson stated that the ADU would be assessed based on square footage, and added to the property tax bill. Peterson explained that there is nothing the City can do about that.

CITY MANAGER'S REPORT

Peterson stated that the Annual Performance Plan is in the packet, and items are on track or ahead of schedule. Peterson explained that the Council Calendar item will be updated with the revised City Council dates.

Peterson stated that there was a recent four-cities meeting regarding the service from Gresham Fire, and the new quick response vehicles that Gresham Fire will be testing. There were also conversations regarding the three-cities having their own fire service, and a presentation from EMCI also occurred. Peterson stated that there was a request that each of the three-cities appoint two elected officials to serve on a committee to answer two questions. The first question is what do we want to know, and the second questions is how many ways do we want to know. Peterson asked if the Council wanted to be engaged in that discussion.

Smith stated that she is interested in participating if only for the information. Clark stated that he is not interested in participating, and the City did not allocate any funds to discuss the item further. Clark stated that he does not see an independent fire station as an option that would move forward. Nissen stated that there would be so many options and alternatives that he does not see the cities coming together on a consensus. Clark stated that he would like to make a statement that the City is moving forward with Gresham, and waiting a year to see the results of the quick response vehicle. Nissen agreed.

Clark stated that the data that was provided also has issues because there were anomalies where response times lasted for hours or days. There will always be response times out of the recommended standard. Clark explained that he just does not see leaving Gresham Fire as a win for the cities. Harden stated that people form the other cities who are pushing for this could not even answer the question of what Gresham Fire could do better. Harden stated that the City already paid to be part of the study on fire service, and the current service is the most cost effective short of establishing a mega fire district.

Harden stated that the fire service contract has an opt out on both ends, and their council may not be happy about all the discussions either. Peterson explained that while there was a close first vote on the item, the final vote was unanimous. Smith stated that she does not like that the data comes from Gresham. Harden stated that he thought the data came from BOEC. Peterson stated that the raw data comes from BOEC, but Gresham Fire does further reviews of the data. Peterson explained that the data could be independently verified, but it would cost money. Peterson stated that Gresham is looking at the data for themselves, and the quick response vehicle was not driven by the three-cities.

Peterson explained that other fire department use the quick response vehicle, and it has found to be a cost effective method over time. Peterson stated that Tualatin Valley Fire was able to avoid building 23 new fires stations because of the quick response units. Clark asked if the quick response vehicle would actually be faster than a traditional fire truck. Nissen stated that it is a possibility.

Clark stated that he understands the concerns about being kept in the loop. Smith stated that she wants to be involved. Harden stated that any role we should play is to be a counterweight to ideas that would cost more money. Clark stated that he does not see the reason to look into this issue for at least a year. Harden stated that we already know that a three-city fire service is not the best option, so there is little reason to keep talking about it. Clark agreed.

Nissen stated that it appeared that the initial talks were about financial concerns, and now they have turned into response times and service levels. Nissen stated that it looks like some people

are working on different angles to get their views across. Harden stated that the Portland State Study identified the options and alternatives, and no one can show that Gresham Fire is unsafe.

Harden stated that he does not mind if people stay engaged, but feels the board of elected officials will serve a political interest only. Nissen stated that he would like to be informed, but not engaged.

CITY COUNCIL REPORTS

Clark stated that the RTP was discussed at EMCTC and at MPAC. The initial plans for 2018 are being laid out, and the official recommendation will be made at the meeting tomorrow. Clark stated that a lot of action will occur next year when he is chair.

Smith stated that the EMEA presentation was from Greater Portland Inc. It was the same presentation that has been given several times before. Smith stated that a deputy arrived at the neighborhood watch meeting, and provided some great information. Smith explained that the Parks Commission was unable to provide a formal recommendation on the Parks Master Plan because they lacked a quorum at the last meeting.

Harden stated that a way to help prevent that from occurring would be to reduce the membership from seven to five people. Peterson stated that could occur. Harden stated that he could step down from the Planning Commission if someone wanted to become engaged in that group. Harden stated that it does not look good to have all these vacancies on the boards and commissions. Peterson stated that there has been difficulties getting a quorum, and the item can be brought back in December.

Clark asked about the combined meeting with the tribes on Monday. Smith stated that she would prefer to have everyone sit in a half circle away from the dais. Harden asked if any new information would be provided, and stated that a lot of speculation has been going around. Harden stated that he does not appreciate the comments made by officials from other cities who have no stake in the City, and were not elected to serve in this community. Smith stated that it seems like people are just excited about all the potential, and this meeting is a chance to get to know the new owners.

Harden stated that a public meeting does not mean a public hearing. Smith stated that it is more of an introduction, and not a public question and answer time. Peterson stated that there could be questions from the Council, but not necessarily the public. Peterson stated that there is not enough room to not use the dais, but the tribal members could sit at the dais, and the Councilors could sit at the other tables. The Council agreed.

Clark asked if a time could be set to rehears the Appreciation Dinner presentation. The Council selected December 2, 2015 at 6pm.

ADJOURN

With no further business coming before the Council, and upon motion by Harden, seconded by Nissen and passing 5-0, the Council adjourned at 8:43pm.

Patricia Smith
Mayor

11-10-15
Date

ATTEST:

Greg Dirks
Recorder