



Mayor
Patricia Smith

Council President
Mark Clark

Councilors
Stanley Dirks

Timothy Clark

Scott Harden

**REGULAR MEETING OF THE
WOOD VILLAGE CITY COUNCIL
October 8, 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. Review of bills paid in September, 2013
- b. Contracts \$2,500 - \$50,000
 - Play & Park Structures: Tot Lot Enhancements - \$4,989.62
- c. Budget Committee Appointment:
 - Byron Barnett: Term to End 12/31/16
- d. Council Minutes:
 - September 10, 2013
 - September 24, 2013

Smith asked about the Budget Committee appointment. Peterson stated that Byron Barnett had previously been appointed to the Budget Committee, but resigned after an injury.

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

ORDINANCE 9-2013: TOWN CENTER TEXT AMENDMENT

Peterson stated that this ordinance was discussed at the last Council meeting, and the Council approved the first reading with a 3-2 vote. If adopted, the ordinance would permit fueling stations in the Town Center. Peterson stated this is the second reading, and potential adoption. No other discussion is planned.

Smith asked if the Council would like to share any last thoughts on the amendment. Mark Clark stated that he has not changed his mind from before. Dirks stated that he feels this project does not meet City Goals 1 and 4. Dirks stated that fueling stations are cyclical, and feels that one day this station will be abandoned. It would be good to have a process that would require the removal of the structure if the site is abandoned.

Tim Clark stated that he appreciates the concern from Dirks, but feels that the land would be too valuable for the site to remain abandoned. Tim Clark explained that he wants the local stores to be successful, and this development will help our local store. Harden stated that he did not have any comments.

Smith stated that she is concerned about the future of the Town Center, and the Goals of the City. Smith explained that she was never concerned about the longevity of the structure, but she is concerned about the value of the Town Center and community. Smith stated that it looks like it will be a split vote, but the Council will move on with respect and unity. Smith explained that she is opposed to the amendment, and feels it will be a detriment to the community.

Upon motion by Harden, seconded by Tim Clark and passing 3-2 with Tim Clark, Mark Clark, and Harden Yea, and Smith and Dirks Nay, the second reading by title only of Ordinance 9-2013 amending the Zoning and Developing Code to permit fueling stations was approved.

Minter gave the second reading by title only of Ordinance 9-2013 amending the Zoning and Developing Code to permit fueling stations.

Upon motion by Tim Clark, seconded by Harden and passing 3-2 with Tim Clark, Mark Clark, and Harden Yea, and Smith and Dirks Nay, Ordinance 9-2013 amending the Zoning and Developing Code to permit fueling stations was adopted.

PUBLIC SAFETY REPORT

Chief Deputy Jason Gates from the Multnomah County Sheriff's Office presented the report. Gates apologized for being late. Gates explained that the MCSO has been busy serving several warrants in the area. While the full September report is not finalized, the MCSO did provide 404 hours of service which resulted in 48 written reports. Gates stated that vehicle accidents remained about the same with the majority of them occurring in parking lots.

Gates explained that the MCSO is involved with the investigation of a body found near the entrance to Blue Lake Park in Fairview. The body was found in the morning, and the major crimes team is investigating. Mark Clark asked about the six hit and run accidents. Gates explained that the majority of those occurred in parking lots.

Dirks asked if overall things are calm. Gates stated that there is nothing significant that he is aware of. Harden asked about the false complaints outlined in the summary. Gates stated that those are complaints

that are either false or unfounded. The call can be of any type, but when the officers arrive no actual crime had been committed.

Mark Clark asked about the search for a new Sheriff's Office. Gates stated that is going well, and there are three potential sites at this time. Gates explained that their first choice up the street in Gresham may fall through. There is another building on 174th, and a site in Fairview. Gates stated that nothing is final or set, except for the fact they need to leave their current location. Smith stated that it would be great the office was located in the City. Gates stated that he would like for the new facility to be in the City, but it is hard to justify building on raw ground.

Peterson asked where the site is in Fairview. Gates stated that it is a parcel in an industrial area. Peterson stated that he would have submitted an RFI for the project, but the specifications prohibited raw ground. Gates stated that he can provide the contact information for the County's Facilities Manager who is overseeing the process. Peterson stated that he would like to get that information.

The Council thanked Gates and the MCSO for their service.

RESOLUTION 35-2013: PARK SYSTEM IMPROVEMENT PROJECTS

Gunter presented the resolution and stated that the park improvements were included in the Annual Performance Plan. Gunter stated that the improvements include refurbishing a staircase near the gazebo, and would involve rebuilding the staircase and adding additional plants. Gunter explained that the tot lot expansion project would not actually increase the physical size of the playground, but additional features would be added to the play structures. Gunter stated that the viewpoint restoration project would restore a viewpoint created in the late 1990's as well as the trail leading up to the viewpoint. Gunter explained that the final project is improving the basketball court.

Gunter stated that these projects were brought before the Parks Commission, and the Commission unanimously recommended them to the City Council for approval. Gunter explained that there are funds available now to complete all the projects this year except for the basketball court project. Gunter stated that project is potentially a high dollar project and would have to be included in a future budget.

Mark Clark asked if the Parks Commission prioritized any of the projects. Smith stated that none of the items were ranked, and the basketball court project could be completed sometime in the future as funds allow. Peterson stated that there are funds to complete all the projects this year except for the basketball court.

Tim Clark asked why there is a large price range for the basketball court project. Gunter stated that the estimate is based on rough cost figures for different levels of treatment. Gunter explained that there are several project options such as a rubberized surface or tiles. There would be concrete work needed before either surface is applied or installed.

Dirks stated that he is okay with the staircase and playground projects, but has concerns about the viewpoint. Dirks explained that the viewpoint has attracted less than ideal people, and they use that area to hang out and engage in illegal activity. Dirks stated that the viewpoint has also had issues with maintenance, and he cannot support this project as it stands. Dirks explained that it might be better to just remove the viewpoint and make it a natural area. Dirks asked if resurfacing the basketball court with asphalt has been looked at. Gunter stated that staff has not specifically researched any one particular surface treatment, and was waiting for the approval from Council before researching specific options. Smith stated that it might be good to get more detailed information on the viewpoint restoration and basketball court project before the Council approves them. Peterson stated that can be done.

Upon motion by Harden, seconded by Mark Clark and passing 5-0, Resolution 35-2013 approving the staircase refurbishing project and tot lot expansion project, but removing the viewpoint restoration and basketball court enhancement was approved.

PRESENTATION: REPRESENTATIVE GORSEK

Peterson stated that he spoke with representative Gorsek last week who indicated that he would be attending the Council meeting, but he is not here this evening. Peterson stated that he will reschedule the presentation.

CITY ADMINISTRATOR'S REPORT

Peterson stated that he has recently issued several Council Memoranda, and wanted to discuss a few of them. Peterson stated that one of the memos discussed a vacant property that came up for auction. The Council had discussed the possibility of purchasing that property, but the selling price was higher than the City could pay for it.

Peterson stated that another recent memo was regarding business licenses, and how the City requires all businesses to follow City, state and federal laws. Peterson explained that the state recently passed legislation that would permit marijuana dispensaries. The City has been contacted by three separate dispensary businesses who have inquired about locating in the City. Peterson stated that he has turned them all down based on the City's code. Peterson explained that the Council can provide direction to change the code, or the code can remain the same which would prohibit that type of business.

Mark Clark stated that he is neutral on the subject. Dirks stated that he feels that it might be time to move past the prohibition, but he will not make the recommendation to do so. Dirks explained that it is a big issue, and there are strong feelings on both sides. Tim Clark stated that he is on the fence regarding the issue. Harden stated that he would not want the City to be the test case to permit it, but would not necessarily be against it once everything is figured out. Harden explained that he does not want to be a test case for turning down a business that is allowed by state law either.

Condit stated that this topic has been a big discussion item amongst municipal lawyers. Condit explained that Riverside, CA denied a business license for a dispensary and was sued. The City of Riverside

prevailed in the case, and Oregon grants more rights to cities than California. Condit stated that the Oregon law takes effect in March of 2014, and the state is currently working on the administrative rules that will pertain to dispensaries. Condit explained that the administrative rules may help regulate the dispensaries better.

Peterson stated that he understands that a dispensary will have to obtain a local business license prior to the issuance of the state dispensary license. That cannot happen in this City because of the way the code is written. Smith stated that she does not like how people are calling it medicinal, and would rather have it either banned or legalized. Smith stated that she does not feel that marijuana is medicine.

Peterson stated that he can wait for the administrative rules to be approved, and then bring back an ordinance that would remove the section regarding businesses to follow federal law. That would permit the City to issue business licenses to dispensaries. Peterson explained that the rules probably would not be developed until after January. Harden stated that it might be good to bring in people from both sides of the issue before the ordinance is adopted.

Peterson stated that another issue that was discussed in a memo was the lead paint discovered on one of the reservoirs. The reservoir has lead based primer on the exterior of the tank, and additional measures will have to be taken to mitigate that hazard. Peterson explained that it will be back at the next budget cycle. Peterson stated that the final memo was regarding the youth police academy. Peterson explained that there were not enough participants to run the program this fall, and another attempt will be made in January.

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 6:56pm.



Patricia Smith
Mayor

11-14-2013

Date

ATTEST:



Greg Dirks
City Recorder