



Mayor

Patricia Smith

Council President

Mark Clark

Councilors

Stanley Dirks

Timothy Clark

Scott Harden

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

February 14, 2012

MINUTES

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

ABSENT: None

MAYOR SMITH CALLED THE MEETING TO ORDER AT 6 PM.

PLEDGE OF ALLEGIANCE

CITIZEN COMMENTS

Allen Riddle from 15086 SE John Ashley Drive stated that he would like to talk to the Council regarding a planning and zoning issue. Riddle explained that there are several property owners who have been harmed by recent Planning Commission decisions, and there has been litigation in other cities regarding similar situations. Riddle stated that he is a licensed commercial real estate broker, and has been working with a client for the past two and a half years to sell his property. The Planning Commission put some pretty stringent limitations on the property without proper notification, and that has made the property tough to sell. Riddle explained that there have been 18 interested buyers, but none of their operations were allowed in the zone.

Riddle stated that some of the property owners in that area have lost hundreds of thousands of dollars because of the land use limitations. The City wants to put a rose colored glass on the matter and make the City appear neat and clean, but the reality is that some areas are not meant to be that way. There are areas that are meant to be functional. Riddle stated that he wanted to bring this matter forward so the City is aware of the issue, and so the City does not end up in litigation.

Smith asked where the properties in question are located. Riddle stated that they are commercial properties along Sandy Blvd. The recent restrictions included not having any type of storage on the property. There was a client that wanted to move into that area that had 15 employees, but was turned down by the Planning Commission because of that provision. Smith asked what the business was. Riddle stated that it was foundry that worked with metals, and the entire operation

would have been confined to an indoor facility. Riddle stated that he and the property owner have met with an attorney on this issue.

Peterson stated that he has some knowledge of the issue, as there was an issue with another business trying to locate in that area. Peterson explained that he reviewed the work that was done in 2009 when the zoning revisions were approved along Sandy Blvd. There were hearings on the proposed legislation, and general notices were sent out to every property owner. Peterson stated that the restrictions were very tight, and the focus was to get manufacturing or assembly related businesses in that area. Smith asked if there could be an appeal. Peterson stated that there has not been a hearing in front of the Planning Commission for any of these proposed businesses. Staff has met with some individuals, and in the instances where staff could not allow the business, the owner were provided information on the appeals process. Tim Clark asked if there could be a variance. Condit stated that there cannot be a land use variance. Smith stated that it might be worthwhile to revisit the zoning provisions in that area.

Riddle stated that there are multiple property owners who did not get any notice, and the additional restrictions prevented two active buyers from purchasing the property. Peterson stated that he has reviewed the records and is confident that notices were sent out. Peterson explained that he is unaware of the specific businesses who were interested in purchasing the property.

Mark Clark stated that he was on the Council when the revisions were adopted, and he cannot remember any opposition to the revisions. Riddle stated that should tell them that the notice was not sent out. Mark Clark stated that a notice for all meetings is posted and advertised, but few people ever show up. Mark Clark stated that the Council wants citizen input and involvement in the meetings.

Smith asked what property Riddle represents. Riddle stated that it is 244250 NE Sandy Blvd. The potential lost businesses were an RV storage facility, the foundry, and a bean spout business. Riddle stated there were 18 failed business attempts in all. Smith stated that she would like a list with the nature and character of the businesses to see what that City can do to help.

Harden stated that he was on the Planning Commission for a number of years and he does not remember any business coming to any of the meetings on this matter. Riddle stated that he gets phone calls from angry owners who are losing potential buyers because of this. Smith stated that it will be looked into as soon as Riddle presents the City with the list of businesses.

Ernie Singer from 2035 SE Troutdale Road explained that he is the owner of Singer Electric located at 244250 NE Sandy Blvd. He has operated his business at that location for over 20 years, and feels that it is an asset for the City. Singer stated his secretary has never missed a beat, and would have informed him of any important meetings. Singer explained that is not to say that they did not get notice, but it did not get to him. Singer stated that he went to his

business neighbors, and they never received notice either. Singer explained that if a notice was sent out, there would have been people at the meeting. Singer stated that he could have sold the property years ago, and it is a drain on him having the property. The business is no longer in operation, and he would like to sell the land. Singer explained that this might not affect other property owners right now, but it might affect them if things do not get changed.

Smith stated that the City wants businesses to locate in the community, but they need some additional information before they can decide how to proceed. Singer stated that the entire process was unfair. Smith thanked Riddle and Singer for addressing the Council on the matter.

Pages Teigen from 1653 NE 231st Ct. introduced herself and her neighbor Kathy Northup from 1697 NE 231st Ct. Teigen stated that Northup was approached by City employee Scott Sloan regarding potential improvements to the pedestrian pathway between 230th and 231st Ct. Teigen stated that Northup informed Sloan of the issues regarding the walkway, and Sloan indicated that those concerns would be taken into consideration. Teigen explained that she then received an official notice regarding improvements to the pathway. Teigen stated that she wrote the City a letter regarding the incidents that have taken place over the past 14 years at the pathway. Teigen explained that the pathway is a short walk between cul-de-sacs and a lot of people use the pathway. Teigen stated that she would like to have the pathway permanently closed down. The pathway is being used for illegitimate purposes, and there have been needles, garbage and people running from the police on that pathway. There is a lot of drug traffic, and many people on the pathway do not belong there. Teigen stated that she has started taking photos of the cars in the cul-de-sac because she feels that they are there for illegitimate purposes.

Northup stated that she has written down license plate numbers before, and there is a bad drug problem in that area. Teigen stated that she proposes that people should use the newer pathway that is a few blocks away. Teigen explained that the previous Mayor had approved of putting up a gate that could be closed at night, but that did not work and people just went through the yards instead. It is a small walkway, and the funding would be better utilized to improve the newer pathway a few blocks away.

Smith stated that closing the pathway before did not work. Northup stated that it was never fully closed, and they were told that once the new pathway opened, their pathway would be removed. Teigen stated that they would like the pathway totally removed. Smith stated that people need pedestrian access. Northup stated that there is another pathway.

Peterson stated that staff has been working on updating the transpiration system plan. Staff is working on increasing pedestrian and bicycle access especially between 238th and 223rd. There are measures in place to improve Arata Road, and the Wood Village Blvd. pedestrian pathway. There are also plans to add an additional pathway to the East near the Baptist Church.

Chief Deputy Gates stated that the Multnomah County Sheriff's Office wants to help. The MCSO tracked all incidents around the intersections along Halsey Street to get a comparison of the calls for service in that area. Gates explained that the data was taken from January 2011 through February 8, 2012. The data includes all 911 calls for service. The reference point went out 500 feet from the approximate center of the walkway. The north side of the walkway which includes Halsey Street had 99 total calls, 32 calls involved an offense, and there were 16 arrests in that area. The south side of the walkway had 135 calls for service which were mainly concentrated on Arata Road, with 37 offenses, and 13 arrests. Gates explained that he then conducted a hand search of the data and found that 230th and 231st court had a combined total of five calls that could potentially, but not definitively be attributed to the pathway. There was one larceny for a bike, a burglary, one stolen vehicle stolen, and a narcotics investigation.

Gates stated that the intersection at 238th and Halsey had 89 offenses and 53 arrests, and there were 42 offenses and 27 arrests at 223rd and Halsey. Gates explained that this data helps show that the crime patterns are similar in other areas of the City. There is not enough data to tell if the crime is or is not related to the pathway though. Gates explained that a lot of the suspicious activity that they are talking about will go on unless it is reported to the MCSO. The best defense to reduce suspicious activity is to observe and report it. Even minor incidents need to be reported to the police.

Teigen stated that she called before regarding some needles and was told just to put it in a coffee can. Gates stated that should not have happened and that kind of incident can be called into the non-emergency number. Gates stated that these kinds of incidents need to be reported and the City has around the clock police coverage. Gates stated that if they have a problem with a deputy or 911, they should contact him directly. Gates provided the attendees with his contact information. Gates stated that residents can photograph people or vehicles, but they should not be putting themselves in danger. If they do take photographs, they should be sent to the MCSO for tracking and identification purposes.

Mark Clark stated that he would like to discuss the project, and the intent of the Council was to help that neighborhood and area residents. Mark Clark stated that a grant application was applied for, and if the pathway was upgraded, the illegitimate traffic and activity may be reduced. The addition of lighting may also help with that during the evening hours. Jones presented photos of the current walkway and stated that there is a ten foot right of way and the current pathway is six feet wide. The pathway would be widened with two foot planting strips on either side to act as a buffer for the residents.

Frank Northup from 1697 NE 231st Ct. stated that the residents in that area have been to the Council meetings before on this issue, and a few years ago he even brought his deed which showed that the residents in that area could shut that pathway down with a majority vote of the property owners in that area. Northup stated that when that was brought, the legal team at that

time stated that they would close the pathway as soon as the new one was built. Jones stated that closing the pathway did not work, and the hope is to improve the pathway and make it better for everyone. Jones stated that pathway is a vital connection in the community. Kathy Northup stated that there are other pathways so this one is not vital. Jones explained that there is only one additional pathway between 238th and 223rd, and if the 230th – 231st pathway were closed it would increase the walking distance by over 800 feet from the Wood Village Green. Kathy Northup stated that the money should be used to construct the other pathway near the church instead. That would provide closer access for those people.

Smith stated that at least three pathways are needed for pedestrian and bicycles. People need to be able to move between Arata and Halsey. Smith stated that there are a lot of legitimate people using that pathway now, and it is needed. Teigen stated that if that is the case, then opening other pathways will not do anything because the 230th one is centrally located. It would still be the busiest pathway. Smith stated then it should be a nice looking and accessible pathway. Kathy Northup stated that there will still be vandalism and illegitimate use. Smith stated that the residents in that area need to call the police for acts of vandalism and suspicious people. Unless those things get reported, they will continue.

Teigen and the Northups thanked the Council for their time. The Council thanked Teigen and the Northups for their input.

PUBLIC SAFETY REPORT

Gates presented the report. Gates stated that for the month of January the Multnomah County Sheriff's Office provided 225 hours of dedicated service, 405 calls for service and 42 written reports. Gates explained that there were a lot of good self initialed calls that resulted in arrests. The warrant strike team was featured on channel 6 news regarding a large theft case out of the Travel Lodge.

Gates stated that he was able to put together the crime data maps because of the new information system team. Tim Clark stated that he feels for the people in that area, but the crime is not that bad compared to the rest of the City. Peterson stated that you can drop that same 500 foot radius in the original village and it would be the same crime level or more then on 230th – 231st. The pedestrian pathway is a needed connection. Gates stated that if the pathway were eliminated, people would still probably go through that area. From a law enforcement perspective, that pathway does not provide any cover for criminals to escape or hide in.

The Council thanked Gates and the MCSO for their service.

CONSENT CALENDAR

- a. Review of bills paid in January, 2012

- b. Contracts \$2,500 - \$25,000
 - Siemens Water Tech – Bioxide: \$5,800
 - Global Network Support – Council Email Setup: \$3,312.01

- c. Council Minutes:
 - January 10, 2012
 - January 24, 2012

- d. Budget Committee Appointment:
 - Don Robertson: New Term to expire 12/31/2014
 - Betty Gerla: New Term to expire 12/31/2014

- e. Planning Commission Appointment:
 - Mary Clark: New Term to expire 3/18/2016
 - Jim Mott: New Term to expire 3/18/2016

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

REPORT: URBAN RENEWAL AGENCY

Minter presented the report and stated that it is a requirement since there is not an audit of the Urban Renewal Agency. Minter explained that the financial report will not only be presented to the Council and the Urban Renewal Board, it will also be published in the Outlook. Minter stated that the figures are in the report, and there were not any items over budget.

Minter asked if there were any questions. There were none.

COUNCIL RETREAT ACTION ITEMS

Peterson presented the report and stated that there was a Council retreat facilitated by Sam Imperati on January 14th. The Council identified several items for staff to accomplish which included identifying consumption water records and anticipated changes due to the meter replacement program, develop a Wood Village World Fair Day as a fall event with leadership and support from outside entities, focus on emergency preparedness for community outreach, and monitor the progress and support the Boys and Girls Club. Peterson stated that there was a question about whether or not the Council wanted a session on how to handle angry people. Staff was also directed to informally market the City Hall property, add economic vitality and

growth to City Goal 4, conduct an annual Council retreat, and there was a question about changing the City's motto and a process to accomplish that task.

Peterson stated that the two key questions still remaining were around training for angry people and a process for changing the City's motto. Smith asked if that had to be decided now. Peterson stated that it does not. Smith stated that she would like a session on how to deal with angry people, and a process to change the City's motto. The Council agreed. Peterson stated that he will be conducting a workshop with the Council on next year's Annual Performance Plan, and he will include those items.

Dirks asked if we could talk about the world day event. Dirks explained that he was thinking about the money spent on the Oktoberfest and Tree lighting which totaled around \$10,000. Dirks stated that it seems like the Council is on board with doing more for the children in the area, and the money spent on those two events may be better spent on supporting youth activities in the area. Harden asked if contributing those funds to the Boys and Girls Club would help them locate to the vacant gym in Fairview. Peterson stated that there are some interesting issues with that deal, but he does not have a lot of detailed information about it.

Peterson stated that we will continue the thought process for increasing youth activities in the area. Peterson explained that he has heard that the Boys and Girls Club is interested in coming back to Wood Village this summer, but he does not know at this point what the City can do help support that effort. Dirks stated that he would rather have resources used to increase youth activities rather than a world day. Tim Clark agreed. Mark Clark stated that it might be good to place this item on a future agenda to solicit citizen comments and feedback. The Council agreed.

RESOLUTION 2-2012: STRATEGIC GOALS

Peterson presented the resolution and stated that this formally adopts the revision to City Goal 4 by adding economic vitality and growth, as well as reaffirms the other City goals, and the vision and mission statements.

Upon motion by Mark Clark, seconded by Tim Clark and passing 5-0, Resolution 2-2012 revising the City goals and reaffirming the City's mission and vision statements was approved.

BUSINESS INCENTIVE PROGRAM REVIEW

Peterson presented the review and stated that the business incentive program started in October of 2010. The program was renewed for one year and is set to expire at the end of March. Peterson stated that the question is has the program worked at inducing development. Peterson explained that 11 businesses have taken advantage of the program with a total of \$26,445 in waived fees. Peterson stated that there are other costs associated with the program such as inspection costs and staff time. Inspection costs were \$15,982 and staff time was \$1,309 for a total program cost of \$42,426.

Peterson stated that the improvement value for all the businesses was about \$575,000, and about 15,500 of vacant space is now occupied. There are also about 50 additional jobs in the City. Peterson explained that because of the property tax structure, the net assessed property value increase is \$0. Peterson stated that he is aware of only one business that decided to locate in Wood Village instead of another location because of the incentive program.

Peterson explained that the business incentive program provides a sense that the City wants business growth and expansion and brings positive word of mouth support for the City. Peterson stated that Troutdale has revised their program, Gresham is reconsidering their program, and Fairview dropped their business incentive program. Peterson stated that it was a large investment for 10 businesses that would have probably located in the City anyway. Peterson explained that he recommends only applying the program to the Urban Renewal District which would focus the program along the vacant storefronts along Halsey Street. Smith stated that she likes the program the way it is currently structured. Tim Clark agreed. Dirks asked how many vacant store fronts are left that this program would apply to. Peterson stated that there are three vacant locations in the Town Center, one near Wal-Mart, and then the buildings on Halsey.

Upon motion by Tim Clark, seconded by Mark Clark and passing 5-0, the Council directed Peterson to bring back the business incentive program for renewal in March with no modifications.

RESOLUTION 3-2012: CONTRACTING PROVISIONS

Condit presented the resolution and stated that every two years the Attorney General updates the public contracting rules. The City has not updated their rules in four year because the last change did not impact the City. The current revisions have significant changes including contracting provisions for architects, engineers, and surveyors, and there was some increases in the limits for formal bidding.

Condit stated that approving this resolution will bring the City into compliance, but the other question is whether or not to increase the City Administrator's spending authority. The current limit is any purchase under \$25,000. Condit stated that is a fairly low amount which could add delay to some projects. Condit stated that Peterson recommended the amount be increase to \$50,000, but Condit explained that limits of \$75,000 to \$150,000 are common. Condit stated that purchases from \$2,500 – \$50,000 would still go to the Council in the monthly Consent Calendar.

Mark Clark asked why those revisions to the contracting rules were made. Condit stated that the idea was some contracts should be based on qualifications and not on price. There is still room to work around pricing, but the selection has to be based on qualifications. Condit stated that this does not affect current or existing contracts for those services.

Upon motion by Tim Clark, seconded by Dirks and passing 5-0, Resolution 3-2012 revising the contracting rules, and increasing the City Administrator's purchasing authority to \$50,000 was approved.

WORKSHOP: TREE CITY USA

Jones presented the workshop and stated that the real question is whether to be an affiliated or unaffiliated tree city. Jones explained that the City has done a lot of work in the past few years increasing the number of trees in the City, and there are still open areas for additional planting. The Arbor Day Foundation is the organization that sets the standards and requirements to become a Tree City USA. The requirements include having a Tree Board or Department to oversee tree related activities, spend \$2 per capita on trees, establish a tree care and protection ordinance, and have an Arbor Day celebration.

Jones stated that currently the City has provisions in the zoning and development code regarding trees and required plantings, but not a tree care and protection ordinance. The City already utilizes the Parks Commission and professional staff for tree related issues, and the City already spends at least \$2 per capita on tree related expenses. Jones stated that the tree care and protection ordinance is extensive and covers obtaining permits for tree related activities, developing and maintaining a list of approved trees, providing technical assistance to assist landowners in maintaining trees, and inspecting and maintaining street trees. Jones explained that the ordinance also covers planting, removing, destroying, cutting, pruning a street tree or mechanically excavating within 10 feet of a street tree. The final area of impact is that the ordinance prohibits the removal of trees from an undeveloped or underdeveloped property without first obtaining a tree removal permit.

Jones stated that the Council considered this ordinance in 2004 and it is attached. Jones explained that the next step would be to either move forward with the adoption of the ordinance and other provisions to become an official Tree City USA, or continue to operate as we have been the past few years and not be an official Tree City USA. Smith stated that she remembers when Metro tried to implement a similar program for the region and property owners cut down a lot of nice trees in the anticipation of the regulations. Tim Clark stated that we can do our own thing without being a Tree City USA.

Mark Clark asked what the positives are for being a Tree City USA. Jones stated that being able to say that the community is a Tree City USA is the positive thing. Mark Clark asked if there would have to be a new fee to cover the costs of the required \$2 per capita allocation. Jones stated that there would not have to be a fee because the City is already spending enough money to qualify. Tim Clark stated that he does not like the restrictions on private property. Smith agreed.

Mark Clark asked if this just affect street trees. Jones stated that it would also include trees on undeveloped or underdeveloped lots. Mark Clark asked what the staff opinion is. Peterson stated that Grants Pass recently celebrated their 24th year as a Tree City USA, and they have a true urban forest now. Peterson stated that it was a battle to get it going, but the regulations were more restrictive. Mark Clark stated that he knows people in Portland who have to deal with similar regulations and he is not in favor of them. Harden asked if anything tangible has come from Grants Pass being a Tree City for 24 years. Peterson stated that it brings a sense of pride to the community, but that is basically it.

Harden asked what the current regulations are for undeveloped lots. Jones stated that if a lot is undeveloped with no plat, the owner can cut down any trees that they want to. Once a plat is submitted, there are provisions for tree protection. Harden stated that it might be good to review those provisions to provide some additional protection. The Council agreed.

The Council accepted the work on preparing for a Tree City USA designation, but chose not to pursue it at this time. Council directed Peterson to bring more information about the current tree provisions to the Council for a review.

RETIREMENT ANNOUNCEMENT

Peterson stated that he received notice that Jones is retiring as of June 1, 2012. Jones stated that he is not retiring because of the job, he simply wants to have more time to pursue his other passions in life.

The Council thanked and congratulated Jones for his work at the City.

EXECUTIVE SESSION PER ORS 192.660(2) (d) TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY THE GOVERNING BODY TO CARRY ON LABOR NEGOTIATIONS

The Council entered into Executive Session at 7:44pm.

The Council convened back into regular session at 7:51pm.

COUNCIL COMMENTS

Dirks asked for more information about a recent Friday Update regarding a business that was told could not locate in the City. Peterson stated that business wanted to have a storage facility and maintenance shop for their heavy equipment. Peterson explained that it was an outright prohibited use and there was nothing staff could do to try and make it fit. The Council tightened and restricted the types of land uses in that area in an effort to have uses with high job rates.

COUNCIL APPOINTMENT

Mark Clark stated that Peterson sent out an email regarding if any of the Councilors were interested in helping review items from the various League or Oregon Cities committees that Peterson is involved with. Mark Clark stated that he is interested in doing that and asked of the Council was okay with that.

The Council did not have any issues allowing Mark Clark help review LOC committee items. Peterson stated that he will also keep the entire Council updated on important items, and appreciates feedback from the Council.

ADJOURN

With no further business coming before the Council, and upon motion by Dirks, seconded by Harden and passing 5-0, the Council adjourned at 8:00pm.



Patricia Smith
Mayor

3-19-2012

Date

ATTEST:



Greg Dirks
City Recorder