



*Mayor*  
Patricia Smith

*Council President*  
Mark Clark

*Councilors*  
Stanley Dirks

Timothy Clark

Scott Harden

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**REGULAR MEETING OF THE  
WOOD VILLAGE CITY COUNCIL  
February 26, 2013  
MINUTES**

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

**ABSENT:** Councilor Stanley Dirks.

**MAYOR SMITH CALLED THE MEETING TO ORDER AT 6:00 PM.**

**PLEDGE OF ALLEGIANCE**

**CITIZEN COMMENTS**

There were none.

**CONSENT CALENDAR**

- a. Liquor License Application: Wood Village Market and Deli – Additional Privilege

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

**PRESENTATION: FINAL COMMUNITY BANNER DESIGNS**

HR/Records Manager Greg Dirks presented the final banner designs. Greg Dirks stated that these designs were created by the two finalists that the Council selected at their meeting in January. The two designers combined their images, and added items that the Council wanted to have included in the banners.

The Council selected banner design A4.

Greg Dirks stated that the Reynolds High School print shop will print the banners, and they should be ready to hang in April. Reynolds High School Graphic Arts teacher Emily Baron stated that this project has been fun for her students, and they are looking forward to having the banners placed around the City.

Smith presented Carlos Barrios-Mata with an award for having his banner design selected.

Smith presented Christina Mekvold with an award for having her banner design selected. Baron accepted the award on behalf of Mekvold.

The Council thanked Baron and Barrios-Mata for their work on this project.

#### **RESOLUTION 4-2013: IGA WITH TROUTDALE FOR FIRE SERVICE CONSOLIDATION STUDY**

Peterson presented the resolution and stated that a revised version has been handed out. Peterson stated that the revision deals with the payment for services, and that the City will pay once the first receivable product is complete. Peterson explained that the original language had installment payments that would be more difficult to manage compared to the revision.

Peterson explained that the current fire service contract is with the City of Gresham, and it is a ten year contract with a two year termination agreement. Peterson stated that the contract expires in 2015, and notice should be sent stating that the City may not renew the contract. Peterson explained that the current contract does not include service standards or response time measures, which are common in most fire service contracts. Peterson stated that the current contract outlines that the service will be the same as it was in the 2005 contract year, but performance measure were not included in that contract either. Condit stated that was in part because the City did not have any viable alternatives at that time, and was not in a good bargaining position.

Peterson stated that part of this study is to have viable alternatives for fire service which should provide the City with more bargaining power. Peterson explained that the current contract has a set rate increase per year, but it is still a good value. Peterson stated that the fire service evaluation study was going to include the City of Fairview, but they have since lost interest in the study. Peterson explained that this memorandum of understanding is between the City and Troutdale, and Troutdale is the primary contact for the study which will be completed by Portland State University.

Peterson stated that the study will evaluate the current service level, and develop viable alternatives for services. Alternatives will include creating a professional service, a fully volunteer service, a combination of professional and volunteer service, and a private for profit provider. Peterson stated that cost of the study is \$25,425, and the City's share is \$7,500.

Tim Clark asked if viable alternatives will actually be possible with just the two cities involved. Peterson stated that actual viable alternatives that could be implemented by the two cities will be produced. Harden asked if Gresham will release the necessary data to complete the analysis. Peterson stated that providing data is part of the current contract, and we have a good working relationship with the Gresham Fire Department. Peterson explained that Gresham Fire is also looking forward to seeing the results of the study.

Upon motion by Mark Clark, seconded by Tim Clark and passing 4-0, Resolution 4-2013 entering into a MOU with Troutdale for a fire service consolidation study was approved.

**PUBLIC HEARING: ORDINANCE 5-2013 WASTE MANAGEMENT LICENSE RENEWAL**

Smith opened the Public Hearing.

There were no comments.

Smith closed the Public Hearing.

Peterson stated that this item was discussed with the Council in January, and the ordinance prescribes the service level, license term, and other provisions for waste removal in the City. Peterson explained that the revised ordinance includes a rolling eight-year license term with renewal periods set at two year periods. Each time the license is renewed, it is renewed for an eight-year period. Peterson stated that if the ordinance is adopted, then the Council may consider the resolution granting Waste Management of Oregon a license. Peterson explained that the license prescribes the extra garbage bag day, the City-wide cleanup event, fall leaf collection, and container standardization.

Tim Clark asked when the new license will take effect. Peterson stated that it depends on how the Council would like to proceed. Peterson explained that an ordinance does not take effect until 30 days after it is adopted. The resolution granting the license could not take effect until after that time. Peterson stated that Waste Management's current license expires at the end of the month. Condit explained that the Council could chose to approve the resolution and make the effective date 30 days from now. Peterson stated that the Council could extend the current license by 30 days, and then the new one would take effect.

Tim Clark asked why Waste Management wanted a year to implement the cart standardization. Dean Kampfer from Waste Management stated that item has to be placed into their budget, and they also like to conduct an outreach effort to customers before they come out with the new carts.

Upon motion by Mark Clark, seconded by Harden and passing 4-0, Waste Management's license was extended for 30 days.

Upon motion by Tim Clark, seconded by Mark Clark and passing 4-0, the first reading by title only of Ordinance 5-2013 amending section 8.24 for solid waste license agreements was approved.

Minter gave the first reading by title only of Ordinance 5-2013 amending section 8.24 for solid waste license agreements.

Upon motion by Harden, seconded by Tim Clark and passing 4-0, the second reading by title only of Ordinance 5-2013 amending section 8.24 for solid waste license agreements was approved.

Minter gave the second reading by title only of Ordinance 5-2013 amending section 8.24 for solid waste license agreements.

Upon motion by Mark Clark, seconded by Harden and passing 4-0, Ordinance 5-2013 amending section 8.24 for solid waste license agreements was adopted.

Upon motion by Harden, seconded by Tim Clark and passing 4-0, Resolution 6-2013 granting Waste Management of Oregon LLC a license for solid waste collection service as amended to include a 30 day effective date was approved.

#### **BID AWARD: ARATA TO HALSEY WATER/SEWER LINES**

Peterson stated that this bid award is for the Arata to Halsey water and sewer line extension. Peterson explained that this line will be along the Wood Village Blvd alignment, and the completion of the project will allow for the full build out of the town center.

Peterson stated that there were 16 bidders for the project, and the bids ranged from \$128,780 to \$293,000, with the average being \$176,000. Peterson explained that the low bidder was CG Constructors, and they have solid references and work history. Peterson stated that staff spent some time reviewing the bids, and why there was a big range in the bids. Peterson explained that some contractors already had work lined up, so they were not overly interested in this project and put in a token bid. Peterson stated that he is comfortable with the low bidder, and recommended that the bid be awarded to CG Constructors in the amount of \$128,780.

Smith asked how long that company has been in business. Gunter stated that it is a relatively newer company, but the principal in the company has been in the industry a long time, and had worked for a very large and well know firm. Tim Clark asked if the references were called. Gunter stated that staff was able to contact two of the references and they both checked out. Smith asked if any of the work would be completed by a sub-contractor. Peterson stated that none of the work will be completed by a sub-contractor. Peterson explained that the company has also put up a bid and payment bond.

Tim Clark asked about the potential for large rocks or ground water, and what would happen if the company encounters problems with them. Peterson stated that large rock removal was built into the contract to be handled by a change order. Peterson explained that it will be handled by a change order because the size and quantity of rock that could be encountered is unknown. Smith

asked when the project would start. Peterson stated that it could start in a few weeks once the contracts are finalized.

Upon motion by Harden, seconded by Mark Clark and passing 4-0, the bid award for the Arata to Halsey water and sewer line project was awarded to CG Constructors in the amount of \$128,780.

### **DISCUSSION: PERSONNEL MANUAL UPDATES**

Greg Dirks presented the discussion, and stated that the personnel manual was last updated in June, and this set of updates mainly deals with new laws and best practices. Greg Dirks explained that he would also like to have a discussion about at will employment, and what that means for the City.

Greg Dirks stated that at will employment essentially means that the employer or the employee may terminate the employment relationship at any time, for any reason, with or without notice. Greg Dirks explained that the Bureau of Labor and Industries indicated that just because an employer has at will language, does not mean that is an excuse for not having current policies, and documenting employee performance. The City has at will language, and also keeps updated policies with uniform implementation and thorough documentation. Greg Dirks stated that when the Local Government Personnel Institute reviewed the proposed revisions, they indicated that the introductory period language could be removed because it was not needed since the City is an at will employer.

Greg Dirks explained that at will employment does not necessarily mean that an employer could terminate an employee without consequences. At will employment has a lot of limitations especially in the public sector. Greg Dirks stated that removing at will language would create a property right for employees. That means the employee would have to be given a due process hearing before they were terminated, but that is something the City does anyway. Condit stated that even though at will employment is not as what it used to be, there is still some advantage to keeping the language.

The Council stated that they would like to keep at will language as well as the introductory period.

Greg Dirks presented the proposed revisions and stated that there are several new sections as well as substantially revised sections. Section 040 regarding equal employment was revised to include updated protected classes. Section 041 for the Genetic Information Act is new, and protects against genetic testing for employment purposes. Greg Dirks stated that section 047 is new and covers the Whistle Blower Protection Act. Section 048 is also new and covers mandatory meetings, and what types of meetings employees do not have to attend. Section 050 has been updated to reflect changes in the American's with Disabilities Act. Section 051 is new

and covers reasonable accommodations for religious purposes. Greg Dirks explained that section 052 is new and covers accommodations for domestic violence victims.

Greg Dirks stated that the next substantially revised section is 235 for medical leave. Greg Dirks explained that since the City is a public employer, the City is covered by both the Federal Family Medical Leave Act, and the Oregon Family Leave Act. However, since the City only has 15 employees, the employees themselves are not eligible for leave under both the state and federal programs. Greg Dirks stated that the revised section acknowledges that the City is a covered employer, but outlines that employees are not eligible for either leave. The revised section also includes a medical leave policy that is similar to FMLA and OFLA, but allows more flexibility in the administration of the leave.

Greg Dirks explained that section 325 is new and covers social networking. The policy has a section for social networking on behalf of the City, and guidelines for employees for their own personal social networking activities. Greg Dirks stated that the remaining sections either have minor revisions or no revisions at all. The next step is to have the Council decide which sections they would like implemented, and then staff would bring those sections back for approval at the next meeting.

Upon motion by Smith, seconded by Tim Clark and passing 4-0, the Council requested that the revisions to the Personnel Manual as presented including keeping at will language be brought back at their next meeting for adoption.

#### **RESOLUTION 7-2013: PURCHASING POLICIES**

Minter presented the resolution and stated that the purchasing policies deal with internal controls and the purchasing limits for employees. Minter explained that there is a triangle of fraud, and the triangle includes pressure, rationalization and opportunity. Minter stated that when a person commits fraud, there is generally one of more of the items present. The only item that the City can control is the opportunity. Minter explained that to limit the opportunity there has to be effective controls in place.

Minter stated that there is also a cost benefit to the controls that are put into place. An organization would not want to spend more to track money, than the money that is being tracked is worth. Minter explained that internal controls protect the City and the employees. Minter stated that basic internal controls consist of the separation of duties. The person handling the cash should not be the person who reconciles the cash receipts. Another control is a purchase authorization and receipt for every purchase. There are also the final monthly reconciliations.

Minter stated that the revised purchasing policies increase the purchasing authority from \$100 to \$500 with only a verbal authorization. Minter stated that many employees felt that the current limit of \$100 was too restrictive, and cost more in time then it saved in controls. The employee

still has to call in before the purchase, and then fill out the paperwork and turn in the receipt when they get back in the office. Minter explained that the revised policies also include a statement that anyone who purposely misrepresents a purchase will be held liable, and department directors may not exceed their budget authority unless approved by the City Administrator or the City Council.

Tim Clark asked if there was an inventory control program to ensure that items purchased actually stay in the City. Minter stated that there are inventory controls in place that balance checking the inventory and what it costs to check the inventory. Mark Clark explained that the purchasing policies used to be very tight, and it seemed very cumbersome to purchase even a small item. Mark Clark stated that the revised policy looks good.

Upon motion by Harden, seconded by Tim Clark and passing 4-0, Resolution 7-2013 revising the City's purchasing policies was approved.

#### **PUBLIC WORKS DIRECTOR'S REPORT**

Gunter presented the report and stated that staff held a workshop with the residents of 230<sup>th</sup> and 231<sup>st</sup> court to discuss the sidewalk project, but only one person attended the meeting. Gunter explained that the water meter project is nearly complete, and staff is working on installing the last of the large meters. Gunter stated that he was informed at the last JPACT meeting that the funding to build the new Columbia River bridge may take funding away from other regional projects which may include 238<sup>th</sup>. Peterson stated that funding packages are being voted on right now at the state level, and it could tie up funding for a few years.

Gunter stated that development is slow, but there are a few projects pending. Joy Teriyaki will be open soon, and Papa Murphy's is remodeling. There is no word from Famous Dave's.

#### **CITY ADMINISTRATOR'S REPORT**

Peterson presented the report and stated that the Council Calendar is in the packet. The Annual Performance Plan is generally on track with only a few items behind schedule. Peterson explained that he expects that all projects will be completed within the fiscal year.

#### **FINANCE DIRECTOR'S REPORT**

Minter presented the report and stated that the finances are in good shape. Minter stated that revenues are on track, and investments are up from last year. Peterson stated that some of those investments will be used next year to complete identified capital projects.

Minter stated that staff has put together a budget calendar, and the first budget meeting will be April 18<sup>th</sup>. Pre-budget meetings will be held between March 18<sup>th</sup> and the 27<sup>th</sup>. Tim Clark asked if any new information will be presented at those meetings. Peterson stated that there will be

some refocus on certain items such as preventative maintenance, and while it is strongly encouraged to attend a meeting; it is not required.

**COUNCIL REPORTS**

Tim Clark stated that he wanted to let the Council know that his recommendation to not endorse the grant proposal at their last meeting was not done lightly. Tim Clark explained that he did not want to disrupt the momentum at EMCTC, and was glad that the grant did not have to be voted on. Peterson stated that the grant will move forward without the City's endorsement, but Troutdale did endorse it. Smith stated that EMEA voted to endorse both grant proposals.

Smith explained that she had a meeting with some of the Mayors in the regional as well Shirley Craddick to discuss the parks tax measure. Smith stated that the Mayor of Happy Valley is not happy with Metro on the decision to push the ballot through, and informed Craddick of that.

**EXECUTIVE SESSION: PER ORS 192.660(2)(e) TO DISCUSS REAL PROPERTY TRANSACTIONS**

The Council entered into Executive Session at 7:58pm.

The Council entered back into Regular Session at 8:11pm.

**ADJOURN**

With no further business coming before the Council, and upon motion by Tim Clark, seconded by Harden and passing 4-0, the Council adjourned at 8:12pm.



Patricia Smith  
Mayor

3-12-2013

Date

ATTEST:



Greg Dirks  
City Recorder