

**REGULAR MEETING OF THE
WOOD VILLAGE CITY COUNCIL
July 13, 2017
AGENDA**

6:00 P.M. PLEDGE OF ALLEGIANCE

1. Citizen Comments (non-agenda items)
2. Public Safety Report (MCSO)
3. Consent Calendar:
 - a. [Review of bills paid in June, 2017](#)
 - b. Contracts \$2,500 - \$50,000
 - McNamara Construction: New Gateway Sign - \$5,272
 - Kip Edgley: 238th Lift Station Upgrade - \$10,706.89
 - c. Council Minutes:
 - [June 13, 2017](#)
 - [June 27, 2017](#)
4. [Discussion: 2017-18 Annual Performance Plan Revisions](#)
5. [Discussion: Garage Sale and Cleanup Day Recap](#)
6. [Discussion: 2nd Annual Wood Village Pumpkin Fest](#)

ADJOURN

The meeting location is wheelchair accessible. This information is available in large print upon request. To request large-print documents or for accommodations such as assistive listening device, sign language, and/or oral interpreter, please call 503-667-6211 at least two working days in advance of this meeting. (TDD 1-800-735-2900).

NEXT MEETING: Tuesday, July 25, 2017



CITY OF WOOD VILLAGE

Check Report

By Check Number

Date Range: 06/01/2017 - 06/30/2017

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP River-AP Riverview Bank						
0431	76 FOODMART	06/08/2017	Regular	0.00	91.56	21683
1410	AS&P BILLING SERVICES CORP	06/08/2017	Regular	0.00	180.77	21684
10056	BATTERIES PLUS BULBS	06/08/2017	Regular	0.00	259.37	21685
10033	CHR CREATIVE	06/08/2017	Regular	0.00	270.00	21686
0505	CITY OF FAIRVIEW	06/08/2017	Regular	0.00	63.92	21687
0520	CITY OF GRESHAM	06/08/2017	Regular	0.00	1,631.25	21688
0611	COMMUNITY NEWSPAPERS, INC	06/08/2017	Regular	0.00	373.65	21689
0630	CONNELLPC ASSOCIATES, INC	06/08/2017	Regular	0.00	562.50	21690
1054	FIRWOOD DESIGN GROUP, LLC	06/08/2017	Regular	0.00	4,137.50	21691
1200	GLOBAL NETWORK SUPPORT INC.	06/08/2017	Regular	0.00	1,707.50	21692
0960	KIP EDGLEY	06/08/2017	Regular	0.00	3,283.07	21693
1571	LOWES COMPANIES, INC	06/08/2017	Regular	0.00	336.54	21694
10122	NET ASSETS	06/08/2017	Regular	0.00	54.00	21695
1910	NOLAN'S TIRE FACTORY	06/08/2017	Regular	0.00	24.00	21696
2020	ONE CALL CONCEPTS, INC	06/08/2017	Regular	0.00	26.25	21697
2210	PARKROSE HARDWARE	06/08/2017	Regular	0.00	48.47	21698
2236	PETTY CASH	06/08/2017	Regular	0.00	156.93	21699
	Void	06/08/2017	Regular	0.00	0.00	21700
	Void	06/08/2017	Regular	0.00	0.00	21701
10134	RANDY CORYELL	06/08/2017	Regular	0.00	1,175.00	21702
0172	ATLAS FINANCIAL SERVICES	06/15/2017	Regular	0.00	27.50	21704
0510	CITY OF GRESHAM	06/15/2017	Regular	0.00	29,167.16	21705
0520	CITY OF GRESHAM	06/15/2017	Regular	0.00	1,687.50	21706
10125	EMERY & SONS CONSTRUCTION GROUP	06/15/2017	Regular	0.00	33,008.35	21707
1056	FIERCE THOUGHT	06/15/2017	Regular	0.00	110.00	21708
1290	HACH COMPANY	06/15/2017	Regular	0.00	239.65	21709
1610	MASTERTech SECURITY SVC	06/15/2017	Regular	0.00	80.85	21710
1980	OCCMA	06/15/2017	Regular	0.00	375.00	21711
2244	PITNEY BOWES, INC	06/15/2017	Regular	0.00	105.00	21712
2245	PITNEY BOWES/RESERVE ACCOUNT	06/15/2017	Regular	0.00	500.00	21713
10011	PIXIS LABS, LLC	06/15/2017	Regular	0.00	148.80	21714
2350	POSTMASTER	06/15/2017	Regular	0.00	380.00	21715
2530	REYNOLD'S SCHOOL DISTRICT #7	06/15/2017	Regular	0.00	353.72	21716
10003	RIVER CITY ENVIRONMENTAL	06/15/2017	Regular	0.00	616.00	21717
0561	TIM CLARK	06/15/2017	Regular	0.00	141.61	21718
10074	URBSWORKS, INC	06/15/2017	Regular	0.00	1,500.00	21719
3005	WALMART COMMUNITY	06/15/2017	Regular	0.00	70.99	21720
0505	CITY OF FAIRVIEW	06/22/2017	Regular	0.00	6,961.00	21722
0579	COLUMBIA PEST CONTROL	06/22/2017	Regular	0.00	65.00	21723
1054	FIRWOOD DESIGN GROUP, LLC	06/22/2017	Regular	0.00	1,286.25	21724
0960	KIP EDGLEY	06/22/2017	Regular	0.00	10,706.89	21725
1610	MASTERTech SECURITY SVC	06/22/2017	Regular	0.00	95.00	21726
1960	OFFICE DEPOT CREDIT PLAN	06/22/2017	Regular	0.00	342.30	21727
2704	STERICYCLE COMMUNICATION SOLUTIONS	06/22/2017	Regular	0.00	61.29	21728
3010	WASTE MANAGEMENT OF	06/22/2017	Regular	0.00	880.16	21729
0081	AFLAC	06/27/2017	Regular	0.00	243.73	21731
0637	CONST & GEN LABORERS' UNION LOCAL 737	06/27/2017	Regular	0.00	148.00	21732
0431	76 FOODMART	06/29/2017	Regular	0.00	33.86	21733
1410	AS&P BILLING SERVICES CORP	06/29/2017	Regular	0.00	235.00	21734
0520	CITY OF GRESHAM	06/29/2017	Regular	0.00	103,428.90	21735
0630	CONNELLPC ASSOCIATES, INC	06/29/2017	Regular	0.00	924.60	21736
1054	FIRWOOD DESIGN GROUP, LLC	06/29/2017	Regular	0.00	1,337.80	21737
1762	KNIFE RIVER	06/29/2017	Regular	0.00	346.95	21738
1620	MCNAMARA CONSTRUCTION	06/29/2017	Regular	0.00	5,272.00	21739

Check Report

Date Range: 06/01/2017 - 06/30/2017

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
1760	MOEN MACHINERY COMPANY	06/29/2017	Regular	0.00	264.86	21740
1910	NOLAN'S TIRE FACTORY	06/29/2017	Regular	0.00	479.80	21741
2202	PAPE MACHINERY EXCHANGE	06/29/2017	Regular	0.00	1,665.88	21742
2244	PITNEY BOWES, INC	06/29/2017	Regular	0.00	78.48	21743
10074	URBSWORKS, INC	06/29/2017	Regular	0.00	1,275.00	21744
2270	PGE	06/13/2017	Bank Draft	0.00	138.94	DFT0000534
2270	PGE	06/13/2017	Bank Draft	0.00	27.32	DFT0000535
2270	PGE	06/07/2017	Bank Draft	0.00	29.56	DFT0000536
2270	PGE	06/14/2017	Bank Draft	0.00	25.67	DFT0000537
2270	PGE	06/14/2017	Bank Draft	0.00	26.03	DFT0000538
2270	PGE	06/14/2017	Bank Draft	0.00	919.74	DFT0000539
2270	PGE	06/14/2017	Bank Draft	0.00	18.55	DFT0000540
2270	PGE	06/14/2017	Bank Draft	0.00	1,188.28	DFT0000541
2270	PGE	06/14/2017	Bank Draft	0.00	225.48	DFT0000542
2270	PGE	06/14/2017	Bank Draft	0.00	219.21	DFT0000543
2270	PGE	06/14/2017	Bank Draft	0.00	17.62	DFT0000544
2270	PGE	06/14/2017	Bank Draft	0.00	16.74	DFT0000545
2270	PGE	06/14/2017	Bank Draft	0.00	573.08	DFT0000546
2270	PGE	06/14/2017	Bank Draft	0.00	1,532.78	DFT0000547
1120	FRONTIER	06/12/2017	Bank Draft	0.00	89.99	DFT0000548
1120	FRONTIER	06/16/2017	Bank Draft	0.00	42.01	DFT0000549
0170	AT & T MOBILITY	06/15/2017	Bank Draft	0.00	456.61	DFT0000550
2270	PGE	06/19/2017	Bank Draft	0.00	3,237.26	DFT0000551
1120	FRONTIER	06/22/2017	Bank Draft	0.00	26.93	DFT0000552
1390	INTEGRA TELECOM	06/22/2017	Bank Draft	0.00	601.82	DFT0000553
2942	TYLER TECHNOLOGIES INC	06/22/2017	Bank Draft	0.00	10,007.54	DFT0000554
1920	NW NATURAL	06/22/2017	Bank Draft	0.00	1.32	DFT0000555
1920	NW NATURAL	06/22/2017	Bank Draft	0.00	66.54	DFT0000556
10107	RIVERVIEW CC - CA	06/22/2017	Bank Draft	0.00	2,089.68	DFT0000557
10108	RIVERVIEW CC - FD	06/22/2017	Bank Draft	0.00	1,525.00	DFT0000558
10109	RIVERVIEW CC - HR	06/22/2017	Bank Draft	0.00	1,019.00	DFT0000559
10110	RIVERVIEW CC - PW	06/22/2017	Bank Draft	0.00	1,858.26	DFT0000560
2153	OREGON DEPT OF JUSTICE	06/30/2017	Bank Draft	0.00	600.00	DFT0000562
0920	CIS TRUST	06/27/2017	Bank Draft	0.00	16,803.21	DFT0000563
1880	NATIONWIDE RETIREMENT SOL.	06/27/2017	Bank Draft	0.00	750.00	DFT0000564
2200	OREGON PERS	06/27/2017	Bank Draft	0.00	12,992.55	DFT0000565
1120	FRONTIER	06/29/2017	Bank Draft	0.00	48.76	DFT0000566
1120	FRONTIER	06/29/2017	Bank Draft	0.00	42.01	DFT0000567
1120	FRONTIER	06/29/2017	Bank Draft	0.00	42.01	DFT0000568
1120	FRONTIER	06/29/2017	Bank Draft	0.00	42.01	DFT0000569
1120	FRONTIER	06/29/2017	Bank Draft	0.00	42.01	DFT0000570
1710	MILLER NASH GRAHAM & DUNN LLP	06/29/2017	Bank Draft	0.00	660.00	DFT0000571
1920	NW NATURAL	06/29/2017	Bank Draft	0.00	191.47	DFT0000572

Bank Code AP River Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	87	57	0.00	219,027.16
Manual Checks	0	0	0.00	0.00
Voided Checks	0	2	0.00	0.00
Bank Drafts	97	38	0.00	58,194.99
EFT's	0	0	0.00	0.00
	184	97	0.00	277,222.15

Fund Summary

Fund	Name	Period	Amount
01	POOLED CASH FUND	6/2017	277,222.15
			<u>277,222.15</u>

**MEETING OF THE
WOOD VILLAGE CITY COUNCIL
June 13, 2017
MINUTES**

PRESENT: Mayor Timothy Clark, Council President Scott Harden, Councilors Patricia Smith, Bruce Nissen, and Mark Clark. City Manager Bill Peterson, Finance Director Peggy Minter, Public Works Director Scott Sloan, and interested parties.

ABSENT: City Attorney Jeff Condit.

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

CITIZEN COMMENTS (NON-AGENDA ITEMS)

There were none.

PUBLIC SAFETY REPORT

Lieutenant Joel Wendland of the Multnomah County Sheriff's Office presented the report. Wendland stated that we are getting into vacation season and the MCSO offers vacation home checks. Wendland explained that homeowners can fill out an online form that will generate a property check about every 39 hours. The call rotates so deputies will be there at different times of the day.

Wendland stated that for the month of May there were 17 welfare checks, 12 traffic collisions, and an increase in vehicle stops. Wendland explained that the MCSO has been working on oversized traffic on the 238th hill, as well as speed patrol along I-84. Wendland stated that there were 353 calls for service with 163 as dispatched calls and 190 self-initiated stops. Wendland stated that there were 27 emergency calls with an average response time of four minutes and thirty seconds. Non-emergency calls had an average response of seven minutes and thirty-five seconds. Wendland stated that total time in Wood Village was 147 hours.

Wendland stated that there was an accident on I-84 that involved a stalled vehicle being hit at about 70mph. A person was killed in that incident, and the case is still being investigated. Wendland stated that the majority of calls have been typical and routine for this time of year.

Peterson stated that he wanted to thank the MCSO for working with the City and bringing in the HOPE Team to remove squatters from a home. Peterson explained that our hands were tied in removing those people, and the MCSO came in and did an outstanding job. Wendland stated that this team will be more comprehensive once it is fully up and running.

Peterson stated that Chief Gates was also instrumental in getting a four-way stop placed at Wood Village Blvd. and Arata Road. His inclusion in the process has led to a resolution.

The Council thanked Wendland for the report and his service.

CONSENT CALENDAR:

- a. Review of bills paid in May, 2017
- b. Contracts \$2,500 - \$50,000
 - NW Arbor Culture: Tree Removal - \$2,950.00
 - RR Landscape: 238th Island Plantings - \$2,500.00
 - City of Fairview: Flower Basket Watering Service - \$4,550.00
 - Refined Painting: City Hall Trim - \$2,975
- c. Resolution 21-2017: Solid Waste Letter of Understanding
- d. Council Minutes:
 - May 11, 2017
 - May 23, 2017

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

PUBLIC HEARING: RESOLUTION 17-2017 FOR RECEIPT OF STATE SHARED REVENUE

Peterson presented the resolution and stated that there are no changes to the number of personnel, and all operating budgets are structured with a positive relationship between revenues and expenses. That will allow us to handle some level of capital improvement. Peterson explained that the Urban Renewal borrowing will be internally financed, which will provide for a greater level of investment return compared to what is currently being earned. Peterson stated that there is a change to the Internal Services fund which will impact the administration of that fund, but it does not really impact the operations of the overall budget.

Peterson stated that before he moves forward with his presentation, a public hearing is require for state shard revenue.

Tim Clark open the public hearing and asked for any comments.

There were no comments.

Tim Clark closed the public hearing.

Peterson presented the budget funds and status. Peterson stated that there is an 8% overall increase in the budget, with a 5% increase in the operating budget. Peterson explained that this is based on the high side of expenditures and a conservative estimate on revenues. Peterson stated that the City will end the year in a slightly better financial position overall.

Peterson stated that Councilor Harden had pointed out that the fire services contract has a cap at 4.5%, and the allocation for that amount has been rounded off so it is slightly higher than 4.5% for the budgeted amount. Peterson explained that public safety drives the majority of budget expenses.

Peterson stated that there is one new program, and that is the two-city recreation program. Peterson presented the capital items as recommended by the Budget Committee, as well as the discretionary capital projects that were recommended by the Budget Committee. Peterson explained that there was a request to reconsider the allocation for an electronic sign, as well as the addition of \$16,000 to use as a potential matching grant with Fairview on a possible Halsey Corridor project. Peterson stated that the inclusion of either item will reduce the ending fund balance.

Peterson stated that the Street Fund is in good shape with revenues, expenses and the margin. The big project for the year will be the rebuilding of Cedar Lane. Peterson explained that the Water Fund is also in great shape, and revenues include a 2% cost of living adjustment on user fees. Peterson stated that the Sewer Fund is in good shape compared to previous years. There is a request to clean and inspect all the sewer lines in the City, and that was intended to be brought up to the Budget Committee but was inadvertently left out. Peterson stated that it is essential to look at our system and find any deficiencies such as I&I.

Peterson stated that is a summary of the budget, and three separate motions are needed. One is to adopt the budget, one for state shared revenues, and the last one to levy the taxes. Peterson explained that three separate resolutions have been developed to cover some or none of the alternative project items, and Peterson stated that the staff recommendation is to adopt version A, which includes the \$16,000 potential grant allocation.

Smith asked if anyone has been contacted to conduct the sewer cleaning. Sloan stated that we have received a hard bid, and the project is scheduled this summer pending budget approval. Mark Clark asked if it would be better to inspect the pipes during the rainy season to locate any I&I. Peterson stated that we need the flow to be low so the camera can see the physical condition of the pipes. Sloan stated that we can still see I&I in the dry season because of all the ground water.

Upon motion by Mark Clark, seconded by Harden and passing 5-0, Resolution 17-2017 accepting state shared revenues was approved.

RESOLUTION 18-2017 ADOPTING FISCAL YEAR 2017-18 WOOD VILLAGE BUDGET AND MAKING APPROPRIATIONS

Upon motion by Harden, seconded by Nissen and passing 5-0, Resolution 18-2017A adopting the 2017-18 budget including \$16,000 for a potential Halsey Street matching grant was approved.

RESOLUTION 19-2017 LEVYING AND CATEGORIZING AD VALOREM TAXES FOR FISCAL YEAR 2017-18

Upon motion by Smith, seconded by Mark Clark and passing 5-0, Resolution 19-2017 levying and categorizing as valorem taxes was approved.

RESOLUTION 20-2017: IGA AND APPOINTMENT TO THE TWO-CITY RECREATION BOARD

Peterson presented the resolution and stated that this approves the IGA with Fairview for the two-city recreation program, and assigns liaisons to the board. Peterson stated that the members would be Harden, Smith, and Tom Miles from the Baptist Church. Peterson explained that he had Condit review the agreement, and the City is well protected. Peterson stated that the program is funded and structured for three full years.

Upon motion by Harden, seconded by Mark Clark and passing 5-0, Resolution 20-2017 approving the two-city recreation program IGA and assigning board members was approved.

STAFF REPORT: FATS, OILS, AND GREASE (FOG) PROGRAM

Sloan presented the discussion on fats, oils, and grease. Sloan played a video on FOG that was developed by the City of Gresham. Sloan explained that there were issues related to grease build-up at the 238th lift station in early April. Sloan stated that staff did an investigation and found that a nearby restaurant had not been properly maintaining its grease trap. Sloan explained that since that incident staff has been taking a more proactive approach to managing and preventing FOG in the system. Prior to this effort, the only item that was being conducted was quarterly cleaning of areas known to accumulate FOG.

Tim Clark asked how FOG is cleaned from the system. Sloan explained that we hire a contractor that specializes in that service. There are areas that we know accumulate FOG more quickly than others, but some of the accumulations have not been as bad as initially thought. Tim Clark asked if homeowners contribute to the problem. Sloan stated that it is hard to determine which

users contribute more, and there is an educational and outreach component as well. Sloan explained that there are chemicals that homeowners can use to push a grease buildup through the line, but it eventually reaches the City's system and adds to the problem.

Sloan stated that he thought the City at one point had offered food scrapers and a can lid for people to store and dispose of their home grease, but cannot remember if that program actually took off. Sloan presented photos of grease in the City's sewer system, and stated that staff has made contact with all businesses that have, or should have a grease trap. Sloan explained that the outreach plan is pretty straightforward and simple. The existing sewer code can be utilized for access and enforcement, and we will develop a series of outreach materials. Sloan stated that we will conduct additional inspections, and try to gain voluntary compliance first, and then use more forceful means.

Mark Clark stated that he would be willing to be at the City booth during the Nite Out to handout FOG related information. Sloan stated that he will help with the effort.

Sloan presented cost estimates of what some grease traps may cost to install. Tim Clark asked where is the grease coming from as it may have resale value. Sloan stated that this grease is mainly from washing activities, and not necessarily dumping fry oil down the drain. Sloan explained that Gresham budgets \$25,000 to help offer grants to businesses that need to install a grease trap. That program has been successful at gaining compliance.

Nissen asked if business owners have asked about any incentives or grants. Sloan stated that no one has asked, and we have not offered any assistance. Peterson stated that he did receive two calls regarding this issue. Sloan stated that some of the smaller businesses have been concerned, but they also need a smaller, less expensive device.

Sloan stated that we have cleaned all the hot spots so we can establish a baseline for monitoring. Staff will then monitor those locations, and see what the overall maintenances needs are. Sloan stated that it is at that point that we would be tougher on businesses to ensure compliance. Peterson explained that it would be at that point that we would determine if we want to offer an inducements or incentives.

Mark Clark stated that he likes the friendly educational approach first, and then use a tougher enforcement process if needed. Nissen stated that he is also in favor of educating first, and having some inducement money could be a wise investment compared to cleaning out the system. Sloan stated that the City spent about \$4,000 in the removal of fog in specific areas, so \$2,500 - \$5,000 in an inducement could make quite a difference.

Harden stated that he also likes that approach, and then we can go after specific businesses if they do not comply. Peterson stated that another type of inducement is to waive the permit fee for the installation of the devices. Sloan stated that we can also have the scraper and can lid ready for the Nite Out. Nissen stated that he would like to see that information in a couple of different languages like Spanish and Russian. The Council agreed.

ADDITIONAL COMMENTS AND BUSINESS

Tim Clark asked about the Riverwood Canvassing project tomorrow. Peterson stated that the plan right now is to meet here at 5:30pm, and then go over to Riverwood. We will be supplied with a voting form and a list of addresses. Tim Clark asked if they should wear their City vests. Peterson stated that is a great idea.

ADJOURN

With no further business coming before the Council, the Council adjourned at 7:22pm.

Timothy Clark
Mayor

Date

ATTEST:

Greg Dirks: City Recorder

**MEETING OF THE
WOOD VILLAGE CITY COUNCIL
June 27, 2017
MINUTES**

PRESENT: Mayor Timothy Clark, Council President Scott Harden, Councilors Patricia Smith, Bruce Nissen, and Mark Clark. City Attorney Jeff Condit, City Manager Bill Peterson, Finance Director Peggy Minter, Public Works Director Scott Sloan, and interested parties.

ABSENT: None.

MAYOR TIMOTHY CLARK CALLED THE MEETING TO ORDER AT 6:00 PM.

CITIZEN COMMENTS (NON-AGENDA ITEMS)

Maurice of 23952 NE Poplar Cir. asked about a potential roadway that may have been proposed connecting the backside of Treehill to the original village. Tim Clark stated that has been discussed, but nothing is moving forward at this time. Maurice asked what that means, and if the City would have to get permission from Treehill to construct that project. Peterson stated that the roads in Treehill have a public access easement, but he would have to do more research to answer if Treehill could block off access to a public road.

Maurice stated that some people in Treehill are building a playground on the City's property just to the east of Treehill in a field. Maurice asked if they received permission for that project. Tim Clark stated that we have not granted permission for that project.

PUBLIC HEARING - ORDINANCE 5-2017: TOWN CENTER MASTER PLAN UPDATE

HR/Records Manager Greg Dirks read the hearings disclosure statement. Tim Clark asked if there were any conflicts of interest or personal bias. There were none.

Peterson presented the ordinance stated that this is the culmination of two years' worth of work and effort. Peterson explained that this effort involved a number of staff members and consultants. Peterson introduced Marcy McNelly of URBSWorks who was the primary author of the code revisions. Peterson stated that Tera Langley from ODOT was the overall project manager and helped the City receive the TGM grant for the project. Bridget Wieghart of Parsons Brinckerhoff was the primary consultant behind the Transportation System Plan updates. Peterson stated that Marie Kizzar and Beck Gallien from the City's staff were also key in keeping the project moving forward.

Peterson stated that the Council will consider adopting amendments to the Town Center code, as well as other section of the zoning code. Peterson explained that additional actions will update the 2030 vision, and repeal the current Town Center Master Plan of 1996. Peterson stated that the Town Center has sat essentially dormant with little new development over the past ten years. Peterson explained that the initial develop had Fred Meyers and Lowes, followed by a second phase that included Kohl's and some smaller restaurants and uses. Peterson stated that there have been several developers interested in the Town Center, but they found the current code and master plan process to complex and

cumbersome. Peterson stated that we decided to move forward with a review of the zone, and received a grant for about \$170,000 to take on this project.

Peterson stated that this effort encompassed the single largest public outreach and engagement process in the City's history. Peterson stated that we heard from over 500 unique and discrete voices as part of this process. Peterson explained that there was an amazing response by the community in this process. Peterson stated that a lot of work was done to get at that level of outreach and engagement. Peterson explained that the property owners were also engaged, and have been partners with us in this project.

Peterson stated that this is not about a specific site or development plan, but rather crafting a new zone for any user to perform. Peterson explained that this not a development proposal from any one developer or property owner, and we will not be talking about what a specific property owner may develop sometime in the future. Peterson stated that will come at another time when a specific proposal comes in.

Peterson stated that the Planning Commission met twice on this item, and they recommended the adoption of the code, amendments, the updated 2030 vision, and the repeal of the Town Center Master Plan.

McInelly stated that a series of goals were developed around this process, and a lot of visual aids were used to elicit a new vision for the zone. McInelly stated that we focused a lot on what we heard from the public, and tried to incorporate as much of that as possible in the code. McInelly explained that this code is unique in that it deemphasizes uses, but has clear and objective standards for features such as public plazas, streets, and open spaces. McInelly explained that the goals of the project included economic development, accessibility, healthy communities, equity, and the natural environment. McInelly stated that the community indicated that they wanted safe and beautiful streets, access for families, entertainment options, and housing for all types of incomes and ages.

McInelly stated that those ideas and concepts were translated into the zoning code, with a specific focus on those elements. McInelly presented the preferred use plan which has a strong focus on entertainment uses. The main street designation was also located in the northern portion of the Town Center. McInelly explained that some new features of the code include a general listing of land uses, which enables flexibility, but with a strong emphasis on streets, open spaces and plazas. McInelly stated that is all prescribed in the regulatory diagram, which can be thought of like a master plan. There is now also a single application process to encourage new development.

McInelly presented the updated 2030 plan which includes the preferred land uses for the Town Center, as well as the concept regulatory diagram which is the basis of the zoning code. McInelly explained that the document includes detailed standards for each road type, but there is some flexibility in the design. McInelly stated that the street types include main street, local street, universal street, a service

street, and multi-use paths or trails. McNelly stated that the general locations and alignments are set, but there is some movement capacity of the intersections to allow of flexibility and interesting designs. McNelly stated that this forms the bones of the town center zone.

McNelly explained that additional requirements include specific for public plazas, gateway elements, building frontages, and landscape standards. McNelly stated that there is a lot of flexibility for gateway designs, and presented concept photos of different potential options. McNelly explained that the exact location is also a bit flexible.

Peterson stated that the Planning Commission recognized this different approach, and they had a few areas that they had a second meeting to discuss. Peterson stated that one issue was the definition of lodging and if it should be a conditional use instead of an outright use. There was also a discussion on restricted access commercial entertainment, and if that should be prohibited instead of a conditional use. Peterson read the definition of restricted access commercial entertainment, and explained that it is like Great Wolf Lodge where you have to purchase something else like a hotel room to get access to the recreational facilities.

Peterson explained that that Planning Commission struggled with having lodging as an outright use. Peterson stated that a conditional use designation would enable the Planning Commission to review the overall impacts of a project, but that action also undermines the regulatory certainty that we have tried to get into the new code. Peterson explained that trying to find a compromise was difficult, but we came up with any lodging under 10 acres would be an outright land use, and any lodging over 10 acres would be a conditional use.

Peterson stated that while there was a lot of discussions around the restricted access commercial entertainment category, no changes were made and it remains as a conditional use. Peterson explained that the definition of lodging was also revised to remove some outdated language. Peterson stated that some clarification was done around the net land area. Peterson explained that we are trying to get some level of density into this area of the community. Peterson stated that there was also some discussions around the open space requirements, but that also was resolved. Peterson explained that any landscaping to the streets or paths in excess of the minimum standards will be counted as open space. Peterson stated that the last issue was around the traffic impact analysis, but nothing was changed as the county is the road authority and they did not any revisions to the language.

Peterson stated that he has included a lot of detail on each section and change, and he can go into those specifics if there are any questions or concerns from the Council. Peterson stated that the 2030 plan is essential, and color codes preferred land uses. Peterson explained that they are not mandated uses, but preferred to allow for flexibility within the zone.

Peterson stated that in accordance with state law there has to be specific findings to address each statewide planning goal that is impacted. Peterson presented the impacted goals, and stated that there are detailed findings for each goal in the packet. Peterson stated that this has been a great opportunity to work on a project with quality professionals, and to engage many community members. Peterson stated that he feels that this is an adoptable and usable code.

Mark Clark stated that it looks like the code has been substantially reduced in terms of text. Peterson explained that while the actual code may have been reduced, there are four binders of background information and materials for this item. Mark Clark stated that he likes the new code, and feels that it will allow Wood Village to be Wood Village while still offering a good amount of flexibility.

Smith agreed, and stated that there is a good mix of flexibility in the code. Smith asked how is equity as one of the goals measured, and how can it be achieved. Peterson stated that equity in this case is about opportunities for small businesses to locate in the Town Center, and to be representative of the community. Peterson explained that specific items were mentioned in the community workshops such as food carts that would enable small business opportunities as well as cultural food representation. Peterson stated that there were many comments about getting cultural representation in the Town Center. McInelly stated that was also expressed in terms of the open spaces and public plaza areas.

Tim Clark stated that he is slightly confused about the restricted commercial access issue, and the conditional use for lodging. Peterson stated that any lodging development over ten acres would be a conditional use. Any lodging development under ten acres is an outright use. Mark Clark asked if there would be enough parking, as it looks like a lot of parking will be taken up by buildings. Peterson stated that the Fred Meyer representatives had that same question, and some of the new street types include on-street parking which will make the overall parking loss minimal. Mark Clark thought that there may be some kind of parking structure. Peterson explained that there could be some time in the future, but the market analysis did not have that occurring for about 20 years.

Tim Clark opened the floor to public comment.

Lee Leighton from Mackenzie located at 1515 SE Water Avenue, Suite 100, Portland, OR stated that he is here representing the Confederated Tribes of the Grand Ronde which now owns the former greyhound park site. Leighton stated that he and members of the Grand Ronde staff have been part of the this process since it started, and thought that it was very beneficial all around. Leighton explained that he feels there was a very successful engagement process, and is pleased with the community's response to an entertainment focus. Leighton stated that they have done some further work on the economics of an entertainment use, and a large hotel by itself will not work. There needs to be a mix of uses, and the Tribes are working on refining what the mix could be. Leighton explained that as that effort moves forward, they will be back with a specific proposal.

Leighton stated that Peterson has been a great facilitator in this process, and the new code enables flexibility for developers while ensuring key aspects that the community wanted. Leighton stated that as a result of this process, they are fully supportive of the revisions as presented. Leighton explained that is a rare occurrence for him, and it is testament to the process and involvement in this effort.

Mark Clark asked about the main street area, and if they would be considering a curved roadway. Leighton stated that is an area with built in flexibility, and that is all the flexibility they need to both accommodate future uses while creating an interesting roadway.

Harden stated that a conditional use can undermine certainty for developers. Harden explained that a hotel and entertainment center was discussed a lot at the public workshops, but there was also the concerns around an exclusive use. Harden stated that it would add a level of certainty for residents if restricted access commercial entertainment was prohibited instead of a conditional use. Harden explained that he is fine with people having to pay to go to a water park or other entertainment use, but he is not okay with residents having to stay the night at a hotel to go to a water park.

Smith stated that she is not in favor of having exclusions in the zoning. Mark Clark asked if that is why restricted access commercial entertainment was a conditional use. Harden stated that the Planning Commission could still approve a use, and it would be developed. Harden stated that the Planning Commission seems to approve a lot of uses as presented to them. Tim Clark asked Leighton what he thought of restricted access commercial entertainment as a prohibited use.

Leighton stated that specific issue would not impact anything that the Tribes are considering. Leighton explained that they are looking at options that would serve the local community and market. Leighton stated that economic analysis have indicated that a restricted access venue would not be successful in this market. Leighton stated that if a person really wanted to have a restricted access use, then they could go to the Planning Commission and City Council for a zone change request. It would be a much tougher process, but one that they could go through. Leighton stated that having the use as prohibited would send a strong message to the development community about that use.

Harden stated that it is important to remember that these regulations are for the entire Town Center, and not just for one parcel or property owner. Tim Clark stated that we want this effort to be successful, and does not necessarily think changing the use from conditional to prohibited will be beneficial. Smith agreed.

Peterson stated that as written, a conditional use would go before the Planning Commission, and would only go to the City Council if appealed. Peterson stated that changing the use to prohibited would not allow the use at all. The zoning code would have to be amended for that to occur, which is a lengthy process. Nissen stated that he does not want to exclude citizens from activities that are located in the

City, and is more inclined to change the use to prohibited. Nissen stated that if someone really wanted to propose a restricted access use, there is still an avenue for them to go down to change the code.

Condit stated that an outright use is allowed as long as it meets all the criteria. A conditional use is a discretionary process with the Planning Commission. If a use is prohibited, someone has to come before the City Council and Planning Commission to request an amendment to the code. That is a much tougher process.

Mark Clark asked what the general feel was from the Planning Commission on the issue. Harden stated that there was only one Commissioner who wanted the use to be prohibited. Peterson stated that the Planning Commission made a recommendation about a body of code, and he is obligated to bring that recommendation forward. Tim Clark stated that he was concerned about the feasibility of new development, but after hearing the comments he is okay with the amendment.

Condit stated that if the Council would like to make that amendment, there would need to be a motion to approve, followed by a motion to amend the text, then the final vote as amended.

Upon motion by Harden, seconded by Mark Clark to adopting zoning code amendments to section 235 of the Wood Village Zoning and Development Code, adopting zoning code amendments to Section 700 of the Code, modify the use charts in Chapters 230, Neighborhood Commercial, and Chapter 250 Commercial/Industrial, and make modification and Adoption of the Vision 2030 Plan as proposed.

Harden moved to amend the motion to revise section 235-1 of section 235 to make restricted access commercial entertainment a prohibited use, seconded by Mark Clark and passing 4-1 with Tim Clark, Harden, Nissen, and Mark Clark yea, and Smith Nay the motion was approved.

Upon motion by Harden seconded by Mark Clark and passing 5-0, Ordinance 5-2017 adopting zoning code amendments to section 235 of the Wood Village Zoning and Development Code as amended, adopting zoning code amendments to Section 700 of the Code, modify the use charts in Chapters 230, Neighborhood Commercial, and Chapter 250 Commercial/Industrial, and make modification and Adoption of the Vision 2030 Plan as proposed was adopted.

RESOLUTION 22-2017: REPEALING THE TOWN CENTER MASTER PLAN

Upon motion by Harden, seconded by Mark Clark and passing 5-0, Resolution 22-2017 repealing the Town Center Master Plan was approved.

PUBLIC HEARING - ORDINANCE 6-2017: TRANSPORTATION SYSTEM PLAN UPDATE

Peterson stated that this is a legislative hearing dealing with the Transportation System plan. Peterson stated that this process is heavily regulated with statutory and other regulatory processes to follow.

Peterson explained that there are hundreds of hours spent going over the details of the plan, and identifying the facts and findings needed to comply with the law.

Peterson stated that the City was out of compliance with Metro because the East Metro Connections Plan was occurring and we were not able to update our street element portion while that effort was underway. Peterson explained that we had to wait for that process to be completed before we could update our plan. Peterson stated that this update includes the street elements, and includes the street scape standards and plans for Halsey, Arata, and Sandy into one document. This document will create a single plan for the City.

Peterson explained that we used a lot of work from the East Metro Connections plan in this update. Peterson stated that the number one priority from that plan, and now our TSP is the reconstruction of 238th. Peterson explained that is a designated freight route on the regional and national plan, and it is one of four north/south connections points in the region. Peterson stated that we are also adopting the regional planning rule from Metro which is a hierarchy of improvements to relieve congestion with adding capacity as the last option. Peterson explained that is a mandatory provision that must be included to be in compliance.

Peterson stated that ODOT has indicated that something will need to change around the interchange at I-84. Harden asked if that includes physical changes to the interchange, and who would pay for those improvements. Langley stated that the TSP requires a study of that area, and the actual product could be several smaller projects. Langley explained that ODOT would be responsible for those projects unless a new development comes in that has a substantial impact on the interchange.

Peterson presented the near-term project, and explained that Sandy Blvd. is under contract and Arata Road is out to bid. The design work for 238th is also underway. Peterson presented the long-term projects. Peterson stated that this update also includes new cost estimates for the projects.

Peterson presented the performance targets, and explained that the targets come from Metro. Since the targets come from Metro, they will monitor and report on them on our behalf. Peterson stated that they are known as the safe harbor measures because they will comply with Metro, and they will do the measuring.

Peterson stated that the Planning Commission expressed a number of concerns around 238th. Peterson explained that the Chair wanted any reference to 238th as a freight route removed, and to continue the prohibition of trucks over 40 feet. Peterson stated that 238th is part of the East Metro Connections Plan that we adopted. As part of that process, the 242nd right of way was abandoned and sold off. Peterson stated that the other partners have done what they said they would do, and we have to take our share of the traffic. Peterson stated that if we did not adopt the TSP as proposed, then we would be out of

compliance. Peterson explained that Metro does not like to use hard enforcement techniques, but they have the ability to remove grants and state shared revenues.

Peterson presented the findings of fact, and stated that additional details are in the staff report. Peterson stated that the Planning Commission's recommendation was to adopt the full plan as presented. Peterson stated that there are still a few cleanup items to do with some charts, and requested that errors which are not substantive could be corrected administratively after adoption.

Smith stated that this was all part of the East Metro Connections Plan, and we know what occurred during that process to get the 242nd right of way abandoned. Peterson stated that it was a tough set of circumstances, and this was probably the best result that could come from that process.

Upon motion by Mark Clark, seconded by Smith and passing 5-0, Ordinance 6-2017 adopting the Transportation System Plan with the ability to correct Scribner errors was adopted.

ORDINANCE 7-2017: SIGN CODE ADMINISTRATIVE UPDATE

Dirks presented the Ordinance. Dirks stated that the Council adopted the new sign code this past April, and staff noticed potentially confusing language regarding electronic message centers. Dirks explained that the intent was to enable these signs on walls, monuments, or freestanding signs, but the size limits were only provided for wall mounted signs. Staff has added language regarding the size limits for enabled areas, and the Planning Commission recommended the adoption of the revised language.

Upon motion by Harden, seconded by Smith and passing 5-0, Ordinance 7-2017 updating the Sign Code for an administrative clarification was adopted.

RESOLUTION 23-2017: 2016-17 BUDGET ADJUSTMENTS

Minter presented the resolution and stated that staff goes over the budget at the end of the year to ensure that no item will be over budget. Minter explained that the funds for the Pumpkin Fest were placed in capital, but it should have been a general expenditure. Minter stated that this adjustment moves the funds from capital to community events. It does not change the bottom line of budget.

Upon motion by Harden, seconded by Mark Clark and passing 5-0, Resolution 23-2017 making budget adjustments for FY 2016-17 was approved.

Minter stated that an adjustment is also needed for the recently adopted budget. Minter stated that the \$1.2 million loan to the Urban Renewal Agency was inadvertently placed in the unappropriated ending fund balance instead of expenditures. That means the funds cannot be spent, and this action would move the funds to enable the expenditure as planned.

Upon motion by Harden, seconded by Smith and passing 5-0, Resolution 18-2017 Revised, revising the FY 2017-18 budget was approved.

COUNCIL UPDATE

Smith stated that she will not be able to attend the next meeting.

Tim Clark stated that Peterson will be at a conference, and Greg Dirks will take the lead on behalf of the City during the meeting.

Tim Clark asked if the members of the Council could provide him with feedback on his performance either in writing or by email, so he can improve his service to the community.

ADJOURN

With no further business coming before the Council, the Council adjourned at 8:00pm.

Timothy Clark
Mayor

Date

ATTEST:

Greg Dirks: City Recorder



City Council Agenda Item Staff Report

Meeting Date: July 13, 2017

TO: Mayor and Councilors

FROM: Bill Peterson: City Manager
Authored by: Greg Dirks: HR/Records Manager

DATE: July 6, 2017

SUBJECT: Resolution 24-2017: 2017-18 Annual Performance Plan Adjustment

Requested Council Action

Review and approve Resolution 24-2017 modifying the 2017-18 Annual Performance Plan to match the adopted FY 2017-18 Budget.

Background

The City Council adopted the 2017-18 Annual Performance Plan at their meeting on April 11, 2017. The plan consisted of activities to be completed in the year ahead, and was used as one of the base documents in developing the annual budget. During the budget hearings, both the Budget Committee and City Council did not fund several items that were included in the Annual Performance Plan. These items included:

- Overpass Art Identity Project (Scope and IGA)
- Community Engagement Strategies
- Housing Plan

Per APP policy, moving objective achievements to a new year shall occur only if the council agrees by majority vote, after reviewing supporting argument for the move, that unforeseen circumstances warrant delaying objective achievement.

Next Steps

Staff will complete the remaining APP items as adopted. Some items such as the Arata Road Fence project, and the Sale of City Hall rely on third parties to complete a main portion of the project. As such, there may be difficulties in completing the items within the allotted timeframe.

Staff will continue to provide cost estimates for potential APP items as they developed or discussed in coming years. Initial discusses about potential APP projects take place each year in January during the Council retreat. Those items are then refined and presented back to the Council each March, with the formal adoption in April. Staff will emphasis both short-term project costs, as well as any potential long-term costs of projects during this process, as that was one of the concerns brought up at the last budget hearing. The purpose of the APP is to stretch the City organization, and staff wants to ensure that the adopted APP is funded so we can take on projects that Council desires to be completed.

It is important to carefully consider the items to be included in the Annual Performance Plan, as the work load and direction of the staff is established by the APP in combination with the provision of resources to accomplish the work (the budget). Discussion of how to assure that the items identified in the goals process and the APP are items with sufficient priority to be funded by the Council in the budget would help assure this process is more successful in future years.

Alternatives

There are limited alternatives. If no action is taken, the Staff is held responsible for the completion of work that is not funded for the consulting or other resources needed to successfully accomplish the work. Should the Council choose to not adopt the resolution, the staff would attempt to complete the work on the plan to the extent possible, however, the tasks cannot be completed as scoped.

Fiscal Impact

There is no anticipated fiscal impact as the items for removal were not funded.

City Goal

All items proposed from the removal of the 2017-18 APP fall under Goal 1: A safe, clean, livable community with a sense of pride, quality housing, and strong identity.

Suggested Motions

I Move to approve Resolution 24-2017 Revising the 2017-18 Annual Performance Plan to align with the adopted budget.

Resolution 24-2017

A RESOLUTION AMENDING AND READOPTING THE ANNUAL PERFORMANCE PLAN (APP) FOR THE PERIOD FROM JULY 1, 2017 THROUGH JUNE 30, 2018

WHEREAS:

1. The Wood Village City Council has adopted formal Council Policy providing for the creation of an annual performance plan (APP) and the process for holding the City Manager responsible for the completion of the elements of that plan, and
2. The modification of adjustment of the plan may only be made by resolution of the Wood Village City Council following discussion of the identified accomplishments in the plan that are scheduled for completion in the period,
3. Absent plan amendment, the City Manager is responsible for the completion of all items identified in the Annual Performance Plan for the fiscal period identified in the plan.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wood Village that the following specific projects be removed and the Annual Performance Plan readopted as amended. The amendments to the plan are as follows:

1. Item 1.2: Overpass Art Identity Project (Scope and IGA), this item was not funded in the current year.
2. Item 1.3: Community Engagement Strategies, this item was not funded in the current year as defined.
3. Item 1.4: Housing Plan, project was not funded in the current year.

Motion to approve by _____; seconded by _____ and adopted this 13th day of July, 2017.

YEAS _____ NAYS _____

Timothy Clark, Mayor

ATTEST:

Greg Dirks, City Recorder



City Council Agenda Item Staff Report

Meeting Date: July 13, 2017

TO: Mayor and Councilors

FROM: Bill Peterson: City Administrator
Authored by: Greg Dirks: HR/Records Manager

DATE: July 5, 2017

SUBJECT: Debrief: Wood Village Garage Sale and Clean Up day

Requested Council Action

Review the event details and provide input and feedback.

Background

The second annual Wood Village Community Garage Sale event was held on the weekend of June 16-18th. The event offered residents and businesses the opportunity register a yard sale, and the City would conduct all the advertising. We had 27 residents sign up, and the Baptist Church. While the official sale days went from Friday the 16th through Sunday the 18th, most sales occurred on Saturday the 17th. Unlike last year, it did not appear that sellers who did not register with the City took part in the event.

Advertising included two large banners along 238th on our gateways signs promoting the sale weeks ahead of the event. We also advertised the event on about 24 different garage sale websites approximately two weeks before the event. Those ads directed people to the City's website which featured a map of the sale locations. People who pre-registered their sale also received a Wood Village Yard Sale sign to place in their yard during the sale. The City also partnered with Emilio Inc. to take left over items from yard sales.

Participants included those from single-family residential homes, condos, duplexes, and manufactured homes. Little feedback was received from participants, but general comments included that the event was not as large or successful as last year.

The Wood Village Cleanup Day was held the following Saturday, June 24th. The event was again held at the Wood Village Baptist Church, and was a joint effort between the City, the church, Metro, and Waste Management. 12 volunteers were on hand to help check in vehicles and off load items. Volunteers primarily came from the City. Waste Management also provided a driver to monitor and dump the drop boxes. The event started at 9am and ended at 2pm. The event featured a pickup option for disabled or senior citizens, and three households took advantage of that program.

We have not yet received final numbers on the total weight, but 12, 40-yard drop boxes of waste, and three boxes of metal were filled during the event. There were also about 82 tires dropped off as well. The reuse area had more items than last year, and several items were taken.

We collected one 55 gallon barrel of food for SnowCap. The cleanup program was again well received by residents. There was a lack of volunteers on hand to have a more successful event, and options for next year include enhanced volunteer outreach efforts or redesigning the event to reduce volunteer needs while still complying with Metro requirements.

Next Steps

Staff will use feedback and comments to plan for next year's event.

Fiscal Impact

The City spent \$366 for both events, and expenses included:

- **Garage Sale:**
- Banners: \$100
- Advertising: \$30
- **Cleanup Day:**
- Food/Beverages for Volunteers: \$138
- Supplies: \$48
- New Sign: \$50

City Goal

The completion of this event helped achieve City goal 1 for a safe, clean livable community, and goal 3 for high quality cost effective events.

Suggested Motions

No motion suggested. The report is informational only.



City Council Agenda Item Staff Report

Meeting Date: July 13, 2017

TO: Mayor and Councilors

FROM: Bill Peterson: City Manager
Authored by: Greg Dirks: HR/Records Manager

DATE: July 6, 2017

SUBJECT: The Great Pumpkin Fest

Requested Council Action

Review and approve the event plan for the 2nd annual Great Pumpkin Fest.

Background

The City held its first annual Great Pumpkin Fest this past October. This was the City's first Fall event since the Oktoberfest was cancelled in 2011. The event was held at the Donald Robertson Park, and featured a vendor area, 150 carved pumpkins from local students, 150 pumpkins for open carving, pumpkin carving demonstrations, a Red Cross blood drive, and free family activities from 4-6 pm. Attendance for the event was estimated at 500 people, and was generally well received by the attendees and vendors.

We would like to grow and expand the event for this year. The original plan was to partner with McMenamin's Edgefield for a combined event, but their event staff has been less supportive of that approach. Other ideas to expand the event include adding cultural elements such as Day of the Dead and Native American components. Staff would reach out to area partners to help put on these additional features. These elements could include music, face painting, storytelling, and other activities. Partnering with other organizations would also help expand the advertising, level of interest, and help promote and recognize the cultural diversity within the community.

Other event features would include:

- Carved Pumpkins: 150-200 carved pumpkins from local students
- Pumpkins for open carving
- Arts and Craft Vendors: Goal of 20-25 Vendors
- Food Vendors with an emphasis on attempting to get a variety of culturally different foods
- Costume Contest for Kids
- Red Cross Blood Drive
- Free activities for kids

The proposed event date is Saturday, October 28th from 12-6pm.

Next Steps

Staff will implement and coordinate the event plan, as well as meet with area businesses and organizations for sponsorship, displays, and volunteers.

Alternatives

The Council may revise and modify the event features as desired. Alternative ideas include:

- Hay wagon rides
- Pony Rides
- Children's activities (bounce house or laser tag)
- Continue to seek a partnership with McMenamin's Edgefield

Fiscal Impact

The budget for the event is \$5,000. The majority of estimated expenses are for pumpkins, and rental items such as a large canopy and lighting. Additional expenses include pumpkin carvers for the event. We will be seeking sponsors to help cover the cost of the event.

City Goal

The successful completion of this event will meet City Goal 3: High quality, cost effective public utilities, parks and events.

Suggested Motions

"I move to approve the Great Pumpkin Fest event plan as presented or modified."