

**MEETING OF THE
WOOD VILLAGE CITY COUNCIL
March 14, 2019
MINUTES**

PRESENT: Mayor Scott Harden, Council President Patricia Smith, and Councilors Bruce Nissen and John Miner. City Attorney Jeff Condit, City Manager Bill Peterson, Public Works Director John Niiyama, Finance Director Seth Reeser, and interested parties.

ABSENT: None.

CITIZEN COMMENTS (NON-AGENDA ITEMS)

There were none.

PRESENTATION: 2017/18 AUDIT

Tonya Moffit with Merina and Co. presented the audit report. Moffit stated that the finance report covers the period of July 1, 2017 through June 30, 2018. Moffit stated that the City has submitted the report for the annual CAFR award, and there is no reason to think that the City will not receive the award again this year. Moffit stated that the CAFR requires additional work on data and analysis, and it does take additional work and effort.

Moffit stated that the opinion of the auditors is limited to the financial information, and there are some other opinions on limited aspects of the operations. Moffit stated that the management decisions and analysis is a good section on the general overview the City. Moffit stated that the section provides a snapshot of the financial condition, debt, capital assets, and changes between funds.

Moffit stated that there were no restrictions on the audit, which means all information requested was received with no difficulties. Moffit stated that there is one new accounting standard which is from GASB. The new standard is GASB 75 which is post-employment healthcare benefits. In the state of Oregon, anyone who reaches the age so retirement, but not is no on Medicare can stay on the City's plan. That can make the healthcare pool cost more as there tends to be additional health issues with age. Moffit stated that the GASB 75 is a financial statement estimate based on what that liability may be. As long as the City is making the payments for healthcare costs, the liability will be met. Moffit stated that the estimates are all based on a actuarial estimate, and does not come from the City or City staff.

Moffit stated that the City is also receiving the required pension liabilities as well. Moffit stated that depreciation is also estimated. Depreciation includes items like vehicles, buildings, and other capital assets. The estimates are based on accounting standards, and all the items from the City were all on track with standards and practices.

Moffit stated that there is a section for Oregon based auditing standards for internal control standards. Moffit stated that it includes items like purchasing and bid processes, and other non-financially related items. Moffit stated that there was one finding in that area, in which there was a transfer of \$105,000. Moffit stated that was the only finding, and there was no opinion on the overall audit which is the highest option that can be giving. Moffit asked if there were any questions.

Harden asked about the new GASB rule, and if additional payments were necessary. Moffit stated that as long as the payments are being made to the provider, then the liability is being met. Miner asked how many personnel qualify. Peterson stated that there are none, and we are part a pool of employers, so we get an allocation of the overall pool.

Smith asked about checking on the contracts and purchases and why that is done. Moffit stated that it is a legislative mandate for Oregon auditors to look at specific items. That can include contracts and Oregon contract laws, and gas tax restricted funds. Moffit stated that the legislature wants to make sure that Oregon specific standards and measures are being met. Moffit stated that it includes the process, not just the numbers or budgets.

The Council thanked Moffit for the presentation and work on the audit. Moffit stated that she is available throughout the year if there are questions or concerns.

PUBLIC SAFETY REPORT

Captain Wendland of the Multnomah County Sheriff's Office presented the report and stated that the report covers the month of February. Wendland stated that vehicle thefts in the region continues to increase, and there was a slight decrease in the City this past month. Wendland stated that there was a traffic stop near the Town Center, and a passenger was identified as suspect in a homicide case. Wendland stated that the suspect was taken into custody without incident all because the deputy was aware during a routine traffic stop.

Wendland stated that there were 158 dispatched calls and 214 self-initiated calls for service. There were 21 emergency calls, and 135 non-emergency calls for service. Wendland stated that the average response time for emergency calls 3:22 and 5:59 for non-emergency calls. Wendland asked if there are any questions, comments or concerns.

Nissen stated that the number and size of tents by Safeway continues to increase. Wendland stated that the HOPE team will get to that area. Smith asked about the Treehill neighborhood watch and how a deputy has been assigned but has not attended the meetings. Wendland stated that he will ensure a deputy attends.

The Council thanked Wendland for the report and service.

CONSENT CALENDAR

- a. Review of bills paid in February, 2019

- b. Contracts \$2,500 - \$50,000
 - Multnomah County – Quarters 1 &2 Road Maintenance: \$3,137.34
 - National Entertainment Group – 31,000 Easter Eggs: \$3,720.00

- c. City Council Minutes
 - December 11, 2018
 - January 10, 2019

Upon motion by Smith, seconded by Nissen and passing 4-0, the Consent Calendar was approved.

DISCUSSION: CITY COUNCIL POSITION 5

Dirks presented the discussion and stated that Council Position 5 was vacated in January by Timothy Clark. Dirks stated that according to the City Charter, the Council can appoint someone for the remainder of the term, which expires December 31, 2020. Dirk explained that the City has advertised the vacancy, and the original due date was in January, but there were no applicants. The application deadline was extended, and the City received an application, but staff was unable to verify the residency requirement. Dirks stated that one application came in two days ago.

Dirks stated that the Council can move forward with the applications turned in to date, or the deadline can be extended again. The Council extended the deadline to the end of April and directed that information about the vacancy be at the Easter Egg Hunt in April.

DISCUSSION: 238TH RIGHT OF WAY

Peterson presented the discussion and stated that the City owns two properties along the 238th right of way that are needed for the upcoming 238th roadway project. Peterson presented an overview of the sites and locations. Peterson stated that the county approached the City regarding the properties and how they are needed for the roadway improvement project. Peterson stated that the initial discussions were about donating the land to the County because it is all public money. Peterson stated that the County then informed the City that there are utilities that may have to be relocated at a potentially high cost. Peterson stated that while there is the potential that the relocation costs could be incorporated into the project, that has not been confirmed by the County.

Peterson stated that even though there is the provision to assist in the relocation, there is another provision that states if the easements contain a relocation clause, then the project does not have to include the relocation of the utilities. Peterson stated that the status is at this time to verify the utilities, and then find a path forward with the County.

Smith asked what would occur if we do not pay or relocate the utilities. Peterson stated that if the right of way permit indicates relocation, then it can be mandated. Peterson stated that the design is still incomplete at this phase, and there are a lot of utilities in the area. Miner stated that getting a potential cost is important, and it will be hard to negotiate without an estimate. Peterson stated that even after some initial work, there will be things that come up.

Peterson stated that the thought process is to inform the County that they will have to procure the properties in the traditional manner if there are utility relocation costs. The City would then use that resource to help offset the relocation costs. Peterson stated that if the County is willing to relocate the utilities as part of the project, then we will convey the properties in fee simple.

Harden asked how the costs of the properties would be determined. Peterson stated that it has to follow ODOT standards because it uses federal dollars. There has to be two appraisals, the amount then has to be approved by the County commission, and then the City can accept or reject the offer. There is also the question of if a governmental entity could condemn another governmental entity. Peterson stated that all that can be avoided if we can find a path forward with the utility relocation.

Peterson stated that no formal action is required at this point, and the purpose was to provide information and an update on the status. Peterson stated that the matter will be brought back to the Council for an update and decision when more information is known.

DISCUSSION: PLASTIC BAG BAN UPDATE

Dirks presented the discussion and stated that this item has been carried over for several months due to the vacant Council position. Dirks stated that in that time, there has been movement at the state level to introduce legislation to ban single-use plastic bags. Dirks explained that it is still early in the session, and a work session has been scheduled for March 28th.

Dirks stated that the City conducted stakeholder outreach in the fall of last year, and staff heard mostly from the larger retailers regarding a potential ban. Dirks explained that the larger retailers have robust in-store recycling programs and asked for at least a six-month lead period to use the existing stock and adjust their stores and budgets for alternative bags. Dirks stated that the retailers also asked that there not be a mandatory fee, as they would be less competitive to the adjacent cities that do not have a ban. Dirks stated that the retailers were more in favor of a state or region wide ban, not a local ban.

Dirks presented a map of Oregon cities that have a plastic bag ban and stated that other cities have postponed legislation to see what, if anything will occur at the state level. Dirks presented potential next steps and asked the Council for direction.

The Council directed that a draft code be developed and presented to the Council, so it is ready to go in the event legislation is not passed at the state level.

DISCUSSION: SMALL CELL

Peterson presented the report and stated that the creation of 5G technologies has been presented to the Council at a previous meeting. Peterson stated that at that time, there were a number of questions regarding the authority to place and regulate 5G facilities in the public rights of way. Peterson stated that the area cities got together with the Mid-County Lighting District to develop a framework for the implementation of the 5G receivers. Peterson stated that the purpose was to keep the pole attachments to a minimum and to try and receive some partial revenue.

Peterson stated that Mid-County Lighting brought in their legal representatives to develop an attachment agreement that was palatable by AT&T. Peterson stated that the FCC is acting as we speak to preclude the ability to regulate the deployment of 5G. Peterson stated that in addition, some jurisdictions are spending money to try to get 5G deployed in their community.

Peterson stated that Mid-County Lighting worked out an application fee, and an annual fee of \$270 per attachment. Peterson stated that based on the FCC, this is about the most in fees that can be charged under the FCC rules. Harden stated that the FCC would like to remove the ability of cities to regulate the right of way and attachments for cable providers and data providers.

Peterson presented the other elements of the agreements including that there can be no more than one attachment per pole, the attachments can be no closer than 250' from each other, and while the internal antenna is preferred, external mounts can be utilized. Peterson stated that AT&T does not like the five-year term proposed by Mid-County Lighting and would like a ten-year term. Peterson stated that with the track that this may be on, having a ten-year agreement may be advantageous for the City. Peterson stated that he suggests a ten-year agreement. Smith asked if we could get the antenna to be internal only. Peterson stated that he can asked.

Harden asked which poles in the City would be impacted. Peterson stated that we own 160 of the 250 poles in the City, and we own all the decorative poles. Nissen stated that he would prefer a pedestal rather than something hanging off of a pole.

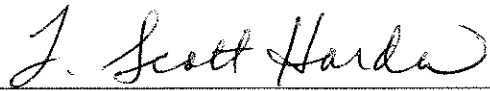
Peterson stated that he does not know how to handle the poles that the City does not own. Peterson stated that he will approach AT&T with the terms and see where it goes. Peterson stated that it is also possible that if AT&T holds out, they could potentially get out ahead of the regulations and do what they want.

Nissen asked about the coloring of the boxes. Peterson stated that the agreement mandates that the attachments have to match the color and gloss of the pole. Smith stated that she does not mind asking for a few things, and may be okay without it.

The council directed to negotiate the terms with AT&T to include internal to the pole when possible, and if not possible, then at or below grade of the pole.

ADJOURN

With no further business coming before the Council, the Council adjourned at 7:32pm.



T. Scott Harden
Mayor

10-12-19
Date

ATTEST:



Greg Dirks: City Recorder