

**MEETING OF THE
WOOD VILLAGE CITY COUNCIL
December 22, 2016
MINUTES**

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

ABSENT: None.

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

CITIZEN COMMENTS

There were none.

RESOLUTION 40-2016: IGA WITH GRESHAM FOR INSPECTION SERVICES

Peterson presented the resolution and stated that the building services program for the City has been provided by contractors for over 20 years. Peterson explained that the most recent contract provider was a company called Building Code Consultancy or BCC. Peterson stated that the owner and principal agent Steve Winstead is also a licensed architect. The state recently ruled that practicing architects cannot be active building officials. Steve Winstead notified the City that he would be closing BCC, and no longer providing inspection services after December 31st.

Peterson explained that the City of Troutdale also uses BCC, so the two cities got together to develop an RFP for inspection services. Peterson stated that we received four proposals, and there were seven people on the review committee. Peterson explained that the review team found that Gresham had the best proposal, and each City then began negotiating a separate agreement. Peterson stated that Troutdale approved the agreement on December 13th.

*Condit arrived at 6:05pm.

Peterson stated that based on the agreement with Gresham, the City will have inspection services Monday through Friday as long as notice is provided by 5pm the previous day. Plan review will also occur within a ten day time period, and all certificates of occupancy will still require a sign off by the City. Peterson stated that the current hourly rate of \$75 will remain the same for the first year, and then it is indexed with the same formula as the fire contract. Peterson explained that Fairview has been utilizing Gresham for building services, and they have been very pleased with the service.

Peterson stated that the staff recommendation is to authorize the City Manager to complete the IGA in order to have building services as of January 1, 2017.

Tim Clark stated that he watched Troutdale's meeting on the issue, and did not understand why their council had a split vote. Harden stated that Councilor White had a dissenting vote because he was worried about the service standards. Harden asked if this is our own freestanding agreement with Gresham because he heard that Troutdale may be looking at developing their own in-house program.

Peterson stated that each city has a separate agreement, and Troutdale's agreement was a bit different from the City's because Troutdale will be using more in-house personnel. Tim Clark stated that he does not see any reason to be against the agreement, and the other contracts with Gresham have been really good. Harden stated that he does not want a linked agreement with Troutdale.

Peterson stated that the agreements are separate, and Scott Sloan is completing a series of courses that will permit him to be the City's building official sometime this summer. Gresham will still provide the service, but the building

official will be in-house.

Smith how many years is the agreement. Peterson stated that it is a three-year agreement with a 90- day cancellation notice. Tim Clark asked how the agreement will affect the City financially. Peterson stated that the first year will be the same, and then there will be annual cost of living increases. Tim Clark asked if the increases could be covered by permit fees. Peterson explained that the City has lost money in the building and permit program for the past three years. That will change once some new housing development occurs, and we can reevaluate the needs once that has happened.

Upon motion by Harden, seconded by Mark Clark and passing 5-0, resolution 40-2016 authorizing the City Manager to sign an IGA with the City of Gresham for building services was approved.

RESOLUTION 41-2016: IGA WITH THE STATE FOR MARIJUANA TAX COLLECTION

Peterson presented the resolution and stated that it is for the collection of marijuana tax revenue from within the City. Peterson stated that it is the state's standard agreement, and we could either have the state do it, or we can collect the taxes ourselves. Peterson explained that the state will do it for a 4% fee, which is less expensive than City staff can do it. Petersons stated that it is a good deal for the City, and the recommendation is to approve the IGA.

Harden asked about the service level, and potential for businesses to get a refund. Peterson stated that he cannot foresee a circumstance where a refund may occur. Harden asked about the City's audit and CAFR, and if this agreement could compromise those items. Peterson stated that while there could be some discoveries, it should not impact the audit or CAFR. Harden asked if there is any recourse if the state does not turn over the money. Condit stated that while that action is unlikely, the City can sue for the funds if it came to it. Condit explained that the funds belong to the City, the state is just doing the collection on our behalf.

Peterson stated that the only other item for discussion is the level of enforcement at the state level. Peterson explained that the City takes a relatively soft approach in terms of the collections, but the state does not. Harden stated that he does not mind a harder approach especially in terms of a new business. Mark Clark asked what will the City do with the revenue. Peterson stated that under the law it will go to law enforcement, but it will probably be less than \$10,000.

Upon motion by Mark Clark, seconded by Tim Clark and passing 5-0, Resolution 41-2016 approving the IGA with the state of Oregon for marijuana tax collections was approved.

RESOLUTION 42-2016: CANVASS OF VOTES CAST

HR/Records Manager Greg Dirks presented the resolution and stated that it acknowledges the certified election results from the county. Dirks stated that the resolution covers the three council positions and the ballot measure regarding the sales tax on marijuana. Dirks explained that the Councilors will be sworn in at the January 10th Council meeting.

Upon motion by Tim Clark, seconded by Mark Clark and passing 5-0, Resolution 42-2016 regarding the canvass of votes cast was approved.

OTHER BUSINESS

The Council approved Tim Clark as the representative to EMCTC.

The Council approved the City Council meeting dates for 2017.

EXECUTIVE SESSION PER ORS 192.660(2) (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

The Council entered Executive Session at 6:30pm.

The Council entered back into Regular Session at 7:40pm.

EXECUTIVE SESSION PER ORS 192.660(2) (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

The Council entered into Executive Session at 7:40pm.

The Council entered back into Regular Session at 7:57pm.

Upon motion by Harden, seconded by Tim Clark and passing 5-0, the Council granted City Hall staff a one-time half-day holiday for December 23, 2016.

ADJOURN

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

Timothy Clark
Mayor

Date

ATTEST:

Greg Dirks