

**MEETING OF THE
WOOD VILLAGE CITY COUNCIL
September 10, 2015
MINUTES**

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

ABSENT: None.

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

CITIZEN COMMENTS

There were none.

PUBLIC SAFETY REPORT

Commander Scott Anderson with the MCSO presented the report. Anderson stated that the MCSO lost Deputy Eric Gustafson in an off duty motorcycle accident the other week, and it has been a tough loss for the MCSO. Anderson stated that for July there were 432 incidents, 98 traffic stops, 59 subject stops, and 15 vehicle crashes. Anderson explained that nine of the crashes were hit and run, which is a high number. The MCSO will review the hit and run data to see if there are any trends or patterns.

Anderson stated that overall this was a great summer. The City's Nite Out event in July was a great success, and thanked the Council and staff for supporting public safety with a wonderful event. Anderson explained that there was a graffiti case out of the former dog track facility regarding a construction company that is leasing a section of the parking lot. Anderson stated that there was great follow up on the incident, and even though no arrests were made, the graffiti was not gang related.

Anderson stated that there was a situation at 238th and Cherry Park a few weeks ago. A person with a warrant tried to cash a forged check at a local bank in that area. A deputy near the area responded and spotted suspect. Anderson explained that the suspect ran away down the hill in the weeds and brambles. A perimeter was established, but the suspect got away.

Anderson stated that there was a gang involved stabbing several months ago. As a result, the MCSO has been conducting saturated patrols and identifying at risk youth. Anderson explained that a new program out of parole and probation is rolling out that will provide services for education, jobs and drug rehab to at risk youth. The results of the program will not be known for a few years, but there are high hope for a successful program.

Anderson stated that the Citizen's Academy started last night, and there is a full class of 23 students. Anderson explained that this is a great program and opportunity for citizens to see what the Sherriff's office does. Anderson asked if there were any questions.

Smith asked if there has been any enforcement action taken on the illegal campers in the area. Smith stated that she saw some signs posted in an area, but asked if any follow up occurred. Anderson stated that the MCSO has been working on addressing illegal camping. Anderson explained that there was an ODOT property that had a lot of RV's parked on it, and there were a lot of health and safety issues. ODOT and the MCSO worked together to clear out the area, and prevent future occurrences. Anderson stated that there are laws and processes to follow when it comes to cleaning out campsites, but the MCSO is working on the issue.

Frank asked if anything can be done about RV's that roam from place to place, but never really seem to leave. Peterson stated that the local stores have been good about getting the RV's to leave, but the campers use a rotation to try and get around the City's codes. Anderson stated that the City might be able to revise some codes to get at the chronic offenders.

The Council thanked Anderson for the report.

CONSENT CALENDAR:

- Review of bills paid in July and August 2015
- Contracts \$2,500 - \$50,000

- Pixis Labs – Water Testing: \$6,590

- League of Oregon Cities Voting Delegate
- Council Minutes:
 - July 14, 2015
 - July 30, 2015

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

DISCUSSION: ADDITIONAL DWELLING UNIT PLACEMENTS AND SDC

Peterson presented the discussion and stated that there is a request from Mr. and Mrs. Martinez who own 119 Cedar Lane. Peterson explained that the Martinez's wrote a letter to the Council stating that they would like to have the SDC's waived for an ADU that they would like to build on their property.

Peterson presented an aerial view of the site, and stated that ADU's are authorized in all locations of the City. Peterson explained that there are three ways in which an ADU could be added. The first way is to convert the home to have a separate occupancy, add on to an existing home, or build a separate unit. Peterson stated that the Martinez family has indicated that they would like to build a separate unit. Peterson explained that there is a maximum of 800 sq. feet for a separate ADU, and it has to be within all the required setbacks. Peterson stated that based on a preliminary review, an 800 sq. foot ADU could fit on the site, but the question is whether separate water and sewer lines would be required.

Peterson stated that the City's code requires that all dwelling units have separate service lines unless the Council waives the requirement in specific cases. Peterson explained that the base code requires separate lines for separate dwelling units, and that includes all the associated fees.

Peterson stated that there are reasons to approve or not approve the request. Peterson explained that a reason to not approve the request is because of billing and maintenance issues. If there was a nonpayment or some maintenance issues, both units would be turned off. Peterson stated that while the ADU is planned for family members, that could change over time. Peterson explained that the project would cost a lot more if the Martinez family has to run separate water and sewer lines, and pay the associated SDC's which is a reason why the Council may consider the request.

Peterson stated that another negative of one meter for two units is that both units will have to split the bill. Peterson explained that the City at some point may have to get involved on who will pay the bill, and that is not a good place for the City. Peterson stated that granting the request would be one less connection for potential

issues.

Peterson stated that another reason to not grant the request is because the ADU will be occupied by a separate occupancy at some time in the future. While the request is for a family member, that could change over time, and create some billing issues. Peterson explained that the Council could grant the request because the meter is still tied to the property, and the property owner will have to pay the bill anyway. Peterson stated that the final reason to not grant the request is because of service quality and the potential for sewer backups if there was a shared line. Peterson explained that the grades become more difficult the further away from the home the lines are, and that could lead to pressure or backup issues.

Peterson stated that staff has discussed this issue, and the recommendation is to have separate service lines for separate dwelling units. Peterson stated that if an ADU were added on to an existing home, then no additional service lines would be needed. Peterson explained that the Martinez family may not want to go in that direction, but it is an option.

Peterson stated that the SDC code requires that every new unit that connects to the system will pay the fee. Peterson explained that the only exception is if there are shared common facilities. Any ADU that has fully separate entry and living areas would be required to pay SDC's. Peterson stated that there is no exception as the code is written, and staff does not recommend revising the code. Peterson explained that the law does allow for a Bancroft for up to 20 years. The SDC's would be charged as a lien against the property, and the owner would have a set timeframe to pay off the lien. Peterson stated that payments could be established as part of a monthly bill, or as quarterly payments. The water and sewer lines could also be added as part of the Bancroft.

Peterson stated that there are a series of alternatives that the Council may consider. The Council can act to require separate connections with no waiving of fees, or the Council can direct that the SDC code be revised. Peterson explained that the staff recommendation is to require separate service lines if the ADU is a separate unit, but to offer a Bancroft for the SDC's and service line cost.

Peterson asked if there were any questions before the Martinez gives their presentation.

Clark mentioned the \$6,600 in SDC fees, and asked if there were any additional costs. Peterson stated that there would also be the cost of installing the water and sewer lines to the unit. Harden asked if the City would have to borrow money to finance the Bancroft. Peterson stated that the funds would be withdrawn from the current deposits which earn about .54% interest.

Frank asked if the ADU would be similar to the tiny homes that are being shown on TV. Peterson stated that the code allows for homes up to 800 sq. feet which is not necessarily tiny. Harden asked what would occur if the City did a Bancroft, and the home went into foreclosure. Peterson stated that Bancroft charges are paid off second to property taxes. The overall probability of a loss is low.

Smith asked the Martinez to present their information.

Smith asked how large the ADU will be. Juan Martinez stated that the plans have the unit at about 630 sq. feet. Martinez stated that his uncle who is a licensed contractor agreed to build the unit for the cost of the materials. Frank asked what the approximate cost will be. Martinez stated that it will probably be between \$25,000 and \$30,000. Martinez stated that it is to help his parents which have worked hard all their lives to support the family.

Clark asked if a Bancroft would help. Martinez stated that would be greatly appreciated. Smith stated that there are real concerns about having shared service lines. Martinez stated that he learned that later in the process, and

the Bancroft would be greatly appreciated.

Clark stated that some interest of at least the current rate should be charged on the Bancroft. Martinez stated that is more than fair. Nissen agreed, and stated that is especially true since this is a longer term agreement. Peterson stated that he would not recommend a term longer than ten years. Martinez stated that he would not want longer than a ten year term.

Clark stated that they want to help, but they must be fair to the rest of the City. Frank asked about future uses of the ADU. Martinez stated that they have no plans on becoming a landlord, and hope to stay in the house for a long time.

Harden asked if any additional part of the project could be financed with a Bancroft. Peterson stated that the permits could be financed, and they would cost about \$1,500. Martinez stated that including the permits would be appreciated.

Peterson stated that there will be a Planning Commission meeting for review once the final plans have been submitted. Frank asked if this action could set a precedent that would require the City to Bancroft future developments. Peterson stated that state law requires that a municipal Bancroft SDC's if requested. The only difference in this case is the City will Bancroft the permits and cost of the lines. Peterson explained that it can be kept as a discretionary measure.

Upon motion by Harden, seconded by Nissen and passing 5-0, the Council required the Accessory Dwelling Unit proposed at 119 Cedar Lane to have independent service lines for water and sewer from the ADU to the nearest City main line, with financing offered for a period of 10 years at an interest rate of 1% for the SDC's, and as a one-time offer the new water and sewer lines, and associated building permit fees.

RESOLUTION 29-2015: CONTRACT AWARD FOR REAL ESTATE SERVICES

Peterson presented the resolution which is the consideration of a contract award for real estate brokerage services. Peterson stated that the City owns the City Hall site which is on about 5.7 acres that is zoned as neighborhood Commercial and Light Industrial. Peterson explained that the site has a number of encumbrances including a well, and several water and sewer lines. There are also several constraints with the property as well. Peterson stated that despite all of that, there is potential to have the area redeveloped. In 2003 the City was presented with conceptual drawings of potential redevelopment opportunities. Peterson explained that the City does not want to be out of pocket for the relocation of City Hall, but there is a greater long term impact that this site could have for the City. Getting the site on the market and redeveloped would increase the property taxes for the City in the long term.

Peterson stated that the work done in 2003 also included an estimate to replace City Hall. The estimate was with a building that is 7,500 sq. feet, which would cost between \$1.7 and \$2 million today. Peterson explained that sale estimates by the responding firms had a land value of between \$2.7 and over \$5 million.

Peterson stated that the firm Norris, Beggs & Simpson suggested that the entire site be rezoned to Neighborhood Commercial to maximize the site's value. Harden asked about the development potential with the site zoned as Neighborhood Commercial compared to Light Industrial. Peterson explained that the concept drawings all had a mix of Residential and Neighborhood Commercial. There were no industrial areas. Peterson stated that the site could also be zone as Town Center which does include residential in the zone.

Peterson stated that the key point is that the market will respond, and let us know what a viable development will be. Peterson explained that the City is in no rush to sell the site, or to relocate City Hall. The City Hall building can serve the City for a long time. Peterson stated that the flip side is there are 5.7 acres that could have millions

invested in the redevelopment of the site which would go on the tax base. Clark stated that the site is also key in the long term vision of the City.

Peterson stated that there was a staff review of the two proposals, and Council Frank participated as well. The unanimous recommendation is for Norris, Beggs & Simpson. Peterson explained that there is some concern that they over valued the land, but the market will indicate what the land is worth. Peterson stated that this is not about selling land to get cash either, it is about redeveloping the site for the highest and best use for the long term health of the City.

Peterson stated that the staff recommendation is to award the contract to Norris, Beggs & Simpson with their proposed rate of 5% of the sales price. Peterson explained that the RFP outlined that the fee would cover normal marketing services, but not specialty services such as surveying. Clark asked if the broker would be expecting the sales price to be the highest price offered, or the best development of the City. Peterson stated that has not yet been discussed, but would be reviewed before the contract is signed. Peterson stated that he would have the City Attorney review the contract, and the term would be for one year. Peterson explained that the term would automatically extend if there was a tentative offer before the contract was expired.

Harden asked if either firm had produced a marketing plan. Peterson explained that was included in the RFP, and both firms had different approaches. Norris, Beggs & Simpson has a series of different outreach methods, and has direct relationships with developers.

Peterson stated that once under contract, he will invite the representatives to talk with the Council. Peterson explained that session could be in executive session, but there is no real reason to hold an executive session at this point. Frank asked if there has been any feedback from the public. Peterson stated that there has been some, and the response has been positive once it is explained why the land will be for sale.

Peterson stated that there are a number of costs that the City will have to incur to get the land on the market. Peterson explained that easements will be needed, as well as surveys and wetland evaluations. Clark asked if those items could wait until there is actual interest in the site. Frank agreed. Peterson stated that can happen.

Peterson presented the alternatives which included not taking any action, establishing a Council committee for further review, direct that a new RFP be developed, or approve the resolution which is the staff recommendation.

Clark asked if the concept plans could actually be developed with the constraints on the property. Peterson stated that the concepts were drafted based on the constraints, but it could not be developed with the current zoning.

Council directed Peterson to start the land rezoning process. Peterson stated that would occur after discussions with Norris, Beggs & Simpson regarding land values.

Upon motion by Frank, seconded by Clark and passing 5-0, Resolution 29-2015 awarding the real estate contract to Norris, Beggs & Simpson for a one year term was approved.

DISCUSSION: CONSIDERATION OF AN ADDITIONAL STREET LIGHT ON WALNUT AVE.

Peterson stated that there was a request for a new street light on Walnut Ave. Peterson explained that the person who made the request could not attend the meeting this evening, but the written request is in the Council packet. Peterson stated that the Council has recently adopted a street light policy that includes the requirements for a new street light. Peterson explained that Walnut has two existing street lights, and there is one on Arata and another on Birch. All the lights are within 300 feet of each other. Peterson stated that despite the pole locations, there is not a lot of light on the street.

Peterson stated that because the pole locations meet the all the lighting requirements, the request has to go to the Council. Peterson explained that if the Council elects to move forward, staff will work with PGE for a site design, and a notice will be sent to that neighborhood. The matter would then go to the Urban Renewal Board for final approval.

Peterson stated that while the request does not meet the policy standards, the street is dark. Peterson explained that the Council could authorize tree trimming, but that would only work for a time period. The Council could also authorize an additional street light. Smith asked if tree trimming would actually work. Peterson stated that it would for a time period, but the LED lights have a narrow cone of light that would become obstructed again. Clark asked how much it would cost to trim the trees. Peterson stated that it would be a few thousand dollars. Smith asked how much a new light would cost. Peterson stated that it would be around \$5,000.

Harden asked if one of the current poles could be moved. Petersons stated that is possible, but it would cost about the same as installing a new pole. Clark asked if the light heads could be rotated. Peterson stated that is an option, but the light direction is low, and vegetation would still be an issue. Nissen asked if the 300 foot standard was based on the old lights, or the new LED lights. Peterson stated that it is based on the LED lights, but it does not take into account obstructions.

Nissen asked if the lighting conditions would improve after Arata Road is rebuilt. Peterson stated that he does not know what that impact will be. Gunter stated that the lighting will probably not change a lot based on the preliminary drawings. Peterson stated that waiting until after Arata Road is rebuilt is a viable option. Frank stated that there is a conflict between large trees and lots of light. At some point tough choices will need to be made.

Upon motion by Harden, seconded by Clark and passing 5-0, the Council elected to postpone the decision until Arata Road is rebuilt, and the new light profile can be established.

PRESENTATION: WOOD VILLAGE WELCOME FOLDER

HR/Records Manager Greg Dirks presented the welcome folders. Dirks stated that the Council requested that some type of welcome folder be developed for the City. Dirks explained that staff developed a folder that could work to welcome new residents, businesses, or provide information to potential developers. The cover features a conceptual map of the City in the center of the area attractions, and then is surrounded by photos of the City. Dirks stated that the inside flaps have historical information on the City, as well as information on the City's incentives.

The Council asked if images could be included on the white space of the inside of the folder. The Council stated that the City Flag and Banner would look good. Dirks stated that he will contact a printer to see if that is possible. Dirks stated that the price of the folders range from \$2-\$5 per folder depending on the printer. Dirks explained that unfortunately the local printers are about double the cost of the large out of state printers.

The Council asked if there is any sponsorship opportunities to help with the cost of the folders. Dirks stated that is an option, but it might be worth printing the first set now, and then using the folders as a way to get sponsors.

Upon motion by Nissen, seconded by Harden and passing 5-0, the City Council approved the welcome folder design, and authorized the printing of 1,000 folders for distribution.

PROCLAMATION: CONSTITUTION WEEK

Smith stated that she received a notice that September 17th through the 23rd is Constitution Week, and asked if the Council would like to issue a proclamation regarding the matter. The Council had no objections.

Smith read the proclamation declaring September 17th through the 23rd as Constitution Week.

ADJOURN

With no further business coming before the Council, and upon motion by Harden, seconded by Clark and passing 5-0, the Council adjourned at 7:56pm.

Patricia Smith
Mayor

Date

ATTEST:

Greg Dirks