PRELIMINARY AGENDA CITY OF NORTH PLAINS, CITY COUNCIL MEETING JESSIE MAYS COMMUNITY CENTER 30975 NW HILLCREST Monday, January 7, 2013 7:00 P.M. REGULAR MEETING

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL
- 4. <u>CONSENT AGENDA</u>: (The items on the Consent Agenda are normally considered in a single motion. Any item may be removed for separate consideration upon request by any member of the Council.)
 - A. Approval of regular session agenda
 - B. Approval of minutes of 12/17/12 Council meeting
- **PUBLIC COMMENT:** (Persons wishing to speak on matters not on the agenda may be recognized at this time. Speakers must complete a "Public Comment Registration form" on the information table and return it to the City Recorder. You are not required to give your address when speaking to the City Council, only your name. Presentations are limited to five minutes.)
- 6. OATH OF OFFICE AND ELECTION OF PRESIDENT OF COUNCIL:
 - A. Mayoral and Councilor Oath of Office
 - B. Election of President of the Council (Break for reception)
- 7. NEW BUSINESS:
 - A. Discussion of letter to Board of Commissioners regarding Nature's Needs/Recology
 - B. 2013 City Council Appointments to Boards, Commissions and Committees
 - C. Resolution No.1776 declaring as surplus a Mercury Sable vehicle
 - D. Resolution No. 1777 approving first amendment to an intergovernmental agreement for the Broadband User's Group
- 8. PUBLIC HEARING:
 - A. Resolution 1778 Approving Infill Construction Incentives

9. STAFF REPORTS

City Manager, Public Works Director, Police Chief, Library Director

10. COUNCIL REPORTS

A. 2013 Council Calendar of Meetings

11. ADJOURNMENT

North Plains City Council meetings are accessible for disabled individuals. The City will also endeavor to provide services for persons with impaired hearing or vision and other services, if requested, at least 48 hours prior to the meeting. To obtain services, please call City Hall at (503)647-5555

City Council Meetings are scheduled for Jessie Mays Community Hall, 30975 NW Hillcrest Street, North Plains, Oregon, on the following dates at 7:00 p.m.:

Tuesday, January 22, 2013 Monday, February 4, 2013 Tuesday, February 19, 2013

CITY OF NORTH PLAINS City Council Meeting - Regular Session Monday, December 17, 2012 - 7:00 p.m.

MINUTES

1. <u>CALL TO ORDER</u>: Mayor David Hatcher called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE: Mayor David Hatcher

3. ROLL CALL:

Council present: Mayor David Hatcher, Council President Teri Lenahan,

Councilors Michael Broome, Michael Demagalski, Ana

Singh-Gill, Glen Warren

Absent: Councilor Robert Kindel, Jr.

Staff present: City Manager Martha DeBry, Police Chief Bill Snyder, Recording Clerk Gail Waibel

4. **CONSENT AGENDA**:

- A. Approval of regular session agenda Mayor Hatcher removed Item 9A from the agenda.
- B. Approval of minutes of December 3, 2012 Council meeting

Motion by Lenahan, seconded by Demagalski to approve the Consent Agenda as amended. The motion was approved unanimously.

5. **PUBLIC COMMENT**:

Paul Yamamoto, Recology/Nature's Needs came forward to address the Council on the odor issues. Yamamoto reviewed the recent meetings with Washington County staff regarding additional conditions to help benefit and reduce the odor from the business. The conditions included:

- 1. Implementing night time operations (add night shift) to eliminate two days' activities and look to compliance issues to benefit the community;
- 2. Phasing out commercial food wastes and looking for alternate location; and
- 3. Keeping residential green waste (90-97 percent).

Rick Dobbs came forward to discuss the effect of Nature's Needs' odor issues on his tenants in the Mall on Glencoe Road. He referred to past comments by Recology's representatives of investing \$5 million in their business. Dobbs stated he has spent \$3 million plus tenants' investments on the mall. Dobbs thanked the Council for taking a stand at the December 3rd City Council meeting. He said Recology's request for

conditions is just a delay. Dobbs referred to previous statements by Dave Dutra (Recology) when Dutra stated "can't make compost without smell". Dobbs commented that if a night shift was started, it would not affect the smell and residents would not be able to open windows at night. He noted waking up at 5 am and the stench drifting in if windows are open and that would continue even with a night shift. He thanked Council again for their support and stressed the food waste should go away immediately.

Steven Schulz came forward stating he did not agree with any of the five proposed conditions and presented points in opposition: (Schulz comments in italics)

- 1. Objective monitoring process: What can they do i.e. set fines or penalties?
- 2. Set odor standard: Isn't needed; standard known now.
- 3. Notification system: Known now.
- 4. Operations moved to evening hours: Shouldn't they have done this a year ago?
- 5. Non-combustible plastics: Stench coming from business is the issue.
- 6. Eliminate food waste: Portland building a plant to be completed in 2013 and stated they would take food waste. What is the difference in Portland between green and food stuffs?

Schultz encouraged the City Council members to attend the County meeting and stand up for the citizens of North Plains and request the County to not extend the permit one day further.

Mayor Hatcher thanked the speakers for their comments.

6. PRESENTATION: Police Chief Snyder commendation of Reserve Police Officers Jesse Baker and Josh Brown

Police Chief Snyder presented commendations for courage to Reserve Officers Jesse Baker and Josh Brown, and praised their action on November 20, 2012 resulting in the arrest of a violent offender. Chief Snyder and Mayor Hatcher thanked the officers for their service.

7. UNFINISHED BUSINESS:

A. Council-Staff Communication Guidelines Policy

City Manager DeBry called Council's attention to the samples of Council-Staff Communication policies from several cities included in their packets. Also included was a draft policy for the City of North Plains. DeBry indicated the item was for information only and no action was recommended or requested at this time. The policy will be an agenda item on the second meeting in January.

B. Discussion of Recology/Nature's Needs Odor issues

City Manager DeBry referred to the staff report in the Council's packet. The City has been tracking odor complaints most of which come from Nature Needs' compost facility. In September, Council approved sending a letter to the Washington County

Board of Commissioners encouraging the Board to extend the test period for Type 3 waste to allow Recology time to prove it could manage odors. In the last three months, there have been an extraordinary number of complaints related to the odor. At the November 5 Council meeting, staff was directed to draft a letter in opposition to the County's approval of the Type 3 waste application. The County staff has continued to work with the City of North Plains and Recology to determine what conditions should be placed on an extension. The three options for consideration by the Board are as follows:

- 1. Extend demonstration project 8 months (to September 2013) with five conditions;
- 2. End demonstration project with phase-out schedule; and
- 3. Extend demonstration project 8 months for residential composting only.

DeBry also reviewed the two alternatives offered by Recology for the Washington County Board's consideration and North Plains comment:

- 1. Allow for night time operations at Nature's Needs; and
- 2. Reduce the Type 3 waste stream to residentially generated materials.

DeBry noted Council action at this time was to consider approving the letter to the Board of Commissioners requesting that they deny the application to accept Type 3 waste at Nature's Needs. DeBry also called attention to a number of letters distributed to Council in support of Recology. Mayor Hatcher noted the drafted letter had been written by staff and reviewed by Mayor Hatcher and Council President. The Mayor indicated the County Board would meet the following night, Tuesday, December 20th. The Mayor also noted he had spoken to Shawn Lindsay and Senator Bruce Starr regarding zoning and where a compost site may be located. He noted he would ask the Board of Commissioners to look for a site because composting is important.

Motion by Lenahan, seconded by Broome to approve the letter to the Washington County Board of Commissioners requesting that they deny the application to accept Type 3 waste at Nature's Needs. The motion was approved unanimously.

8. ORDINANCES:

A. Discussion of proposed ordinance to amend Chapter 1.05 of Municipal Code regarding Procedures of City Council

City Manager DeBry indicated the draft distributed in the Council packets included the City Attorney's comments. The Mayor and Councilors expressed support of the draft. An ordinance will be considered by the Council in January.

9. NEW BUSINESS:

A. Approval of North Plains Events Association (NPEA) use of Jessie Mays on August 9, 10, and 11, 2013.

This item was removed from the agenda.

B. Supplemental Budget proposal for 2012-13

City Manager DeBry stated the Supplemental Budget includes an additional full-time position including benefits in the Finance Department. The position is an Accounting Clerk and will include some City Recorder duties. Also included were changes for grants recently accepted or approved. DeBry noted a water rate increase of 2-3% may be considered by City Council. The draft Supplemental Budget was included in the packets. DeBry noted the Council will consider the Supplemental Budget in January and it may be necessary to convene the Budget Committee. She has consulted the City Attorney. Vacancies on the Budget Committee were discussed and DeBry indicated there are two vacancies. This item for information and review; no action was taken.

C. Discussion of Finance Department

Haley Fish, consultant accountant for the past year presented a report to Council about the status of the Finance Department including development of policies and procedures to create efficiencies and implement better management and financial controls. Fish has accepted a position as Finance Director with the City of Canby. Fish presented a detailed report of the Responsibilities and Procedures of the various departments and positions of the City. (A copy of the report is on file.) Following discussion with the Council, Mayor Hatcher thanked Fish for her service. Fish thanked the Mayor and City staff noting they worked well together for what would work best for the City. There was discussion regarding training and cross training of Finance staff. Fish noted Rachel Lembo, CPA will take on the role as Finance Manager and assist the City on a part-time basis with accounting needs. Lembo has been shadowing Fish to become acquainted with North Plains and its staff. This item for information only; no action was taken.

D. Resolution No. 1775: Canvassing results of the general election held in the City of North Plains, Oregon, on November 6, 2012.

Motion by Warren, seconded by Broome to adopt Resolution No. 1775, a resolution of the City Council of the City of North Plains, Oregon, canvassing results of the General Election held in the City of North Plains, Oregon on November 6, 2012. The motion approved unanimously.

E. Appointment of Planning Commissioners Daryl Olsen and Jeff Low

Motion by Demagalski, seconded by Warren to appoint Daryl Olsen and Jeff Low to the Planning Commission for terms of four years. The motion was approved unanimously.

F. November 2012 Check Register

The November check register was reviewed.

This item for discussion only; no action was taken.

10. STAFF REPORTS

<u>City Manager</u>: The City Manager's written report was included in the Council packets. DeBry mentioned a budget work session will be scheduled in the future. No other events were planned for the month of December.

<u>Public Works Director</u>: City Manager DeBry noted Public Works Director Boyles was on vacation.

Police Chief: Police Chief Snyder indicated some fall out occurring from the recent school shootings in Connecticut. There is ongoing collaboration between the Police Chief, Washington County Sheriff and school district officials to make sure safety measures are in place. Police training is scheduled for January.

Library Director: No report.

11. COUNCIL REPORTS

A. 2013 Council Calendar of Meetings

Mayor Hatcher asked Councilors to review the 2013 calendar.

The Mayor reported on meeting with City Manager DeBry and Senator Bruce Starr to work on possible zoning for a composting facility. Senator Starr also reported ODOT extra funds are available on the interchange project. The City has requested the funds go toward the ramp under the overpass. Senator Starr will request ODOT build the ramp when the Legislative session begins.

Mayor Hatcher said the Washington County Board of Commissioners meeting on the Recology permit will be Tuesday and asked City Council members to attend. The follow-up meeting with Recology will be Wednesday at 8 am.

Mayor Hatcher thanked Ana Singh-Gill for four years of service on the City Council. Charlynn Newton begins her term on the City Council in January.

Councilor Warren asked what has happened to the funds in the budget for the skate park. City Manager DeBry said the funds in the amount of \$25,000 are still included in the supplemental budget line item.

Councilor Lenahan referred to the City Manager's report and comments regarding building and development. DeBry reviewed the report included in the packets:

 McKay Fields - DR Horton continuing to work on the subdivision. Details provided in written report. There are ongoing discussions with the City Attorney regarding SDC Park credits. Some land may be dedicated to the City; staff working with the developer.

ADJOURNMENT

12.

- Highland Court Scheduled to close; details to be worked out.
- Sunset Terrace Under contract to close in January.

DeBry noted the City could have three new subdivisions in 2013.

Mayor Hatcher adjourned the meeting at 8:	:00 p.m.	
David Hatcher, Mayor		
Martha DeBry, City Manager/Recorder	Date approved	

Agenda Item: 7A



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: December 24, 2012

To: City Council

From: City Manager Martha DeBry

Subject: Discussion of Recology/Nature's Needs Odor issues

Background: On December 17, 2012 Council approved a letter opposing the acceptance of food waste at Nature's Needs which is operated by Recology.

Since that time the Board of Commissioners granted a 30 day extension to Recology, to allow County staff sufficient time to develop conditions for operations of the site. At this time County staff is likely to recommend that the Board consider the following options:

- 1. Denial of the acceptance of food waste
- 2. Extension of the test period for 8 months, and a limitation to residentially generated food waste

The continued acceptance of commercially-generated wastes seems highly unlikely. Commercial waste contains about 77% post-consumer food waste, whereas residentially-generated waste contains about 6% food waste. Thus eliminating the commercial waste stream would substantially reduce the tonnage of food waste entering the facility by about 83%. (Total tonnage received at Nature's Needs will remain at 46,000 ton per year, while receiving no commercial waste.)

Typically commercial waste collection routes are distinct from residential collection routes. Thus waste streams can be separated based on the collection vehicles delivering materials to Metro Central Transfer Station. The Transfer Station has adequate physical space to allow the commercial waste stream to be separated from the residential waste stream.

When the City of Portland transitioned from a green waste collection program to compost program that included food scraps, all the materials needed to be redirected to facilities permitted for Type 3 waste (green waste and food waste.) There are few facilities in Oregon that will accept Type 3 materials for the purpose of composting. Nature's Needs is unique as it can accept large volumes of compostable materials. Coffin Butte near Corvallis receives about 40% of Portland's compost waste. Prior to 2011, the green waste materials were delivered to variety of facilities in the greater Portland area, including Nature's Needs.

Recology suggested the removal of commercial waste as a means to reduce odors. They have anecdotal information and experiences that would suggest that eliminating commercial waste should reduce the sour/sweet putrid odors. Because composting on a large scale is a relatively new, there are no clear documented examples to show that eliminating commercial waste will mitigate the chronic odor issues in North Plains. On an intuitive level staff agrees odors are likely to be less severe if the commercial waste is eliminated.

Recology also suggested the use of night time operations to mitigate odor if residential only food waste is accepted. There is some information to suggest a similar effort in Vacaville, California reduced odor complaints.

Schedule

Because of the volume, redirecting the material to other facilities will require some time to organize logistically. It is believed in order to continue composting the material it will need to be hauled to facility in Washington State north of Seattle. From a practical standpoint it will require about 30-60 days to secure agreements for the trucking of material to different facilities.

It should be noted, that if the County refused to allow time to secure an agreement with another compost facility, it is likely the waste would go to landfill temporarily, as it is not possible to stockpile material at the Metro Central Transfer Station. This would also undermine the efforts of residents of the City of Portland who participate in the compost program. It would be consistent with Council's support of composting in general to support a brief time transition period.

Once Recology stops accepting food waste it will require another 60 days for the food waste to cycle out of the site. (i.e. food waste received today would take 60 days to transform to compost and be taken off-site.)

If the County, pursues the concept of allowing only residentially generated materials, it is likely no change in site operations will be noticeable for 120 days due to the reasons stated above. Thus the effect of a residential only experiment would begin in late May/June. This would give the County about 3 months to evaluate the impact of the change on the community, before the Board of Commissioners reconsiders the application to accept food waste in September 2013.

Impact of No Food Waste Acceptance

Council should be advised that Recology has stated that waste deliveries would be reduced to a "trickle" if they are not allowed to managed residential food waste at the site. This may result in the closure of the facility if Recology cannot arrange for additional materials to be received.

Environmental Considerations: The transformation of organic waste to compost helps minimize the waste placed into landfills by Portland. This reduces the production of greenhouse gases, and provides a higher and better use of waste material. The

odor byproduct has an affect on the quality of life for North Plains residents, who are inconvenienced by the odors generated by the facility. Depending on the duration and severity of odor events residents may experience only a brief discomfort from smell or effectively have to avoid outdoor activity because of offensive odors.

Recommendation: Council consider approving the letter restating opposition to the application to accept Type 3 waste at Nature's Needs.

January 7, 2012

Andy Duyck, Chair Washington County Board of Commissioners 155 N First Avenue, Suite: 300 Hillsboro, OR 97124-3072

Dear Chairman Duyck:

I am writing on behalf of the City Council of North Plains to again request that the Washington County Board of Commissioners deny the application for all food waste acceptance made by Recology the operator of Nature's Needs.

As the Council has previously advised it's become very clear that even with the efforts made by all parties involved that the composting at Nature's Needs experiment does not work. Our recent experiences over the past few months, suggests that the improvements at the site are not effective and it is time to put an end to the food waste experiment.

The City Council has given consideration to the difference between composting waste generated by commercial and residential customers, and we are not confident that the odor issue will be abated by this change. We understand the composition of the materials is substantially different, however we have no clear indication that it will result in less offensive odors. City staff has requested information that would indicate that the acceptance of residentially-generated material would produce fewer odors, but only anecdotal information is available. Continued experimentation with food waste compromises the quality of life in North Plains, and we do not want to spend another year learning that odors cannot be controlled from this massive composting site.

Again, the North Plains City Council is asking the Board to deny the food waste amendment this month, and to work towards the termination of the facility franchise in 2015.

Please contact me if you need further explanation of the City Council's position on the Recology application to accept food waste.

Yours truly,

David Hatcher Mayor, City of North Plains



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: December 21, 2012

To: City Council

From: City Manager Martha DeBry

Subject: City Councilor Representative Appointments to Various Area Boards,

Commissions and Committees

Request: Appoint primary and alternate City Councilors to serve as representative members on various area boards, commissions and committees. For the Library Board and Planning Commission, the Mayor has requested Councilors rotate through the meeting schedule so that all Councilors attend meetings for both groups.

Background: Please refer to the packet for the listing of various boards, commission and committees to have representation. A copy of the 2012 representative appointments are also included in the packet.

Fiscal Impact: If Councilors elect to seek reimbursement for mileage, meals or costs associated with their service as Council representatives to a specific board, commission or committee, they may submit these on expense reimbursement request. Thus far, no Councilors have elected to submit reimbursement request, there are no financial impacts of service on these boards.

Environmental Issues: There are no environmental issues involved with this request.

Recommendation: Council appoint primary and alternate representatives to serve on the:

- Northwest Oregon Area Commission on Transportation/Columbia Pacific Economic District
- 2. Metro Policy Advisory Committee
- 3. Metropolitan Area Communications Commission
- 4. Tualatin Basin Water Supply Project Policy Steering Committee
- 5. Tualatin Valley Community Access Television Jurisdictional Coordinator
- 6. Washington County Coordinating Committee
- 7. Washington County Oregon Community Development Block Grant Policy Advisory Committee
- 8. North Plains Parks Advisory Committee

Attachment: Organizations List, 2012 Representative List

2012 Council Committee Appointments

Meeting	Primary	Alternate
Northwest Oregon Area Commission on Transportation (NWACT) Columbia Pacific Economic Development Col Pac	Singh-Gill	DeBry
Columbia i dellie Economic Development Col i de		
Metro Policy Advisory Committee (MPAC)	Hatcher	Demagalski
Metropolitan Area Communications Commission (MACC)	Warren	Lenahan
Tualatin Basin Water Supply Project Policy Steering Committee	Broome	
Tualatin Valley Community Access Television Jurisdictional Coordinator	Warren	
Washington County Coordinating Committee (WCCC)	Hatcher	DeBry
Washington County Office of Community Development Policy Advisory Board	Kindel	Demagalski
Parks Advisory Committee	Lenahan	Broome

Description of Boards and Committees that Require City Council Representation

There are numerous boards, committees and commissions that require City Council representation.

Northwest Oregon Area Commission on Transportation (NWACT) and Columbia Pacific Economic Development District (Col-Pac) – Committee set priorities for regional transportation projects and programs. North Plains and western Washington County are joined by Tillamook, Columbia and Clatsop counties on this committee. Because the meetings are held in other counties, appointing the same representatives to the two organizations is appropriate. Staff can serve as alternates on these boards.

Meets approximately quarterly; dates, times and locations may vary.

Metro Policy Advisory Committee (MPAC) - The Committee provides policy advice to the Metro Council for the Metropolitan area. Although North Plains is not within the Metro jurisdictional boundary, decisions made by Metro affect the City.

Meets 4:00 p.m. - 7:00 p.m., the second and fourth Wednesday of each month in the Metro Council Chambers, 600 NE Grand Avenue, Portland.

Metropolitan Area Communications Commission (MACC) - MACC regulates the cable television/telephone services in Washington County. The cable provider pays its franchise fee to MACC and after paying their costs pass on the remainder to member cities. Comcast provides cable services in North Plains and are regulated by MACC.

Meets 1:30 p.m. - 4:00 p.m., once every other month (January, March, May, July, September, November) at 1815 NW 169th Place, Suite 6020 Conference Room, Beaverton.

Tualatin Basin Water Supply Project Policy Steering Committee - This committee meets to review water supply needs within the Tualatin Basin and will meet through completion of a final Environmental Impact Statement and record of decision.

Meets approximately quarterly; dates, times and locations may vary.

Tualatin Valley Community Access Television - Tualatin Valley Community TV is a government organization providing public, educational and government television access to 13 communities in the Tualatin Valley. The Committee meets to review program scheduling.

Meets twice a year.

Washington County Coordinating Committee (WCCC) - This committee reviews county transportation issues.

Meets 12:00 p.m. - 1:30 p.m., the second Monday of each month at the City Library, 12375 SW 5th Street, Beaverton.

Washington County Oregon Community Development Block Grant Technical Committee - This committee review the county's Community Development Block Grant Program which is a program that benefits low and moderate income.

Meets 7:00 p.m. - 9:00 p.m., the second Thursday of each month. Will have varied dates and times during review of grant applications; see attached schedule. Meetings are held in various cities throughout Washington County.

North Plains Walking Trail Advisory Committee - This is a new committee that has not yet met. The Committee will work to identify walking trails throughout the community and make their recommendation to the Parks Advisory Committee.

Meets on an as-needed basis.

Rotating Meetings

North Plains Library Board (NPLB) - The Library Board reviews policies for the public library.

Meets 7:00 p.m. - 9:00 p.m., the third Wednesday of each month at the Library, 31334 NW Commercial Street, North Plains.

North Plains Parks Advisory Committee (NPPAC) - The committee reviews the Parks and Recreational Capital Master Plan to ensure the parks and recreational needs of the community are met. The Committee will meet until the plan work is completed and make a recommendation to the Planning Commission and City Council.

Meets on an as-needed basis.

North Plains Planning Commission (NPPC) - The Commission meets to review land use applications submitted for site specific development and reviews the City's Zoning and Development Code and Comprehensive Plan policies and standards. The Commission makes decisions on quasi-judicial matters and makes recommendations to the City Council on legislative matters.

Meets at 7:00 p.m. - 9:00 p.m., the second Wednesday of each month at the Jessie Mays Community Hall, 30975 NW Hillcrest Street, North Plains.



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: January 7, 2013 To: City Council

From: Blake Boyles, Public Works Director

Subject: Resolution No. 1776-Declaration surplus property (Public Works vehicle)

Request: The adoption of Resolution No. 1776, declaring the 2002 Mercury Sable surplus.

Background: Before vehicles can be sold a resolution declaring them surplus must be done. The vehicle replacing the Sable is a former police vehicle, which has been replaced.

Fiscal Impact: Proof of the disposition is required for the auditor to calculate the fixed assets depreciation on city equipment.

Environmental Issues: NA

Sample Motion: I move to approve the adoption of Resolution No. 1776 declaring surplus property.

RESOLUTION NUMBER 1776

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, DECLARING A VEHICLE SURPLUS

WHEREAS, the City has used a 2002 Mercury Sable as a pool vehicle for the past decade; and

WHEREAS, the City Council must declare a vehicle as surplus property so they can be disposed of.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, AS FOLLOWS:

- <u>Section 1</u>. That Mercury Sable VIN #1MEFM55S82G642948 is hereby declared surplus.
- Section 2. City staff is authorized to dispose of the vehicles as approved by the City Manager and consistent with State law.
- **Section 3.** This Resolution shall become effective immediately upon adoption by the City Council.

INTRODUCED AND ADOPTED this 7th day of January, 2013.

CITY OF NORTH PLAINS, OREGON
By: David Hatcher, Mayor
ATTEST:
By: Martha DeBry, City Manager/City Recorder



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: December 24, 2012

To: City Council

From: City Manager Martha DeBry

Subject: Resolution No. 1777 approving the first amendment to the BUG IGA

Request: Council extend the intergovernmental agreement (IGA) for the Broadband Users Group (BUG).

Background: BUG is the internet service provider for the City and other member agencies. It assures the security of the internet service system and coordinates local government communication. BUG is one of the organizations that subscribe to the Public Communications Network (PCN). The PCN is a physical fiber network owned by Comcast and coordinated by the Metropolitan Area Communications Commission. The source of funding for the PCN/BUG services are franchise fees assessed to cable TV subscribers. MACC provides annual grants to fund the internet service, and recently approved a special grant for the replacement of the City's servers.

The proposed amendment changes the term of the BUG IGA extending it for 10 years through January 2023.

Environmental Considerations: Approval of the agreement has no environmental effects.

Financial Impact: Approval of the IGA continues North Plains participation in the BUG, which in turn makes it eligible for MACC grants. The annual cost for internet access is \$1,050 for connection to BUG and \$7,000 for connection to the PCN. The annual grant fully funds this service.

Recommendation: Council adopt Resolution No. 1777 approving the first amendment to the BUG IGA.

Sample Motion: I move to approve Resolution No. 1777.

FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BROADBAND USER'S GROUP (BUG)

Shared Use of Public Communication Network, Internet Access, Communication Devices and Communication Equipment

WHEREAS, the Cities of Beaverton, Cornelius, Forest Grove, Hillsboro, King City, Lake Oswego, Tigard, Tualatin, Banks, and North Plains, and Clean Water Services, Metropolitan Area Communications Commission, Tualatin Valley Fire & Rescue, Washington County, Washington County Consolidated Communications Agency, Washington County Cooperative Library Services, Banks Fire District 13, and Tualatin Hills Parks and Recreation District previously entered into the Broadband Users Group Intergovernmental Agreement, (hereafter "BUG IGA" or "Agreement");

WHEREAS, pursuant to section 11.2 of the Agreement, the BUG IGA will terminate in 2013; and

WHEREAS, the Parties individually and collectively desire to extend the duration of the BUG IGA until January 1, 2023;

NOW THEREFORE, pursuant to ORS 190.010 et. seq., the Parties hereby agree to as follows:

- A. Section 11.2 of the BUG IGA is hereby amended to read as follows (deleted language in strikethrough and new language in *underline italic*):
 - 11.2 This Agreement and the BUG will continue for 5 years until January 1, 2023. A Participant may withdraw from the BUG by giving at least 180 days written notice of its intent to withdraw to the GB Chair. The written notification (not email) must include a transition plan developed by the withdrawing Participant to allow the orderly and coordinated ending of all BUG related services. The withdrawing Participant is responsible for the transition plan that must include:

 1) an inventory listing each BUG related interconnectivity requirement with certification that each is addressed prior to disconnection, 2) a written summary of a meeting with the Lead Administrative Agency to review termination requirements, and 3) a timeline for withdrawing based on that meeting with the Lead Administrative Agency.
- B. Except as expressly amended by this First Amendment, all terms and provisions of the BUG IGA shall remain in full force and effect.
- C. This First Amendment to the BUG IGA may be executed in one or more counterparts(facsimile or otherwise), each of which shall be deemed to be an original. All counterparts shall constitute one agreement binding on all parties. This First Amendment to the BUG IGA shall be effective as of the last date of signature indicated below.

THE PARTIES, by execution of this First Amendment to the BUG IGA, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions. This First Amendment to the BUG IGA is hereby APPROVED AND SIGNED by the appropriate officers who are authorized to execute this agreement on behalf of the governing body of each Party.

Dated this	_ day of	, 2012
City of Beaverton		City of Beaverton Attorney APPROVED AS TO FORM
Dated this	_ day of	, 2012
City of Cornelius		City of Cornelius Attorney APPROVED AS TO FORM
Dated this	_ day of	, 2012
City of Forest Grove		City of Forest Grove Attorney APPROVED AS TO FORM
Dated this	_ day of	, 2012
City of Hillsboro		City of Hillsboro Attorney APPROVED AS TO FORM
Dated this	_ day of	, 2012
City of King City		City of King City Attorney APPROVED AS TO FORM
Dated this	_ day of	, 2012

City of Lake Oswego	City of Lake Oswego Attorney APPROVED AS TO FORM
Dated this day of	, 2012
City of Tigard	City of Tigard Attorney APPROVED AS TO FORM
Dated this day of	, 2012
City of Tualatin	City of Tualatin Attorney APPROVED AS TO FORM
Dated this day of	, 2012
Clean Water Services	CWS Attorney APPROVED AS TO FORM
Dated this day of	, 2012
Tualatin Valley Fire & Rescue	TVF&R Attorney APPROVED AS TO FORM
Dated this day of	, 2012
Washington County/WCCLS	WC Attorney APPROVED AS TO FORM

Dated this	_ day of	, 2012
WCCCA		WCCCCA Attorney APPROVED AS TO FORM
Dated this	_ day of	, 2012
MACC		MACC Attorney APPROVED AS TO FORM
Dated this	_ day of	, 2012
City of Banks		City of Banks Attorney APPROVED AS TO FORM
Dated this	_ day of	, 2012
City of North Plains		City of North Plains Attorney APPROVED AS TO FORM
Dated this	_ day of	, 2012
THPRD		THPRD Attorney APPROVED AS TO FORM
Dated this	_ day of	, 2012
Banks Fire District 13	<u> </u>	Banks Fire District 13 Attorney APPROVED AS TO FORM

RESOLUTION NO. 1777

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, APPROVING THE CONTINUATION OF AN INTERGOVERNMENTAL AGREEMENT APPROVING MEMBERSHIP IN THE BROADBAND USERS GROUP

WHEREAS, ORS 190.010 authorizes a unit of local government to enter into a written agreement with any other unit or units of local government for the performance of any or all functions and activities that a party to the agreement, its officers or agencies, have authority to perform.

WHEREAS, the City Council wishes to approve the Intergovernmental Agreement continue to be a member of the Broadband Users Group.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, AS FOLLOWS:

Section 1. The continuation of being a member of the Intergovernmental Agreement, Broadband User's Group (BUG) is hereby approved.

<u>Section 2.</u> The Mayor is hereby authorized to sign the Agreement on behalf of the city.

INTRODUCED AND ADOPTED this 7th day of January, 2013.

CITY OF NORTH PLAINS, OREGON

By:	
,	David Hatcher, Mayor
ATT	EST:
By:	
•	Martha DeBry, City Manager/City Recorder



CITY OF NORTH PLAINS

31360 NW Commercial Street, North Plains, Oregon 97133

Date: December 20, 2012

To: City Council

From: City Manager Martha DeBry

Subject: Resolution No.1778 Approving Infill Construction Incentives

Request: Council approve Resolution No. 1778 approving incentives to encourage infill development of single family homes.

Background: North Plains has approximately 50 vacant lots within existing neighborhoods, and another 95 properties which may be partitioned to provide additional legal lots for single family homes. These lots are spread throughout the City in all residential zones. A map of buildable residential lands is included in Council's packet.

At the December 5 Council meeting, staff discussed the possibility of creating incentives to encourage the development of infill housing. The purpose of the incentive is to encourage building to increase the property tax base within the existing City limits. For every additional \$100,000 in assessed valuation the City/Urban Renewal Agency can anticipate an additional \$2,170 in property taxes.

Housing developed on lots where existing street, water and storm drain infrastructure are located, have less impact on the City's operations and infrastructure costs. Unlike homes in new subdivisions, infill houses place no additional demands on the Public Works Department for maintenance of new streets, parks or water mains or add to the list of projects for future capital improvements. Similarly, Police response areas are not expanded when housing is incorporated into existing neighborhoods (though the population served will increase by an average of 2.5 persons per dwelling.)

The City's system development fees (SDC's) are intended to cause each new dwelling unit to pay the full cost of the impact of residence on existing and future infrastructure. SDC's have been raising capital revenue since the early 1990's. North Plains SDC's and Street in Lieu fee were implemented in the following order:

Fee	Year of Implementation
Street SDC	1991
Water SDC	1993
Park SDC	2000
Street Fee in lieu	2004
TDT	2008 (TIF 1990)

Prior to adopting SDC's, subdivision developers typically paid the cost of new streets, water lines, and sewer lines, but were not required to make a contribution to buy into the existing infrastructure or recreation facilities. Single family in-fill dwellings on existing streets did not incur infrastructure or recreation facility costs, except for the physical connections to water and sewer.

Included in Council's packet is an estimate of fees for a theoretical single family home on a 50 ft by 80 ft lot. The largest costs are for SDC's are TDT and Street Fee in Lieu:

Fee	Amount
Park SDC	\$3,910
Water SDC	\$4,298
Street SDC	\$518
Street Fee in lieu	\$10,252
Transportation Development Tax (TDT)	\$6,665
JWC SDC (pass thru)	\$2,908
TOTAL	\$28,551

These fees are paid to the City when land use permits are issued. The JWC SDC is forwarded to the Joint Water Commission to fund their infrastructure. The TDT rates are set by the County and cannot be modified by the City. The other funds are deposited into different capital funds of the City. These fees are based on lot size, and do not vary based on the size of structure. Thus the fees have a greater proportional impact on property owners with modest house projects.

The purpose of the Street In Lieu Fee is to require a resident to pay the cost for the improve the frontage of their property. This fee is paid in lieu of the City requiring the physical half street improvements to be installed at the time the dwelling is built. Thus the resident is pre-paying for their share of the cost to improve the street in the future. On many streets this includes the addition of sidewalks to the frontage. (It should be noted that homeowners who have not applied for building permits are not required to make any contribution to the future rehabilitation of the street in front of their home.) This fee process is used to avoid creating a patchwork of half street improvements.

Staff is proposing providing temporary incentives to build homes on vacant lots and new lots for single family homes that are not part of a subdivision of three or more dwellings. The City of Springfield, OR currently offers a 50% reduction in SDC fees, and they believe it has contributed to the increase in development of homes over the past year, including infill. They reported that for February through September 2012 they have received 66 new residential permit applications, versus 49 applications during the same period in 2011. While one year of data is not conclusive, it does suggest the incentives may be having a positive effect.

The following reductions in fees are proposed and shown for a 50 ft x 80 ft lot:

Fee	Current Amount	1/13-12/13 75% Reduction	1/14-12/14 50% Reduction	1/15-12/15 25% Reduction
Park SDC	3,910	978	1,955	2,933
Water SDC	4,298	1,075	2,149	3,224
Street SDC	518	130	259	389
Street Fee in lieu	10,252	2,563	5,126	7,689
TOTAL	\$18,978	\$4,745	\$9,489	\$14,234
Fee change/revenue loss per example above		\$14,234	\$9,489	\$4,745

Staff is proposing a simple fee reduction strategy, in order to make the incentives easy to understand and administrate.

The incentives should include some conditions such as:

- The incentives are only for new detached single family dwellings (attached homes, manufactured homes, duplexes, triplexes are not eligible for the incentive.)
- The lot must have direct driveway access to a paved street frontage, on a City maintained street
- Lots must be legal lots in a residential zone
- Lots located within the flood plain must be eligible for an elevation certificate to remove the property from the flood plain at the end of the project.

Council can place additional conditions on the incentives if it chooses, such as:

- The general contractor must be or must subcontract with a North Plains business for work totaling 10% of the project cost.
- The general contractor must pledge to buy American products if available.
- Property owner pledges dwelling will be designed and constructed in substantial conformance with "Version 1.1 Water Sense New Home Specification" guidelines.
- Property owner pledges dwelling will be designed and constructed to meet "Energy Star" certification standards (a brief explanation of this process is below.)

These criteria need to be kept fairly simple, so that they do not require a lot of backend administrative documentation. In general, the applicant would be asked to self certify their eligibility for the incentive.

Fiscal Impact: A reduction in fees will have 1:1 relationship to a reduction in funding for future capital projects. Staff estimates the loss will be for 2-4 homes each year (2013 - \$28,000 and \$57,000, 2014 - \$19,000 - \$38,000, and 2015 - \$10,000 - \$19,000.) If there is a large increase in applications for single family homes on infill lots or properties with large frontages the dollar amounts could be higher. Similarly, if the SDC's or fee are raised the potential revenue loss is higher.

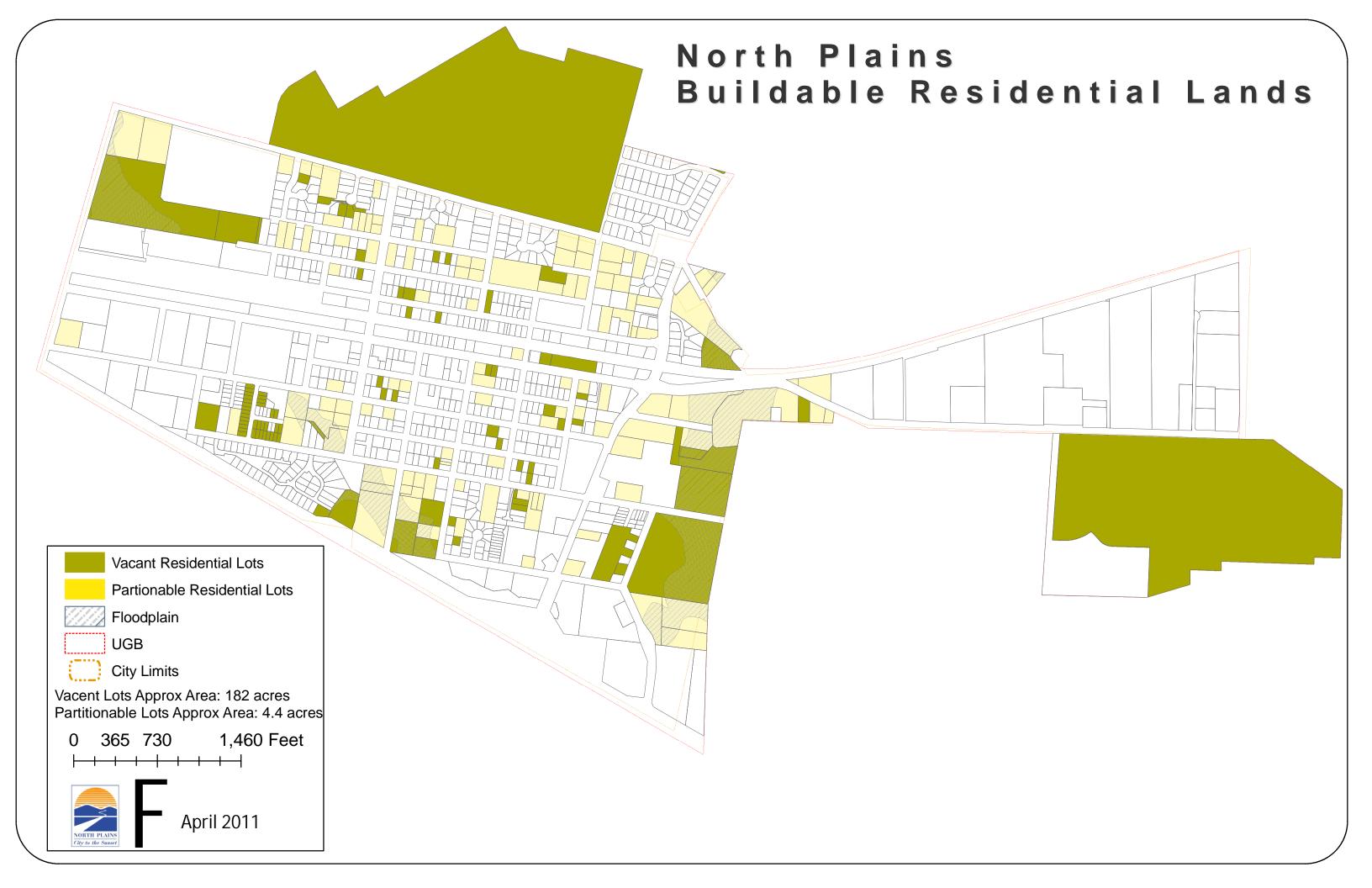
Because all SDC's and Fees in Lieu are capital funds, the revenues do not affect the City's General Fund or operating budgets.

Environmental Effect: Dwellings in North Plains typically house 2.5 people. New single family houses may increase the total population of North Plains, adding to the number of children in the local school district, and demand for police response and water services. Single family dwellings typically generate 10 vehicle trips per day.

Construction within the Significant Natural Resource, Flood Plain or Historical Overlay areas may be subject to an environmental review process.

Recommendation: Council approve Resolution No.1778 approving incentives for infill housing.

Sample Motion: I move to approve Resolution No.1778. allowing temporary reductions in system development fees and encouraging infill development of single family homes.



RESOLUTION NO. 1778

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, APPROVING TEMPORARY REDUCTIONS IN SYSTEM DEVELOPMENT FEES

WHEREAS, the City of North Plains strives to have a healthy balance of residential, commercial and industrial activity to ensure a high quality of life within the community; and,

WHEREAS, the City rarely receives applications for infill development which is the construction of one and two house developments on lots by existing street, water and storm drain infrastructure; and,

WHEREAS, the City wants to encourage expansion of residential tax base; and,

WHEREAS, the City has determined incentives may improve the climate for construction of infill housing; and

WHEREAS, the City can provide some temporary reduction in City fees as incentives;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, AS FOLLOWS:

Section 1:

Through December 31, 2013, System Development Fees for Water, Parks, Streets, and Street Fee in Lieu shall be reduced by 75%; and

Between January 1, 2014 and December 31, 2014, System Development Fees for Water, Parks, Streets, and Street Fee in Lieu shall be reduced 50%; and

Between January 1, 2015 and December 31, 2015, System Development Fees for Water, Parks, Streets, and Street Fee in Lieu shall be reduced 25%; and

As of January 1, 2016 the incentives shall expire

These incentives are proposed to be offered to builders of single-family detached homes that meet the following criteria:

- 1. The lot must have direct driveway access to a paved street frontage, on a City maintained street
- 2. The dwelling must be on a legal lot in residential zone
- 3. Lots located within a flood plain must be eligible for an elevation certificate to remove the property from the floodplain at the end of the project

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This Resolution shall become effective immediately upon adoption by the City Council.

INTRODUCED AND ADOPTED this 7th day of January, 2013.

CITY OF NORTH PLAINS, OREGON

By:	
	David Hatcher, Mayor
ATT	EST:
By:	
	Martha DeBry, City Manager/City Recorder

MONTHLY REPORTS

PUBLIC WORKS

FROM: Blake Boyles, Public Works Director

I am currently working on the following projects/ tasks:

- CDBG Project Management –NW Claxtar St -8" Waterline and Street project letters have been sent out notifying residents project start is pushed to early spring.
- Construction coordination with ODOT on interchange/ pedestrian trail
- Updating The Emergency Manual, Emergency Management planning/updating
- NIMS (National Incident Management System) Training –compliance requirements ...Ongoing
- Oregon Parks and Rec Trails Grant Application deadline January 17th
- Glencoe Pedestrian Tunnel coordination
- July 4th prep

Public Works Crews are working on the following projects/tasks:

- Water sampling
- Equipment Maintenance
- Building Maintenance
- Meter installation and repair
- Monthly meter reading
- Locates
- Leaf pick-up parks
- Pedestal installation 314th... power supply for events
- Preparation of installing swing set at JM-scheduled (waiting for weather change)
 Tree removed
- Generator repair
- Preparation to paint Jesse Mays interior
- Hydrant installation on NW 307th
- Move records from Annex to Yellow house

POLICE DEPARTMENT

December was spent working on calls for service, monitoring traffic at the overpass construction zone, and ongoing investigations.

Calls for service data is still being processed for the past year. HPD is assisting.

The following are the numbers regarding criminal reports/activity for December:

	2012	
Activity	Dec	
Traffic Crash	2	
Warrant arrest	1	
Agency assist	1	
Drug/possession	2	
DUII	1	
Information reports	2	
Driving while suspend	1	
Theft arrest	1	
Theft	2	
Criminal Mischief	1	
Assault	1	
Custodial Interference	1	
Furnishing alcohol	0	
Runaway	0	

LIBRARY

Holiday Closures. The Library will close at 5:30 p.m. on New Year's Eve, Monday, December 31 and will remain closed on New Year's Day, Tuesday, **January 1**. The Library will also be closed in honor of Martin Luther King Day on Monday, **January 21**.

New Computers. The Digital Drive Campaign has been phenomenally successful! Launched by a grant from Meyer Memorial Trust for \$13,000, and amplified by generous local donors, the fundraising efforts conducted by the Friends of the Library have enabled the Library to purchase a SelfCheck machine and to acquire 15 new computers with the Windows 7 operating system and Microsoft Office 2010 software (Word, Excel, PowerPoint). Many thanks to all who contributed!

Classes and One-on-One Instruction. Let us know if you need instruction in downloading ebooks to your iPad/Nook/Kindle, if you need help with basic computer functions, or if you would like job search tips and information about career databases. North Plains Library staff will be compiling a list of people interested in these topics, and expert volunteers will be providing personal assistance this winter.

Read to the Dogs. Pet Partners (<u>www.petpartners.org</u>) is a non-profit human-services organization that brings individuals together who share a common passion - a love of animals and people. In libraries, certified dogs and their owners offer children the opportunity to practice reading skills in a non-judgmental environment – to a friendly dog. This program will begin at the North Plains Library this winter. Please call to sign up your 1st-5th grade child.

January Art and Quilt Displays. On exhibit in the computer/program room throughout the month of January will be artwork by Chris Lantz. Displayed above the checkout desk throughout the month of January will be a Snowflakes quilt by Diane Link.

Storytimes. Children ages 0-6 are invited to participate every Wednesday at 11:30 a.m. in the children's section of the Library. Youth Librarian Jackie will host Storytime on **January 2, 9, 23,** and **30.** On **January 16**, come see the puppet show Elephant and Piggie, based on the books by Mo Willems and performed by Rick Samuelson and Terisa Brown from the Washington County Cooperative Library Services.

Writers' Group. Share your writing projects and receive feedback from peers on Thursday, **January 3** at 6:30 p.m. at the Library. New members are welcome to join.

First Friday Flick. Free family movie nights occur on the first Friday of each month beginning at 6 p.m. at the Library. The PG-rated 3D stop-motion comedy thriller from animation company LAIKA to be shown on **January 4** features an 11-year-old boy who can see and speak to ghosts, zombies, and witches. Seating is limited. Refreshments will be served.

Super Saturday. Meteorites will be the featured topic beginning at 1:00 p.m. on Saturday, **January 12** at the Jessie Mays Community Hall and presented by Dick Pugh, meteorite enthusiast, educator, and field scientist from Portland State University. This program is geared for school aged children although everyone is invited to attend.

Friends of the Library Meeting. There will be a regular meeting of the Friends on Monday, **January 14** at the Library from 7:30-9 p.m. New members are welcome.

Library Book Club. Come to the Library on Wednesday, **January 30** at 7:30 p.m. for a discussion of <u>Hemingway's Boat</u> by author Paul Hendrickson. Focusing on the years 1934 to 1961, the author traces Ernest Hemingway's exultations and despair around the one constant in his life during this time: his beloved boat, Pilar. New members are welcome. Refreshments will be served.

Craft Night. Bring your knitting, crocheting, or other personal craft projects to the Library on Thursday, **January 31** from 6-8 p.m. for an evening of camaraderie and dedicated handiwork time.

January 2013 Council Calendar

Meeting	Primary	Alternate	Note	Date
City Council			7:00 p.m.	1/7
Washington County Coordinating Committee (WCCC)	Hatcher	DeBry	2 nd Monday @ 12 noon	1/7
Planning Commission	Lenahan		2 nd Wednesday @ 7 p.m.	1/9
Washington County Office of Community Development Policy Advisory Board	Kindel	Demagalski	2 nd Thursday @ 7 p.m.	1/10
Library Board			3 rd Wednesday @ 7 p.m.	1/16
MLK Holiday			City Offices Closed	1/21
City Council			7:00 p.m. (Note on Tuesday)	1/22
Metro Policy Advisory Committee (MPAC)	Hatcher	Demagalski	4 th Wednesday @ 5 p.m.	1/23
Parks Advisory Committee	Lenahan	Broome	4 th Wednesday @ 7 p.m.	1/23
Music Show			Saturday 6:30 p.m, Jessie Mays	1/26
Metropolitan Area Communications Commission (MACC)	Warren	Lenahan	No Meeting Scheduled	
Northwest Oregon Area Commission on Transportation (NWACT)		DeBry	No Meetings Scheduled	