

COUNCIL MEETING MINUTES
January 11, 2010

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1-0001 **DATE: COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN,
COUNTY OF MARION, STATE OF OREGON, JANUARY 11, 2010.**

CONVENED: The meeting convened at 7:00 p.m. with Mayor Figley presiding.

ROLL CALL:

Mayor	Figley	Present
Councilor	Cox	Present
Councilor	Lonergan	Present
Councilor	McCallum	Present
Councilor	Morris	Present
Councilor	Pugh	Present
Councilor	Schmidt	Present

Staff Present: City Administrator Derickson, Assistant City Administrator Stevens, City Attorney Shields, Police Chief Russell, Public Works Director Brown, Community Services Director Row, Economic & Community Development Director Hendryx, Recreation Services Manager Spence, Police Captain Garrett, Police Captain Alexander, City Recorder Shearer.

1-0050 **ANNOUNCEMENTS:**

A) City Hall and the Library will be closed Monday, January 18th for Martin Luther King Jr. Day. The Aquatic Center will be open during normal business hours.

1-0066 **APPOINTMENTS:**

Mayor Figley made the following appointments and reappointments to City Boards and Budget Committee:

Park Board:

Reappoint Joseph Nicoletti for a term expiring December 2013
Reappoint Rosetta Wangerin for a term expiring December 2013
Appoint Bruce Thomas for a term expiring December 2013
Appoint Zandi Cox for a term expiring December 2010

McCallum/Pugh... approve the appointments made by the Mayor. Motion passed unanimously.

Library Board:

Reappoint Willis Grafe for a term expiring December 2013
Reappoint Nancy Kirksey for a term expiring December 2013
Appoint Kristen Berkey for a term expiring December 2010

Cox/Lonergan... approve the appointments made by the mayor. Motion passed unanimously.

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Budget Committee:

Reappoint Eric Swenson

Reappoint Don Judson

Lonergan/McCallum... approve the appointments made by the Mayor. Motion passed unanimously.

PROCLAMATIONS:

None

1-0224 **PRESENTATIONS:**

- A) OACP presented medals to the Family of Captain Tom Tennant and to Police Chief Scott Russell.
- B) Chief Scott Russell awarded the Woodburn Police Department Medal of Honor to Sergeant Nick Wilson, Sergeant John Mikkola, Detective Craig Halupowski, and Detective Rick Puente for their distinguished service during the events of December 12, 2008.
- C) Chief Scott Russell presented the Woodburn Public Works Department with the Woodburn Police Department Public Service award for their efforts in the days and weeks following December 12, 2008.
- D) Recreation Services Manager Spence recognized Ray Herrera of Viesko Quality Concrete for his creative Santa transport projects.

1-0789 **COMMITTEE REPORTS:**

- A) Chamber of Commerce – Don Judson, Executive Director updated the Council on Chamber tourism promotion activities and upcoming events.
- B) Woodburn School District – Superintendent Walt Blomberg updated the Council on the flourishing International Baccalaureate and Advanced Placement programs in the Woodburn School District.

1-1619 **BUSINESS FROM THE PUBLIC:**

- A) Woodburn Art Center will be hosting a Rock & Roll art show January 15-February 28.

1-1682 **CONSENT AGENDA:**

- A) approve the Council minutes of December 14, 2009; and
- B) approve the Council Executive Session minutes of December 14, 2009; and
- C) approve the Planning Commission minutes of October 22, 2009; and
- D) approve the Planning Commission minutes of November 5, 2009; and
- E) approve the Planning Commission minutes of November 19, 2009; and
- F) accept the Crime statistics for November 2009.

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McCallum/Pugh ...adopt the Consent Agenda as presented. The motion passed unanimously.

1-1850 **PUBLIC HEARING – TYPE V LEGISLATIVE AMENDMENT – DOWNTOWN
DEVELOPMENT PLAN UPDATE (LA 2009-01)**

Mayor Figley declared the hearing open at 7:30 pm for the purpose of hearing public input on proposed updates to the Downtown Development Plan. Economic & Community Development Director Hendryx made a presentation summarizing the history of the Downtown Development Plan and recent efforts to modify the plan by the Planning Commission. He summarized the changes made to the plan leading to tonight's hearing. Director Hendryx also requested an amendment to correct a conflict in the text of the plan and the text of the ordinance. Councilors Morris and Cox clarified with Director Hendryx that the plan and the ordinance should reflect the Planning Commission's recommendation of 40 and 50 foot height limits in the Downtown Development Conservation (DDC) district.

Council members asked staff about parking provisions, conformance of existing downtown businesses, street widths, and height restrictions. Director Hendryx clarified that parking is required to be addressed with each development application, that no downtown businesses would be made no-conforming by this plan, that the need for variances addressing the narrow downtown streets would be sharply reduced, and answered questions regarding the height limits in the plan and stated that all of the limits could be modified through the conditional use process.

Mayor Figley invited the proponents of the Downtown Development Plan Update to address Council. Ellen Bandelow, Chair of the Planning Commission spoke in favor of the plan and the efforts of the Planning Commission to modify the Downtown Development Plan to accommodate both commercial and residential development and to provide for opportunities for developers to bring ideas to the City.

Richard Jennings, of 595 Filbert, Woodburn, and Planning Commissioner spoke in favor of adopting the Downtown Development Plan. Mr. Jennings stated that when the Planning Commission began with the modifications to the plan there were many differences of opinion but by the end of the process everyone was on the same page. He believes that this was the best plan the Commission was capable of providing and believes the compromises included serve the best interests of the City and the Downtown residents.

Don Judson, Executive Director of the Woodburn Chamber of Commerce stated that the Woodburn Chamber of Commerce supports the Downtown Development Plan. He applauds the flexibility in the plan. He also spoke of the efforts of the Woodburn Downtown Association to reduce crime in the downtown area.

Mayor Figley invited the opponents of the Downtown Development Plan Update to

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address Council. Durrell Crays of 167 N. Settlemeir, Woodburn, Chairman of the Historic Woodburn Neighborhood Association submitted a statement signed by 16 residents objecting to zoning changes intended to increase population density and building heights of greater than 40 feet. He further stated that the Historic Woodburn Neighborhoods Association supports the revitalization of downtown businesses and supports the Downtown Development Plan with one major reservation, which is the height standard.

Richard Lowry of 479 5th St, Woodburn spoke of the original revision to the plan and Council's decision to send it back to the Planning Commission for additional revision and public input. Mr. Lowry asserted that there was not community outreach beyond the public hearing. Mr. Lowry requests that the height limits be lowered to 40 feet.

Dagmar Kinne of 586 Grant St., Woodburn submitted a white paper discussing the impact of train noise and vibration on the Downtown residential areas.

Juan Hernandez of 475 Front St, Woodburn expressed concern about traffic and pedestrian safety under the plan.

Bruce Thomas of 130 W Cleveland St, Woodburn discussed the stakeholder committee involvement with the development and modification of the Downtown Development Plan.

2-0670 The Public Hearing was closed at 8:50 pm.

Council discussed the testimony received and asked further clarifying questions of staff resulting in the following motions:

2-3400 **Cox/Pugh...** to amend the Downtown Development Plan by modifying page 70 of the Downtown Development Plan (page 156 in the Agenda Packet) under CG Commercial General—New Gateway Subdistrict, Additional Key Elements to read “Building height limit transitioning from 40 feet adjacent to residentially zoned properties to 50 feet next to the railroad tracks.” and on the same page under DDC Downtown Development and Conservation Zone, modify under Key Elements to read “Building height limit of 40 feet.” and instruct staff to make any other plan revisions to be consistent with this change. Amendment passed unanimously.

2-3600 **Cox/McCallum...** adopt the Downtown Development Plan as amended and modified by staff per Council direction above. Motion passed unanimously.

Council recessed at 9:25 and reconvened at 9:30.

2-3800 **PUBLIC HEARING – TYPE V LEGISLATIVE AMENDMENT – LA 2009-02,
ALLOWING SIGNS IN THE PUBLIC RIGHT OF WAY IN THE RETIREMENT
COMMUNITY SINGLE-FAMILY RESIDENTIAL (R1S) ZONE**

Mayor Figley declared the hearing open at 9:35pm for the purpose of hearing public input on proposed changes to sign regulations in the Retirement Community Single Family

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Residential Zone (R1S). Economic and Community Development Director Hendryx gave a presentation covering the history of the proposed amendment regarding signs in the Retirement Community Single-Family Residential zone. Council discussed the history of the sign code and activities of the Planning Commission and Sign Focus group leading to this amendment. Director Hendryx stated that the Planning Commission recommended denial of this amendment.

Mayor Figley invited proponents and opponents of the amendment to address Council. Richard Siewert of Estates Realty at 2265 Country Club Rd, Woodburn spoke in favor of the amendment stating that the additional visibility and accessibility would help home sellers in the area. Dave Christoff of 671 Ironwood Terrace, Woodburn requested that the sign rules and ordinances be consistent citywide rather than area specific and is in favor of uniform enforcement of the sign code. Richard Jennings of 595 Filbert, Woodburn spoke in opposition of the amendment, citing reservations about making changes to the sign code applicable to one area of the city instead of citywide. Jean Kemp spoke in favor of the amendment.

The Public Hearing was closed at 10:15pm.

Council discussed the testimony received and asked further clarifying questions of staff resulting in the following motions:

Pugh/Schmidt...adopt the legislative amendment. Motion failed on roll call vote with Councilors Pugh, Schmidt, and Cox voting aye, Councilors Lonergan, McCallum, and Morris voting nay; Mayor Figley voted nay. Mayor Figley stated for the record that she may support this concept applied on a uniform, consistent citywide basis, but would not for a specific neighborhood.

McCallum/Cox... return the amendment to the Sign Ordinance Focus Group for further review. Motion passed unanimously.

3-1781

PUBLIC HEARING – FINAL ASSESSMENT HEARING – IRONWOOD STREET TREE REPLACEMENT AND SIDEWALK REPAIR LOCAL IMPROVEMENT DISTRICT

Councilor McCallum declared a conflict of interest and refrained from participation in Council discussion. Mayor Figley declared the hearing open at 10:38 pm for the purpose of hearing public input on the proposed final assessment for the Ironwood Local Improvement District. Council received a copy of a letter submitted by Richard Baxley of 2562 Edgewater Dr and it was entered into the record. No one requested an opportunity to speak to Council on this issue.

The Public Hearing was closed at 10:40 pm.

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3-2000 **COUNCIL BILL NO. 2807 – AN ORDINANCE LEVYING ASSESSMENTS FOR THE IRONWOOD NEIGHBORHOOD LOCAL IMPROVEMENT DISTRICT TO REPLACE STREET TREES AND REPAIR SIDEWALKS**

Councilor Lonergan introduced Council Bill 2807. Recorder Shearer read the two readings of the bill by title only since there were no objections from the Council. Councilor McCallum did not participate in the vote of this bill due to a declared conflict of interest. On roll call vote for final passage, the bill passed unanimously (excluding Councilor McCallum). Mayor Figley declared Council Bill No. 2807 duly passed.

3-2180 **COUNCIL BILL NO. 2808 – A RESOLUTION TO AMEND THE CLEAN WATER STATE REVOLVING FUND LOAN AGREEMENT NO. R98414 WITH THE STATE OF OREGON AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN SUCH AGREEMENT**

Councilor McCallum introduced Council Bill 2808. Recorder Shearer read the bill by title only since there were no objections from the Council. City Administrator Derickson reminded Council for the record that repayment of this loan is contingent upon future utility rate increases. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2808 duly passed.

3-2210 **LIQUOR LICENSE CHANGE OF OWNERSHIP FULL ON-PREMISES SALES**

Lonergan/McCallum... the Woodburn City Council recommends that the Oregon Liquor Control Commission approve a Change of Ownership application for The End Zone. Motion passed unanimously.

3-2276 **CITY ADMINISTRATOR'S REPORT:**

A) Digital recording equipment will soon be installed in Council chambers which will enable the audio record of Council meetings to be accessed via the internet.

MAYOR AND COUNCIL REPORTS:

Councilor McCallum announced that the kick off meeting for the 2010 Relay for Life will be 6:30pm January 21, 2010 at Wellspring. Councilor Cox stated that he will be absent for the March and April meetings.

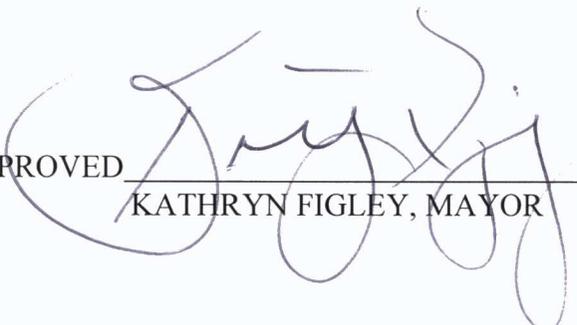
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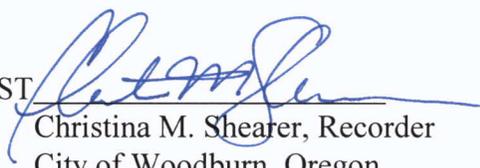
ADJOURNMENT:

Lonergan/Morris...meeting be adjourned. The motion passed unanimously.
The meeting adjourned at 10:50 p.m.

APPROVED


KATHRYN FIGLEY, MAYOR

ATTEST


Christina M. Shearer, Recorder
City of Woodburn, Oregon