

COUNCIL MEETING MINUTES
February 8, 2010

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1-0001 **DATE: COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, FEBRUARY 8, 2010.**

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

ROLL CALL:

Mayor	Figley	Present
Councilor	Cox	Absent
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, Public Works Director Brown, Economic & Community Development Director Hendryx, Detective Sergeant Kent, Finance Director Palacios, City Recorder Shearer.

1-0050 **ANNOUNCEMENTS:**

Mayor Figley announced that City Hall and the Library will be closed Monday, February 15, 2010 in observance of President's Day. The Aquatic Center will be open normal business hours.

1-0070 **PROCLAMATION:**

Mayor Figley read a proclamation declaring March 25 thru April 25, 2010 Woodburn Tulip Festival Month.

1-0200 **PRESENTATION:**

Economic & Community Development Director Hendryx gave a presentation on Enterprise Zones and their potential applications in Woodburn.

1-1960 **COMMITTEE REPORTS:**

- A) Chamber of Commerce – Executive Director Don Judson updated Council on Chamber events and activities including the publishing of a new community guide and website enhancements.
- B) Woodburn School District – Superintendent Walt Blomberg pointed out information contained in the Community Connections newsletter and updated the Council on the status of the search for a new Superintendent.

1-2545 **CONSENT AGENDA:**

- A) approve the Woodburn City Council minutes of January 11, 2010; and
- B) approve the Woodburn City Council minutes of January 25, 2010; and

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C) accept the Crime Statistics report for December 2009.
Councilor McCallum requested that the minutes of January 25, 2010 be amended to record additional dialogue between Alan Fox and Council on the Woodburn Interchange project.
Lonergan/Pugh ...adopt the Consent Agenda as amended. The motion passed unanimously.

1-2810 **PUBLIC HEARING – SUPPLEMENTAL BUDGET**

Mayor Figley declared the hearing open at 7:45 pm for the purpose of hearing public input on proposed changes to the 2009-10 Adopted budget. Finance Director Palacios made a presentation summarizing the proposed appropriation transfers.

Mayor Figley invited the proponents of the Supplemental Budget to address Council. No one wished to speak in favor. Mayor Figley invited the opponents of the Supplemental Budget to address Council. No one wished to speak in opposition.

1-4400 The Public Hearing was closed at 8:10 pm.

Council discussed the testimony received and asked further clarifying questions of staff.

1-4420 **COUNCIL BILL NO. 2810 – A RESOLUTION APPROVING TRANSFERS OF FY2009-10 APPROPRIATIONS AND APPROVING A SUPPLEMENTAL BUDGET**

Councilor McCallum introduced Council Bill No. 2810. Recorder Shearer read the bill by title only since there were no objections from the Council. City Attorney Shields clarified that Finance Director Palacios presentation is included in the resolution as an attachment. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2810 duly passed.

1-4515 **COUNCIL BILL NO. 2811 – A RESOLUTION ENTERING INTO AN AGREEMENT WITH THE UNION PACIFIC RAILROAD AS PART OF THE FRONT STREET IMPROVEMENT PROJECT FOR CROSSING IMPROVEMENTS AT LINCOLN STREET AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE SAID AGREEMENT**

Councilor McCallum introduced Council Bill No. 2811. Recorder Shearer read the bill by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2811 duly passed.

1-5125 **COUNCIL BILL NO. 2812 – A RESOLUTION TO ESTABLISH A WOODBURN INTERCHANGE AESTHETIC ADVISORY FOCUS GROUP**

Councilor McCallum introduced Council Bill No. 2812. Recorder Shearer read the bill

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by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2812 duly passed.

1-5800 **CITY ADMINISTRATOR'S REPORT:**

- A) The City Administrator reported on meetings with the State Departments of Land Conservation and Development and Transportation
- B) Council should expect another "E-Blurb" communication next week.

1-6300 **MAYOR AND COUNCIL REPORTS:**

- The Mayor reported on her efforts regarding the Woodburn Interchange
- Councilor Pugh commented on graffiti and vandalism damage in the Front St. area
- Councilor McCallum thanked staff for providing copies of the PowerPoint presentation
- Councilor Schmidt asked about the ordinance change process. City Attorney Shields explained the process. Councilor Schmidt also commented on litter in the Front St area

ADJOURNMENT:

Pugh/McCallum...meeting be adjourned. The motion passed unanimously. The meeting adjourned at 8:40 p.m.

APPROVED _____
KATHRYN FIGLEY, MAYOR

ATTEST _____
Christina M. Shearer, Recorder
City of Woodburn, Oregon

COMMUNITY SERVICES DEPARTMENT STATISTICS

DECEMBER 2009

	<u>Dec-08</u>	<u>Dec-09</u>	<u>2008 YTD</u>	<u>2009 YTD</u>
Revenue:	\$6,364.80	\$9,814.12	\$81,460.55	\$68,224.24
Expenditures:	\$19,070.49	\$27,824.66	\$165,748.39	\$173,029.03

Program Attendance:

Youth Sports:	0	0	720	847
Adult Sports:	140	250	684	798
Youth Programs:	0	0	427	190
Adult Programs:	0	0	131	92
Teen Programs:	403	1,107	3,363	6,349
After School Club:	1,162	1,244	7,812	6,375
Special Events:	200	150	2,838	2,220
TOTAL:	1,905	2,751	16,846	11,006

Aquatics Division

	<u>Dec-08</u>	<u>Dec-09</u>	<u>2008 YTD</u>	<u>2009 YTD</u>
Revenue:	\$6,615.59	\$6,994.09	\$93,828.73	\$87,235.53
Expenditures:	\$49,045.10	\$49,362.69	\$311,981.34	\$329,000.66
Cost Recovery:	13%	14%	30%	27%
Attendance:	3,237	4,361	29,653	37,049

Lesson Enrollment:

Group:	50	43	685	617
Adults:	0	0	4	38
Private:	2	2	46	18
4th Grade:	92	95	213	342
TOTAL:	144	140	1,032	744

Library Division

	<u>Dec-08</u>	<u>Dec-09</u>	<u>2008 YTD</u>	<u>2009 YTD</u>
Revenue:	\$2,870.58	\$5,705.55	\$51,401.96	\$37,276.23
Expenditures:	\$80,429.53	\$83,262.52	\$508,909.80	\$491,212.37
Library Attendance:	11,288	13,772	96,377	94,438
Library Circulation:	8,254	12,621	68,626	78,026
			0	0
Adult Program Count:	0	2	20	17
Adult Attendance:	0	17	3,815	2,313
Youth Service Program Count:	22	35	123	149
Youth Service Attendance:	392	582	3,480	3,551
Database Usage:	452	1,214	11,403	3,612
Adult Computer Usage:	2,362	4,032	23,633	26,546
Youth Services Computer Usage:	522	901	5,333	5,615
Room Reservations	11	14	41	53
New Adds:	252	525	2,481	2,719
Volunteer Hours Worked:	105	128	586	796

DECEMBER 2007

1. **Call to Order**

The meeting and was called to order at 7:00 p.m.

2. **Roll Call**

Board Chair	Rosetta Wangerin	Present
Board Secretary	Joseph Nicoletti	Present
Member	Zandi Cox	Present
Member	Bruce Thomas	Present
Member	Cheryl Shepherd	Present
Member	Charlene Williams	Absent
Member	Alexa Morris	Present

Staff present: Jim Row, Community Services Director; Stu Spence, Recreation Services Manager; Debbie Wadleigh, Aquatic Manager; Paulette Zastoupil, A.A.

3. **Approval of Minutes from November 10, 2009**

Joseph Nicoletti/Bruce Thomas - Motion to accept the minutes as written. The motion passed unanimously.

4. **Annual Election of Officers**

Nominations were opened by Rosetta Wangerin, Chair. Bruce Thomas recommended keeping the current members in their positions the same. Joseph Nicoletti and Rosetta Wangerin accepted.

Bruce Thomas/Joseph Nicoletti – Motion to keep the current Board Chair, Rosetta Wangerin and Board Secretary, Joseph Nicoletti for another term. The motion passed unanimously.

5. **Business from the Audience**

None

6. **OLD BUSINESS**

Review of Annual Workshop Project Ranking

The Board members were asked to prioritize the following 7 projects. They were asked to assign a 1-7 score to each project, with 1 representing their highest priority and 7 representing their lowest priority. They could use each number (1-7) only once. The projects with the highest scores will represent the Board's highest priorities for the coming year.

2010 Project Ranking

	Bruce	Rosetta	Joseph	Charlene	Cheryl	Zandi	Alexa	Average	Final
Master Plan for Burlingham Park	6	4	3	4	5	5	2	4.14	4
Portable restroom enclosures to parks	7	7	6	5	7	7	7	6.57	7
Replace playground at Wyffels Park	2	1	1	2	3	2	3	2.00	1
Acquire Properties for Greenway	4	6	5	3	6	6	4	4.86	5
Park comfort and convenience features	1	2	2	6	2	4	6	3.29	3
Add one park to the SW area East of I-5	5	5	7	7	4	3	5	5.14	6
Repairs to the Aquatic Center	3	3	4	1	1	1	1	2.00	1

Jim explained to the Board how this ranking process benefits us throughout the year with agenda items for City Council and grant writing. Jim expressed his desire for the Board to use the Adopted Master Plan goals and recommendations during the monthly meetings. The Board would then be able to take a closer look at the progress the department is making in accomplishing the goals and objectives listed in the master plan. Discussion took place on the swimming pool repairs and budgeted projects.

6. **NEW BUSINESS**

Land and Water Conservation Fund Grant Program

Jim explained that the funding stream for this federal grant program comes from off-shore drilling revenues. Funds are re-distributed to the states for park improvements. Jim gave a short history on the grant, deadline and funding that is available. He stated the need to replace the playground at Wyffels Park has prompted him to seek funding through this grant. Since this grant program requires a 50% match, which can include in-kind, non-cash, contributions, Jim and Rosetta are currently in the process of developing a budget for this project. Rosetta shared that she is requesting a grant from Woodburn Together and has talked with Mid-Valley and Lutheran Churches and found that there were a number of people that would be willing to help. She will also be talking with the Four Square Church and current Woodburn Chamber members. The committee, once formed, will seek donations through Woodburn Proud Inc. for the project. Also, March 20th she is coordinating Wyffels Park clean-up which coincides with the city-wide clean-up. At the February 22 Council meeting, a resolution once adopted, will authorize Jim to apply for this grant. Jim explained that a resolution from a governing body was a required part of the application process. He stated with the short grant timeline, this resolution requirement could deter agencies from applying. He stated that the project ranking shows replacement of the

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7:00 p.m.

Wyffels Park Playground to be their number 1 priority for 2010 and would be stated so on the grant application.

Bruce Thomas/Joseph Nicoletti – Motion to adopt the 2010 project ranking, setting the departments priorities.

Discussion took place on acquiring neighborhood input that would help develop a vision and concept design suitable for the grant application.

Also discussed, were the Settlemier Park swing sets and the Park and Recreation Board Student member replacement.

Summer Downtown Plaza activities

Discussion took place on the various activities at the Downtown Plaza. Julie Chappel, member of the Woodburn Downtown Association would like to organize a Farmers Market during the Tuesday evening Music in the Park concerts, beginning this summer. Brainstorming included activities such as: art shows, music concerts, contests, and high school bands.

Latin American Club lawsuit

Jim gave the Board the history behind the lawsuit, which stems from the balance owed for police services and other fees associated with the Fiesta. He went on to explain that the City is committed to ensuring the event takes place in August. Jim has had several informal talks with other community members who've said they are interested in seeing the Fiesta continue. He stated that the city was holding a Kick-off meeting on February 24th at 6:00 pm in the Council Chamber, and encouraged interested people to attend. The attending group will be asked to brainstorm on how the event can continue. The city will facilitate the event as a full partner until a group formalizes itself at some point in the future. They would hopefully take the event over at that point.

Business from the Department

Aquatics – Debbie Wadleigh

Debbie shared a PowerPoint presentation of fall activities; high school water polo, staff recognition, lap swimmers, safety first promotions, 4th grade swim lessons, fitness area, Halloween activities, Barracuda Swim Team poinsettia fundraiser, water exercise classes. In January, a swim lesson card was developed giving parent an opportunity to use the fitness equipment. Also, if they signed up for 4 classes of swim lessons, they received the 5th lesson free. She also shared that Thursday evenings were set aside for teens and the 4th Monday of the month was Kid's Night, where the parent could drop them off for a couple hours of swimming fun ending with juice and cookies. January was also 20% membership month to new members. Chemeketa Community College has 17 swim participants. Debbie is seeing an increase in early morning lap swimmers. The Barracuda swim meet had 300 participants. Debbie stated that she is gearing up for summer employment and that Water Safety Instructor training classes will start March 1st. Lifeguard training will take place during Spring Break. Since

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February is National Heart Month, she is hoping everyone will refresh or get new CPR training. Her staff is currently re-certifying in CPR.I-C-A/AED.

Recreation – Stu Spence

Sports program are up 30% in participants this year.

Adult Sports – Men’s Basketball League is underway with 32 teams this fall which is up 8 teams from last fall.

Youth Sports – Youth basketball has 240 participants.

Active Adult – All trips are full. Better advertised with price drop. Now has a waiting list.

Teen Program – Temporarily closed.

Boys and Girls Club & After School Club – Steering Committee is very active and will be launching their capital campaign later this month. Chief Russell and Mayor Figley are co-chairs on the committee.

After School Club – Routine activities

Youth Advisory Board – The *Youth Advisory Board* has led craft projects at Cascade Park Retirement Home last month. They are currently working on fundraising ideas for Haiti. They are also looking to volunteer in the After School club program.

Woodburn Reads – Submitted the year report to OCF and our year 2 request for \$15,000. The committee distributed 1,500 books to Woodburn Pediatric Clinic, and plan to distribute 1,000 to the Woodburn Elementary School Resource night. Yes Graphics is completing a tri-fold pamphlet for the program.

Blazer Game – We partnered with the Portland Trail Blazers to offer a Woodburn Youth Basketball Night. Registered families got in early to the game and had a chance to get pre-game autographs.

Break dancing – We are co-sponsoring a Break dancing Club at Nuevo Amanacer soon. Stu stated that a volunteer that will teach the dance, Nuevo is not charging for the space and the city will provide the insurance. The program will be 4 days a week from 4:30 – 6:00 pm. Nuevo Amanacer will track participants and their school grades. No gang affiliation allowed, and the group will become part of a larger break dancing crew that will provide entertainment at city sponsored events.

Parks & Facilities – Jim Row

Discussion took place on letters of support for the Land and Water Conservation Fund Grant Program.

Zandi Cox/Alexa Morris – Motion to authorize Board Chair to write a letter of support to the Land and Water Conservation Fund Grant Program.

Mill Creek Greenway Trail Project

Jim updated the Board on the Mill Creek Greenway project, and that the contractor now needed to de-water the compacted rock before asphalt could be put down. The State granted an extension until August 2010.

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Woodburn Recreation and Parks Board

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7:00 p.m.

Centennial Park Phase III Project

Jim updated the Board on the Centennial Park Phase III project and shared that the project is moving right along. He reported that the basketball court has been poured and excavation for the shelter is currently underway. The biggest concern was the Fourth of July celebration, and whether the possible construction delays could interrupt the annual fireworks display. He stated that he was meeting with the fireworks company to work out details.

8. **Future Board Business**

None.

9. **Board Comments**

Bruce Thomas stated that he was glad to be back on the Board.

10. **Adjournment** 8:35 p.m.

Joseph Nicoletti, Board Secretary

Paulette Zastoupil, Recording Secretary

Date _____

Date _____



Agenda Item

February 22, 2010

TO: Honorable Mayor and City Council through City Administrator

FROM: Jim Row, Community Services Director

SUBJECT: **Oregon State Parks Local Government Grant Application**

RECOMMENDATION:

Adopt the resolution authorizing the City of Woodburn’s Community Services Department to apply for a Grant through Oregon State Park’s Land and Water Conservation Fund Grant Program to replace the playground at Wyffels Park.

BACKGROUND:

The Community Services Department, working through the Recreation and Park Board, has identified the need to replace the playground at Wyffels Park. The current play equipment consists of swings and a small climbing structure, both of which were installed in the 1970’s. Neither of these structures meet current playground safety standards.

This project meets the funding criteria for the State’s Land and Water Conservation Fund Grant Program. The program requires a 50% local match, which can include cash, contributions of materials, and volunteer labor. Oregon State Parks requires that the City Council approve a resolution supporting the grant application.

DISCUSSION:

The 2009 Parks and Recreation Master Plan recommends replacing the playground at Wyffels Park during the 2009-2012 planning period. The Recreation and Park Board considers the replacement of the Wyffels Park Playground to be their number 1 park development priority for 2010.

The Lincoln Street neighborhood recently began organizing their efforts, and is committed to conducting a fundraising campaign and mobilizing volunteers for the installation of the playground.

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Applications are currently being accepted for Oregon State Park's Land and Water Conservation Fund Grant Program. If funded, the Community Services Department would expect to initiate this project in fall 2010.

FINANCIAL IMPACT:

This grant program requires a 50% match, which can include in-kind, non-cash, contributions. The Community Services Department is currently in the process of developing a budget for this project and will request grant funding in the amount of 50% of total project costs; likely between \$25,000 and \$35,000. The City's share of matching funds will be provided through fundraising efforts, additional grants, volunteer labor, and donated materials and equipment.

COUNCIL BILL NO. 2813

RESOLUTION NO. 1958

A RESOLUTION AUTHORIZING THE DEPARTMENT OF COMMUNITY SERVICES TO APPLY FOR A LAND AND WATER CONSERVATION FUND GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR THE REPLACEMENT OF THE PLAYGROUND AT WYFFELS PARK AND DELEGATING AUTHORITY TO THE DIRECTOR OF COMMUNITY SERVICES TO SIGN THE APPLICATION.

WHEREAS, the Oregon Parks and Recreation department is accepting applications for the Land and Water Conservation Fund Grant Program; and

WHEREAS, the Department of Community Services desires to participate in this grant program to the greatest extent possible as a means of providing needed parks and recreation improvements and enhancements; and

WHEREAS, the Recreation and Park Board, City Council, and staff have identified the replacement of the Wyffels Park Playground as a high priority need in Woodburn; and

WHEREAS, the City of Woodburn's 2009 Parks and Recreation Master Plan recommends that the Wyffels Park playground be replaced during the 2009-2012 planning period; and

WHEREAS, City residents will benefit from the replacement of the playground at Wyffels Park; and

WHEREAS, the applicant hereby certifies that the matching share for this application is readily available; **NOW, THEREFORE,**

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:

Section 1. That the City of Woodburn's Community Services Department be authorized to apply for a Land and Water Conservation Fund Grant from the Oregon Parks and Recreation Department for the Wyffels Park Playground Replacement project as specified above.

Approved as to form: _____
City Attorney Date

Approved: _____
Kathryn Figley, Mayor

Passed by the Council

Submitted to the Mayor

Approved by the Mayor

Filed in the Office of the Recorder

ATTEST: _____
Christina Shearer City Recorder
City of Woodburn, Oregon



Agenda Item

February 22, 2010

TO: Honorable Mayor and City Council through City Administrator
FROM: Jim Hendryx, Economic and Development Services Director
SUBJECT: **Woodburn Business Assistance Loan Program**

CITY COUNCIL GOALS:

Promote Economic Development – complete the Economic Development Plan in partnership with the Chamber of Commerce; revisit the City’s economic strategy regarding business attraction, retention, and sustainability.

RECOMMENDATION:

Approve the attached resolution amending the Business Assistance Loan Program Guidelines.

BACKGROUND:

In May 2009, the City Council established the Woodburn Business Assistance Loan Program with approximately \$221,000 to loan to businesses. At that time, guidelines were established to help guide the program. While there has been interest in the Loan Program, no formal loan requests have been submitted. At the Council’s direction, the loan guidelines have been amended to make the program viable to small businesses seeking financial assistance from the City. Additionally, the program is being promoted through the Chamber and local lending institutions.

DISCUSSION:

The City established the Woodburn Business Assistance Loan Program in May 2009, with approximately \$221,000 in funds to loan out to both existing and new businesses located within the City. To date, no loans have been made through the program. The City Council requested that staff re-evaluate the loan guidelines, and as a result, discussions have occurred with local lenders in an effort to improve the Loan Program. Changes to the program guidelines are recommended to clarify and improve loan criteria. Council needs to

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understand that with these changes comes a greater risk to the City on recovering loan funds from the borrowers. The Council of Governments, who administers the program, recommends maintaining the current standards while actively promoting the program, something that has recently been initiated.

Lending standards have changed significantly over the last few years. People without excellent credit are finding it extremely difficult to qualify for any type of loan, and in particular, business loans. Banks require higher equity from people seeking any type of business loans. Banks are not making loans to businesses without a proven track-record and well thought-out business plan. Start-up businesses are not getting funding from banks. All of these factors affect the City's Business Loan Program.

FINANCIAL IMPACT:

The Mid-Willamette Valley Council of Governments administers the Business Assistance Loan Program. Their management of the program is paid for out of program funds.

These changes to the Program Guidelines will increase the risk to the City of recovering loan funds from borrowers.

COUNCIL BILL NO. 2814

RESOLUTION NO. 1959

A RESOLUTION MODIFYING THE BUSINESS ASSISTANCE LOAN PROGRAM GUIDELINES

WHEREAS, the City Council established a Business Assistance Loan Program with approximately \$221,280 of funds to loan, and no business has come forward with a valid loan application;

WHEREAS, the City Council is concerned that the Business Assistance Loan Guidelines are too restrictive and create a situation where businesses are unable to qualify for assistance; and

WHEREAS, the City Council directed staff to revise the Business Assistance Loan Guidelines so that they could be reconsidered, **NOW, THEREFORE**,

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:

Section 1. The City Council hereby modifies the Woodburn Business Assistance Loan Program Guidelines as attached to this Resolution as Exhibit "A".

Approved as to form: _____
City Attorney Date

Approved: _____
Kathryn Figley, Mayor

Passed by the Council _____
Submitted to the Mayor _____
Approved by the Mayor _____
Filed in the Office of the Recorder _____

ATTEST: _____
Christina Shearer City Recorder
City of Woodburn, Oregon

CITY OF WOODBURN
BUSINESS LOAN PROGRAM GUIDELINES

February 2010

Program Goals

- 1) *To help Woodburn businesses create or retain jobs.*
- 2) *To help Woodburn businesses improve their appearance and address code violations.*

Minimum Eligibility Criteria for Borrowers

- 1) The business must be located in Woodburn and the project being financed must be located in Woodburn.
- 2) A borrower may be either an established business or a start-up venture.

Eligible Projects and Activities

- 1) Acquisition of real property for business purposes.
- 2) Acquisition of equipment, machinery, furniture, fixtures, remodeling and leasehold improvements.
- 3) Employee training or other start-up costs required by a business expansion or start-up.
- 4) Working capital - as long as it is within the context of a larger project and does not exceed 25% of a project.

Ineligible Projects and Activities

- 1) Activities not permitted under Oregon or city laws.
- 2) Refinancing of existing debt.

Financing Policies and Loan Standards

- 1) All loan applicants must be able to demonstrate repayment ability and provide a minimum of ~~100%~~ 80% collateral coverage for security. Repayment ability and adequacy of security will be evaluated using customary commercial lending standards and practices.
- 2) Interest rates may vary from a minimum of 3% to a maximum rate of 2% over the rate for a 10 year US Treasury bond.
- 3) Interest rates will normally be fixed for the entire term of the loan.

- 4) Loan terms will not exceed 3 years for working capital; up to seven years for equipment but not to exceed the useful life of the equipment; the length of the lease term for leasehold improvements; and 15 years for real estate.
- 5) Security for Woodburn loans may be subordinate to the collateral security interests of participating private lenders.
- 6) A City loan may not exceed ~~50%~~ 70% of the total cost of a project proposed for financing. An amount at least equal to the City loan must come from private sources such as borrower cash or a bank loan.
- 7) There will be no pre-payment penalties for early repayment of City loans.
- 8) The maximum loan size will normally be \$50,000. The City Administrator may authorize a larger loan only when such a loan is judged to have significant city-wide economic impact.
- 9) Projects proposed for financing that will result in the creation of new jobs with wages that exceed the Marion County average will receive a higher priority than proposals that do not achieve such employment.
- 10) Projects that utilize a City loan to leverage greater than the minimum required levels of financial participation from other sources will receive a higher priority.

Program Management Policies

- 1) Lending staff from the Mid-Willamette Valley Council of Governments (COG) will serve as loan officers and evaluate applications for loans. Upon the completion of an application, COG staff will prepare a loan credit memo to the Woodburn City Administrator that summarizes the findings and recommendations for action.
- 2) Upon review of a loan application and COG staff memo and recommendations, the City Administrator shall provide written notice of his decision on the application to COG who, if approved, will then prepare closing documents and execute the closing of the loan.
- 3) The COG shall maintain a segregated account for Woodburn loan funds as they are repaid and provide a full financial status report to the City Administrator whenever requested but at least once annually.
- 4) Borrowers will be assessed a loan fee of 1.5% of the loan amount upon closing of a loan. Borrowers will also be assessed an advance fee of \$150 after an initial consultation with a loan officer but before a complete loan application is evaluated. The advance fee is non-refundable but it will be credited towards the 1.5% loan closing fee if the loan is approved. The advance fee and closing fee are intended to compensate COG for loan application review and research costs and for such third party expenses as credit reports and lien searches. In the event that an appraisal or title insurance is required for a loan, those costs shall be borne by the borrower.

- 5) The COG shall receive and account for all loan repayments and provide such servicing assistance as monitoring loan conditions or requirements, assisting borrowers with changes to loan agreements or loan collateral, and monitoring timely repayment. Any legal actions that may be required to collect a loan will be referred to the City Attorney.
- 6) The COG shall be entitled to assess an annual servicing fee of 1% of the total outstanding balance of the loan fund after each twelve month period up to a maximum of \$1,200 per year.
- 7) COG lending staff will also refer applicants to other small business resources such as those offered by Chemeketa Community College, the Oregon Economic and Community Development Department and other federal and state lending programs.



Agenda Item

February 22, 2010

TO: Honorable Mayor and City Council through City Administrator
FROM: Jim Hendryx, Director of Economic & Development Services
SUBJECT: **Type V Legislative Amendment - Legislative Amendment LA 2009-02, allowing signs in the public right-of-way in the Retirement Community Single-Family Residential (R1S) Zone**

CITY COUNCIL GOALS:

Refine City Policies - complete long-range financial plan; create clear municipal regulations and codes for greater understanding - and eliminate unnecessary over-regulation

RECOMMENDATION:

Deliberate on Legislative Amendment LA 2009-02, allowing signs in the public right-of-way in the Retirement Community Single-Family Residential (R1S) Zone. Following the deliberation, the City Council has the following options:

- (1) Deny the proposed amendment,
- (2) Approve the proposed amendment and direct staff to draft an Ordinance,
- (3) Refer the proposed amendment back to the Planning Commission for further consideration.

BACKGROUND:

On October 26, 2009, the City Council requested that staff prepare an amendment to the sign regulations of the Woodburn Development Ordinance to allow signs to be placed in the public right-of-way in the Retirement Community Single-Family Residential (R1S) Zone. The Planning Commission conducted a public hearing on December 17, 2009 and considered the proposed amendments. The Commission voted unanimously (four members present) to oppose the amendments, and forwarded the matter to the Council with a recommendation of disapproval. The City Council then conducted a public hearing on January 11, 2010. The Council referred the proposed

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amendments to the Sign Focus Group, currently tasked by the Mayor and the City Council with evaluating amendments to the sign regulations. The Focus Group considered the proposed amendments on January 28, 2010, and suggested provisions regarding sign location near curbs or sidewalks.

DISCUSSION:

The Planning Commission conducted a public hearing on Legislative Amendment LA 2009-02 on December 17, 2009. While there was no testimony from the public, the Commission deliberated for approximately one hour on the merits of allowing signs within the public right-of-way, and in particular, allowing signs only within in the R1S Zone. Commissioners noted that the situation in the R1S Zone is not unique, and can be found in neighborhoods throughout Woodburn where the right-of-way is not fully improved. Furthermore, the Commission was concerned about the overall appearance of signs within the right-of-way and enforcement of these regulations. Because of these factors, the Commission recommended to deny the proposed amendment.

The Focus Group considered the proposed amendments, recommending approval and suggested provisions regarding sign location near curbs or sidewalks. The proposed amendments reflect the Focus Groups recommendations.

FINANCIAL IMPACT:

This decision is anticipated to have no public sector financial impact.

Attachments:

City Council minutes of January 11, 2010
Planning Commission Final Order of December 17, 2009
Planning Commission Minutes of December 17, 2009
Planning Commission Staff Report of December 3, 2009

CITY OF WOODBURN, OREGON

**CITY COUNCIL
STAFF REPORT**

February 10, 2010

LEGISLATIVE AMENDMENT 2009-02

APPLICANT: City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

Application Commenced: At the direction of the City Council

Staff contact: James N. P. Hendryx, Director of Economic &
Development Services

Recommendation: Deliberate the draft text amendment.

NATURE OF THE APPLICATION: A legislative amendment to consider text changes to the Woodburn Development Ordinance. The Woodburn Development Ordinance would be amended to allow certain signs in the public right-of-way in the Retirement Community Single-Family Residential (R1S) Zone. The amendment would also increase the height of certain exempt signage in all residential zones from six feet to seven feet.

RELEVANT APPROVAL CRITERIA:

WDO 4.101.06.E Type V Legislative Decisions
WDO 4.101.09.A.3 Type V Notices
Comprehensive Plan Consistency

BACKGROUND:

On October 26, 2009, the Woodburn City Council requested that staff prepare an amendment to the sign regulations of the Woodburn Development Ordinance to allow signs to be placed in the public right-of-way in the Retirement Community Single-Family Residential (R1S) Zone. The Planning Commission conducted a public hearing on December 17, 2009 and considered the proposed amendments. The Commission voted unanimously (four members present) to oppose the amendments and forwarded the matter to the Council with a recommendation of disapproval. The City Council then conducted a public hearing on January 11, 2010. The Council referred the proposed amendments to the Sign Focus Group, currently tasked by the Mayor and the City Council with evaluating amendments to the sign regulations. The Focus Group considered the proposed amendments on January 28, 2010 and suggested provisions regarding sign location near curbs or sidewalks. Those revisions have been incorporated into the proposed ordinance.

ANALYSIS AND FINDINGS OF FACT:

Legislative decisions

Type V decisions involve legislative actions where the City Council enacts or amends the City's land use regulations The Planning Commission holds an initial public hearing on the proposal prior to making a recommendation to the City Council. The City Council then holds a final de novo public hearing and makes the City's final decision. Public notice is provided for all public hearings (*Section 4.101.09*). The City Council's decision is the City's final decision and is appealable to LUBA within 21 days after it becomes final. [WDO 4.101.06.E]

Finding: Public notice was provided pursuant to the Oregon Revised Statutes, the Oregon Administrative Rules, the Woodburn Comprehensive Plan, and the Woodburn Development Ordinance. Measure 56 notice is not required. The Planning Commission staff report (attached) discusses the notices in detail.

Comprehensive Plan Consistency

The Woodburn Comprehensive Plan is the controlling land use document for the City. The Woodburn Comprehensive Plan has been found by the Land Conservation & Development Commission (LCDC) to comply with the 14 applicable "Statewide Planning Goals," which are, in effect, state planning requirements that must be met by each city and county in Oregon.

The Woodburn Comprehensive Plan includes goals and policies that provide specific direction in making "quasi-judicial" land use decisions; i.e., decisions that require judgment in the application of general policies to specific situations, such as zone changes, annexations, conditional use permits and major variances. Goals set a general direction and are not intended to be decision criteria. Policies that are written in mandatory language (e.g., "shall," "must," "will") are mandatory in character: they must be followed when Woodburn makes a "quasi-judicial" land use decision. In cases where mandatory policies conflict, the City Council may balance these policies in making a decision. Policies that are written in permissive language (e.g., "should," "may," "encourage") indicate the preferred direction of the City, but are not binding on the Council. [Woodburn Comprehensive Plan, Page 1, summarized]

Finding: The proposed amendment must comply with the mandatory policies, and should comply with the permissive policies of the Woodburn Comprehensive Plan.

Any comprehensive plan depends on implementation to accomplish the goals and policies established in the plan. Cities have amassed a battery of ordinances to accomplish this purpose. Some ordinances have been more successful than others and in time, no doubt, new methods and techniques will be developed. Implementation should be a continual review of existing ordinances to ensure that they are accomplishing the purposes for which they were originally designed. [Woodburn Comprehensive Plan, Page 8]

Finding: The Woodburn Development Ordinance implements the Woodburn Comprehensive Plan.

The Sign Ordinance implements goals relating to public health, safety and welfare, basically for transportation safety and aesthetic goals. This type of ordinance should be continued. [Woodburn Comprehensive Plan, Page 9]

Finding: The sign regulations contained in Section 3.110 of the Woodburn Development Ordinance promote public safety, welfare, and aesthetics.

Land use ordinances adopted by the City shall be strictly enforced. While the Comprehensive Plan and zoning ordinances are important phases of the land-use planning process, without strict enforcement of the code, what actually occurs in the City will not have a direct relationship to the plans and ordinances adopted by the Council. Therefore, strict enforcement must be practiced by the City to ensure that the policies of the City are actually being implemented. [Woodburn Comprehensive Plan, Policy A-1, Page 11]

Findings: Consistent and reasonable enforcement of the sign regulations has been identified as a concern by City residents. Enforcement is currently accomplished through the combined efforts of Economic & Development Services staff, Public Works staff, and the Code Enforcement officers of the Police Department.

It is the policy of the City of Woodburn to solicit and encourage citizen input at all phases of the land-use planning process. Since the City is trying to plan the community in accordance with the community's benefit, it is essential that the community be consulted at all stages of the planning process. [Woodburn Comprehensive Plan, Policy B-1, Page 12]

Findings: The State of Oregon Department of Land Conservation and Development was provided notification 45 days prior to the Planning Commission hearing, and provides other potentially interested parties the opportunity to review text amendments from local governments throughout Oregon. Notification of the proposed amendment was hand delivered to the Senior Estates Golf and Country Club (the Homeowners Association for property in the R1S zone) and was delivered by e-mail to the Woodburn Fire District and the Woodburn Police Department. Notification of the public hearings was also published in the Woodburn Independent newspaper on November 18, 2009. At the direction of the City Council, the proposed amendment was also considered by the Sign Focus Group.

Woodburn shall coordinate with affected state agencies regarding proposed comprehensive plan and land use regulation amendments, as required by state law.

- (a) The state agency most interested in land use is the Oregon Department of Land Conservation and Development (DLCD). Woodburn shall notify DLCD 45 days in advance of the first hearing before the Planning Commission, of proposed comprehensive plan or development ordinance amendments. [Woodburn Comprehensive Plan, Policy B-2(a), Page 12]

Findings: The Department of Land Conservation and Development was provided notification 45 days prior to the Planning Commission hearing on the proposed amendment.

Assessment of the situation

Section 3.110.07.C of the WDO prohibits “a sign in public right-of-way ... unless specifically exempt under Section 3.110.11.” The proposed amendment makes certain signs in the right-of-way of the Retirement Community Single-Family Residential (R1S) Zone exempt under Section 3.110.11, and therefore allows them to be established. The amendment also increases the height of certain exempt signage in all residential zones from six feet to seven feet.

Findings: The Retirement Community Single-Family Residential (R1S) Zone is characterized by a wide right-of-way and a general lack of sidewalks – conditions that do not occur throughout the City. The signs allowed by Section 3.110.11.H of the Woodburn Development Ordinance are not readily legible from the street if located on private property in the R1S Zone. The proposed amendment would allow signs that are legible from the street in the R1S Zone. This amendment is necessary to provide property owners in the R1S Zone a reasonable opportunity to display legible signage.

DRAFT TEXT AMENDMENT:

Section 3.110.11 of the Woodburn Development Ordinance is hereby amended as follows:

G. Lawn signs and A-frame signs in residential **RS, RSN, RM, and RMN** zones provided that not more than two such signs are located on a lot or parcel and the total area for all such signs does not exceed eight square feet. Such signs shall not exceed ~~six~~ **seven** feet in height and shall not be placed in the public right-of-way or vision clearance areas.

H. Lawn signs and A-frame signs in the R1S Zone provided that:

- 1. The signs are established by the property owner or property owner’s agent,**
- 2. Not more than two such signs are located on a lot or in the public right-of-way abutting the lot,**
- 3. The total area for all such signs does not exceed eight square feet,**
- 4. Lawn signs shall not exceed seven feet in height,**
- 5. A-frame signs shall not exceed three feet in height,**
- 6. Signs shall not be placed in vision clearance areas (Section 3.103.10) or in any adjacent right-of-way,**
- 7. Signs shall not be on or overhanging a travel or on-street parking lane,**
- 8. Signs shall not be on or overhanging a sidewalk, and**
- 9. No portion of a sign shall be less than 3 feet from the back of a curb.**

Staff is directed to re-designate the subsequent subsections of Section 3.110.11 to accommodate the insertion of a new subsection H.

COUNCIL MEETING MINUTES January 11, 2010

TAPE READING

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

COUNCIL MEETING MINUTES January 11, 2010

TAPE READING

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.

WOODBURN PLANNING COMMISSION MEETING MINUTES
December 17, 2009

CONVENED The Planning Commission met in a regular session at 7:00 p.m. in City Hall Council Chambers with Chairperson Bandelow presiding.

Chairperson Bandelow read a statement outlining the process for the Planning Commission's meeting, establishing time limits for persons and groups who wanted to speak before the Commission on any matter scheduled this evening.

Chairperson Bandelow announced that the agenda was available at the back of the room. The Commission would consider cases one at a time according to the order listed in the agenda. The Commission would follow the hearing procedure outlined on the public hearing procedure board. All persons wishing to speak were requested to come to the podium and give their name and address. Any individuals speaking from other than the podium would not be recognized.

ROLL CALL

Chairperson Bandelow	Present
Commissioner GrosJacques	Absent (pre-arranged)
Commissioner Grigorieff	Present
Commissioner Hutchison	Absent (pre-arranged)
Commissioner Jennings	Present
Commissioner Kenagy	Present

Staff Present:	Jim Hendryx	Economic & Development Services Director
	Jon Stuart	Assistant City Attorney
	Nadia Seledkov	Administrative Assistant

BUSINESS FROM THE AUDIENCE

There was none.

PUBLIC HEARING

A. Type V- Legislative Amendment- LA 2009-02-City of Woodburn

A legislative amendment to revise the Woodburn Development Ordinance to allow certain signs in the public right-of-way in the Retirement Community Single-Family Residential (R1S) zone, and to increase the height of certain signage in all residential zones from six to seven feet.

STAFF REPORT

Economic & Development Services Director Jim Hendryx began his staff report on the Legislative Amendment LA 2009-02 with a background for the need for this hearing. On October 26, 2009, The City Council requested that staff prepare an amendment to the sign regulations of the Woodburn Development Ordinance (WDO) to allow signs to be placed in the public rights-of-way in the Retirement Community Single-Family Residential (R1S) zone, and present it for consideration by the Planning Commission. What is unique to the R1S zone is that from the improved right-of-way to the property line it is typically 13 feet; in general, the houses have reduced setbacks, small lots, and have no sidewalks. There was a complaint lodged to City Council that the real estate signs or estate signs had to be placed so far into the property that it is difficult to see them.

Hendryx continued with the staff report to say that the current language of the WDO (3.110.12) for prohibited signs and advertising devices is: (the signs/devices are prohibited, except if exempted)

G. A sign in public right of ways except awning, projecting, wall, and suspended signs projecting over a public right of way in conformity with Section 3.110 **or unless specifically exempt under Section 3.110.11.** (Government and traffic signs, of course are exempt).

Hendryx continued with the staff report to list what is in the current language of WDO 3.110.11: Exemptions. The following are exempt from application, permit and fee requirements of **Section 3.110**, but are subject to other applicable portions of **Section 3.110** and the City Code and may require building and electrical permits: G. Lawn signs and A-frame signs in residential zones provided that not more than two such signs are located on a lot or parcel and the total area for all such signs does not exceed six feet in height and **shall not be placed in the public right of way** or vision clearance areas.

Hendryx continued with the staff report to list what is proposed to be changed in the language of that code: 3.110.11: Exemptions.

The following are exempt from application, permit and fee requirements of **Section 3.110**, but are subject to other applicable portions of **Section 3.110** and the City Code and may require building and electrical permits: G. Lawn signs and A-frame signs in residential **RSM, RSN, RM, and RMN** zones provided that not more than two such signs are located on a lot or parcel and the total area for all such signs does not exceed seven feet in height and **shall not be placed in the public right of way** or vision clearance areas. There is a proposal to add an additional section to 3.110.11 and this is to clarify exemptions:

H. Lawn signs and A-frame signs in the R1S zone provided that:

1. The signs are established by the property owner or property owner's agent,
2. Not more than two such signs are located on a lot or in the public right-of-way abutting the lot,
3. The total area for all such signs does not exceed eight square feet,
4. Lawn signs shall not exceed seven feet in height,
5. A-frame signs shall not exceed three feet in height,
6. Signs shall not be placed in vision clearance areas or in adjacent rights-of-way, and
7. Signs shall not be placed on sidewalks.

There was general discussion by the Commissioners of the purpose for these signs being needed, and it was clarified that it was primarily for the real estate signs to be visible that these amendments were proposed. It was clarified that this doesn't say that this was for the front or back of the house; it clarifies that it involves rights-of-way. There was concern for the signs along highway 214, as there were signs there.

Hendryx continued with the staff report, saying that the Sign Focus Group received the proposed amendment favorably. One suggestion was to add a provision that signs not project over the curb or sidewalk.

Hendryx continued with staff recommendation for the Planning Commission to approve the proposed draft text amendments and to forward a recommendation of approval and adoption of the proposed draft text amendments to the City Council.

There was general discussion among the Commission that this type of legislation was problematic because it was geared for one specific area; when there are many areas of Woodburn that have the same type of conditions where there are no sidewalks and narrow streets, this is proposing preferential treatment of one residential area over others. If the WDO would be amended, it should be opened up to the entire city. It was suggested that perhaps the Sign Focus Group should review it further.

Commissioner Jennings asked whether the City could be liable to discrimination lawsuits for this change.

Assistant City Attorney Jon Stuart responded that it wasn't likely, that the City Council could explain with reasons why there are more abilities or interest allowed for this area.

Commissioner Grigorieff questioned whether the Commission could make changes to the amendments.

Commissioner Jennings moved to amend the text to the draft text amendment to remove paragraph G and paragraph H to be modified to also include R1S, RS, RSN, RM, and RMN zones. Commissioner Grigorieff seconded the motion.

There was general discussion by the Commission for the best format for the text amendments to include all of the residential areas of the City, and the variations in setbacks to be fairly covered.

Hendryx stated that staff could implement changes if the Commission gave direction on what their intent was for the overall viewpoint for change.

There was further discussion by the Commission for where the signs could possibly be placed. There was some discussion about what the purpose for the City getting involved in making these changes was. The City Council made a choice to remove this from the Sign Focus Group so that it would be reviewed more quickly. There was some discussion that some real estate offices were urging that this legislation go forward. There was some concern for what the right-of-way appearance would be if these changes were allowed to be implemented.

Stuart suggested that perhaps the current motion may be withdrawn or voted on. There needs to be a decision on whether you want to allow public signs in the right-of-way; and if you do want to allow it, then what would be the allowed changes.

Commissioner Jennings withdrew his motion.

Kenagy stated that there are real estate offices who are not placing their signs the right way, nor following the rules, and other offices that do. Why should we make changes to accommodate those that don't.

Bandelow said she wasn't comfortable with allowing signs in the right-of-way.

There was some discussion of the Commissioners over their concerns in allowing signs in the right of way.

Commissioner Kenagy made a motion for denial of LA 2009-02, and Commissioner Jennings seconded the motion.

Chairperson Bandelow requested a roll call of the Planning Commission for denial of LA 2009-01. A yes vote is for denial.

ROLL CALL

Chairperson	Bandelow	Yes
Commissioner	GrosJacques	---
Commissioner	Grigorieff	Yes
Commissioner	Hutchison	---
Commissioner	Jennings	Yes
Commissioner	Kenagy	Yes

Bandelow asked if there were any more statements or announcements by the Commission or staff. There were none.

ADJOURNMENT

Commissioner Jennings moved to adjourn the meeting, Commissioner Grigorieff seconded the motion, which carried unanimously. Meeting adjourned at 8:15pm.

APPROVED _____
Ellen Bandelow, CHAIRPERSON Date _____

ATTEST _____
Jim Hendryx Date _____
Economic & Development Services Director
City of Woodburn, Oregon

CITY OF WOODBURN, OREGON

PLANNING COMMISSION

STAFF REPORT

December 3, 2009

LEGISLATIVE AMENDMENT 2009-02

APPLICANT: City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

Application Commenced: At the direction of the City Council

120-Day Rule Deadline: Legislative amendments are not subject to the 120-day rule.

Staff contact: Donald Dolenc, Associate Planner

Recommendation: Conduct a public hearing to receive public testimony and recommend adoption of the draft text amendments to the City Council.

NATURE OF THE APPLICATION: A legislative amendment to consider text changes to the Woodburn Development Ordinance. The Woodburn Development Ordinance would be amended to allow certain signs in the public rights-of-way in the Retirement Community Single-Family Residential (R1S) zone. The amendment would also increase the height of certain exempt signage in all residential zones from six feet to seven feet.

RELEVANT APPROVAL CRITERIA:

WDO 4.101.06.E **Type V Legislative Decisions**
WDO 4.101.09.A.3 **Type V Notices**
 Comprehensive Plan Consistency

ANALYSIS AND FINDINGS OF FACT:

Legislative decisions

Type V decisions involve legislative actions where the City Council enacts or amends the City's land use regulations The Planning Commission holds an initial public hearing on the proposal prior to making a recommendation to the City Council. The City Council then holds a final de novo public hearing and makes the City's final decision. Public notice is provided for all public hearings (**Section 4.101.09**). The City Council's decision is the City's final decision and is appealable to LUBA within 21 days after it becomes final. [WDO 4.101.06.E]

Findings: On October 26, 2009, the Woodburn City Council requested that Staff prepare an amendment to the sign regulations of the Woodburn Development Ordinance to allow signs to be placed in the public rights-of-way in the Retirement Community Single-Family Residential (R1S) zone. The Planning Commission is scheduled to conduct a public hearing on December 17, 2009 and consider evidence and testimony regarding the text changes. The City Council will then hold a final public hearing to consider the recommendation of the Planning Commission and testimony regarding the identified text amendments.

At least 20 days before an initial evidentiary public hearing at which a Type V decision is to be considered, the Director shall issue a public notice that conforms to the requirements of this subsection and any applicable state statute. Notice shall be sent to affected governmental entities, special districts, providers of urban services, the Oregon Department of Transportation and any affected recognized neighborhood associations and any party who has requested in writing such notice. [WDO 4.101.09.A.3]

(a) Published Notice. Type IV and V

The Community Development Director shall publish a notice of a Type IV or V public hearing as described in this subsection, unless otherwise specified by statute. The notice shall be published in a newspaper of general circulation within the City at least 7 days prior to the hearing. Such notice shall consist of:

1. The time, date and location of the public hearing;
2. The address or other easily understood location of the subject property and the City-assigned planning file number;
3. A summary of the principal features of the application or legislative proposal; and
4. Any other information required by statute for an annexation or other hearing procedure.

[WDO 4.101.09.C]

Findings: A Notice of Proposed Amendment was provided to the Oregon Department of Land Conservation and Development (DLCD) on November 2, 2009, consistent with the requirements of Oregon Revised Statutes 197.610, Oregon Administrative Rule 660, Division 18, and WDO 4.101.18.B.1 and 4.101.09.C.

Notification of the legislative amendment was published in the Woodburn Independent newspaper on November 18, 2009. The notification contained information regarding the time, date, and location of the public hearings, the file number, the staff contact for questions or submission of testimony, a summary of the proposed text amendments, and information on how to review or obtain copies of the staff report and proposed amendment.

Notification of the proposed amendment was hand delivered to the Senior Estates Golf and Country Club (the homeowners association for property in the R1S zone) and was delivered by email to the Oregon Department of Transportation, the Woodburn Fire District, and the Woodburn Police Department. The notification contained information regarding the time, date, and location of the public hearings, the file number, the staff contact for questions or submission of testimony, a summary of the proposed text amendments, and information on how to review or obtain copies of the staff report and proposed amendment.

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Finding: The proposed amendment must comply with the mandatory policies, and should comply with the permissive policies of the Woodburn Comprehensive Plan.

Any comprehensive plan depends on implementation to accomplish the goals and policies established in the plan. Cities have amassed a battery of ordinances to accomplish this purpose. Some ordinances have been more successful than others and in time, no doubt, new methods and techniques will be developed. Implementation should be a continual review of existing ordinances to ensure that they are accomplishing the purposes for which they were originally designed. [Woodburn Comprehensive Plan, Page 8]

Finding: The Woodburn Development Ordinance implements the Woodburn Comprehensive Plan.

The Sign Ordinance implements goals relating to public health, safety and welfare, basically for transportation safety and aesthetic goals. This type of ordinance should be continued. [Woodburn Comprehensive Plan, Page 9]

Finding: The sign regulations contained in Section 3.110 of the Woodburn Development Ordinance promote public safety, welfare, and aesthetics.

Land use ordinances adopted by the City shall be strictly enforced. While the Comprehensive Plan and zoning ordinances are important phases of the land use planning process, without strict enforcement of the code, what actually occurs in the City will not have a direct relationship to the plans and ordinances adopted by the Council. Therefore, strict enforcement must be practiced by the City to ensure that the policies of the City are actually being implemented. [Woodburn Comprehensive Plan, Policy A-1, Page 11]

Findings: Consistent and reasonable enforcement of the sign regulations has been identified as a concern by City residents. Enforcement is currently accomplished through the combined efforts

of Economic & Development Services staff, Public Works staff, and the Code Enforcement officers of the Police Department.

It is the policy of the City of Woodburn to solicit and encourage citizen input at all phases of the land use planning process. Since the city is trying to plan the community in accordance with the community's benefit, it is essential that the community be consulted at all stages of the planning process. [Woodburn Comprehensive Plan, Policy B-1, Page 12]

Findings: The State of Oregon Department of Land Conservation and Development was provided notification 45 days prior to the Planning Commission hearing, and provides other potentially interested parties the opportunity to review text amendments from local governments throughout Oregon. Notification of the proposed amendment was hand delivered to the Senior Estates Golf and Country Club (the homeowners association for property in the R1S zone) and was delivered by email to the Woodburn Fire District and the Woodburn Police Department. Notification of the public hearings was also published in the Woodburn Independent newspaper on November 18, 2009.

Woodburn shall coordinate with affected state agencies regarding proposed comprehensive plan and land use regulation amendments, as required by state law.

- (a) The state agency most interested in land use is the Oregon Department of Land Conservation and Development (DLCD). Woodburn shall notify DLCD 45 days in advance of the first hearing before the Planning commission of proposed comprehensive plan or development ordinance amendments. [Woodburn Comprehensive Plan, Policy B-2(a), Page 12]

Findings: The Department of Land Conservation and Development was provided notification 45 days prior to the Planning Commission hearing on the proposed amendment.

Measure 56 notice

Findings: Ballot Measure 56 requires that the City mail a notice to all affected property owners if a proposed land use regulation is more restrictive regulation than the current code. This amendment relaxes, rather than restricts, code requirements.

Conclusions regarding notice

Public notice has been provided pursuant to the Oregon Revised Statutes, the Oregon Administrative Rules, the Woodburn Comprehensive Plan, and the Woodburn Development Ordinance. Measure 56 notice is not required.

Assessment of the situation

Section 3.110.07.C of the WDO prohibits "A sign in public rights-of-way ... unless specifically exempt under Section 3.110.11." The proposed amendment makes certain signs in the rights-of-

way in the Retirement Community Single-Family Residential (R1S) zone exempt under Section 3.110.11, and therefore allows them to be established. The amendment also increases the height of certain exempt signage in all residential zones from six feet to seven feet.

Findings: The Retirement Community Single-Family Residential (R1S) zone is characterized by wide rights-of-way and the general lack of sidewalks – conditions that do not obtain throughout the City. The signs allowed by Section 3.110.11.H of the Woodburn Development Ordinance are not readily legible from the street if located on private property in the R1S zone. The proposed amendment would allow signs that are legible from the street in the R1S zone. This amendment is necessary to provide property owners in the R1S zone a reasonable opportunity to display legible signage. The proposed amendment has been favorably reviewed by the focus group tasked by the Mayor and City Council with proposing amendments to the sign regulations.

DRAFT TEXT AMENDMENT:

Section 3.110.11 of the Woodburn Development Ordinance is hereby amended as follows:

G. Lawn signs and A-frame signs in residential **RS, RSN, RM, and RMN** zones provided that not more than two such signs are located on a lot or parcel and the total area for all such signs does not exceed eight square feet. Such signs shall not exceed ~~six~~ **seven** feet in height and shall not be placed in the public right-of-way or vision clearance areas.

H. Lawn signs and A-frame signs in the R1S zone provided that:

- 1. The signs are established by the property owner or property owner's agent,**
- 2. Not more than two such signs are located on a lot or in the public right-of-way abutting the lot,**
- 3. The total area for all such signs does not exceed eight square feet,**
- 4. Lawn signs shall not exceed seven feet in height,**
- 5. A-frame signs shall not exceed three feet in height,**
- 6. Signs shall not be placed in vision clearance areas, and**
- 7. Signs shall not be placed on sidewalks.**

Staff is directed to redesignate the subsequent subsections of Section 3.110.11 to accommodate the insertion of a new subsection H.



Agenda Item

February 22, 2010

TO: Honorable Mayor and City Council through City Administrator
FROM: Dan Brown, Public Works Director
SUBJECT: **PROFESSIONAL SERVICES CONTRACT AWARD TO MURRAY SMITH AND ASSOCIATES – DESIGN OF PRIMARY AND SECONDARY DISINFECTION OF THE WATER SUPPLY SYSTEM**

RECOMMENDATION:

Council, as Local Contract Review Board, by motion authorize the City Administrator to enter into a Professional Services contract with Murray Smith and Associates to provide professional services for pre-design, final design and construction engineering services for primary and secondary disinfection of the City's water supply system.

BACKGROUND:

On December 14, 2009, Council approved Resolution 1953, authorizing the Public Works Department to expend funds for primary and secondary disinfection of the water supply system. Professional services are needed to assist staff evaluate alternatives, design a solution, and prepare an engineer's estimate for providing primary and secondary disinfection of the City's water supply system.

DISCUSSION:

The City issued on January 11, 2010 a Request for Proposals (RFP) to obtain professional services to assist staff with the analysis, planning, design, and implementation of the best disinfection methodology for the City's water supply system. The City received two proposals for the project. Proposals were submitted by the firms Murray Smith and Associates (MSA) and CH2M Hill. The proposal submitted by CH2M Hill was determined to be non-responsive. CH2M Hill provided only one copy of their proposal and fee structure. The RFP specifically required the following:

Agenda Item Review: City Administrator City Attorney Finance

“To be responsive to this Request for Proposal, the firm must deliver four copies of its Proposal to the City of Woodburn Public Works Department, 190 Garfield Street, Woodburn, OR 97071, to be received no later than 5:00 p.m., January 29, 2010.

At the same time the Proposal is delivered, four copies of the Cost Proposal must be provided in a separate sealed envelope.”

The proposal submitted by MSA conforms to the required content outlined in the RFP. The MSA proposal has assembled a highly qualified project team that has both the educational and professional experiences needed to provide the professional services sought by the RFP. Therefore, I did not convene a Proposal review panel and MSA was selected based upon them being the only firm to properly submit a Proposal and the Proposal submitted clearly demonstrated that the MSA project team possessed the professional qualifications needed to meet the intent of the RFP.

The contract amount recommended to be awarded to MSA is **\$208,817.00**.

FINANCIAL IMPACT:

The cost for professional services identified is within the total project budget approved in the City’s FY 10-11 Supplemental Budget of **\$1,500,000.00**. Revenue for this project is provided from Fund 466 (Water System Construction).



Agenda Item

February 22, 2010

TO: Honorable Mayor and City Council through City Administrator

FROM: Dan Brown, Publics Works Director

SUBJECT: **ACCEPTANCE OF TWO PUBLIC UTILITY EASEMENTS
TAX LOTS 05W1400800 AND 052W13BD-01800**

RECOMMENDATION:

That the City Council accepts the two Public Utility Easements described on Attachment “A” and Attachment “B” to this staff report.

BACKGROUND:

Attachment “A”: The Public Utility Easement being conveyed is located on Tax lot 052W1400800 and is 16 feet in width along the eastern and northern property lines of said tax lot. The length of this easement along the eastern property line is for the entire length, and along the north property line is for 74 feet, starting on the northeast corner of said tax lot. The easement is being provided for the extension of a water main between Parr Road and Evergreen Road. The Weisz Family LC is conveyor of the Permanent Utility Easement.

Attachment “B”: The Public Utility Easement being conveyed is located on the southwest area of Tax lot 052W13BD-01800 (8717-8719 Parr Road) and is described as the area between the northern Right of Way of Parr Road, the western property line of said tax lot, and a line that begins on the western property line and is 30 feet north of the southwest corner north of said lot and continues east to the beginning of the radius of curve of the northern right of way line of Parr Road. The easement is being provided for the extension of a water main between Parr Road and Evergreen Road. Arthur Chernishoff and Kapa Chernishoff are conveyors of the Permanent Utility Easement.

DISCUSSION:

The Parr Road – Evergreen Road water main extension project is identified in the Capital Improvement Program for execution in Fiscal Year 09/10. The acquisition of these two public utility easements will allow staff to proceed with the project. The construction of this water main will allow water from the Parr Road Treatment Plant to flow both an east and west direction as it exits the plant, which will improve the efficiency of water distribution from the plant.

Agenda Item Review: City Administrator City Attorney Finance

Tax lot 052W13BD-01800 (8717-8719 Parr Road), described in attachment "B", carries an element of risk the Council should be aware of. The property was purchased under contract by Arthur Chernishoff, Kapa Chernishoff, and Harlem Chernishoff. Harlem Chernishoff died in 2002. The contract does not contain language defining survivorship and staff has not been able to determine to whom Harlem Chernishoff's interest in the property was passed to upon his death. Arthur and Kapa Chernishoff have informed staff that there was no will and that their family has assumed that Arthur and Kapa are the sole owners of the subject property.

It is recommended that the City proceed with the installation of the water main across the Chernishoff property based upon the partially executed easement. Justification for this recommendation are that the cost to the City in delays associated with the installation of the water main far exceed the potential costs of the an unidentified claimant to ownership of the property challenging that the easement agreed to by Arthur and Kapa Chernishoff is not binding.

FINANCIAL IMPACT:

The combined easement acquisition cost has been negotiated at \$5,422.64 plus recording fees. The easement on Tax Lot 052W1400800 is \$3,335.77 and Tax Lot 052W13BD-01800 is \$2,086.87. The negotiated value of the easement is 30% of the market value for each property.

ATTACHMENTS

Copies of public utility easement documents signed by the property owners are included in Attachment "A" and Attachment "B" to this staff report.

ATTACHMENT "A"

AFTER RECORDING RETURN TO:

Woodburn City Recorder
City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

CITY OF WOODBURN, OREGON PUBLIC UTILITY EASEMENTS (Permanent)

Weisz Family LLC GRANTOR, grants to the CITY OF WOODBURN, OREGON, hereinafter called CITY, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain domestic water main on the following described land:

See attached Exhibit "A" Legal Description of Permanent Easement and attached Exhibit "B" Sketch for Legal Description of Permanent Easement which are by this reference incorporated herein

GRANTOR reserves the right to use the surface of the land for any purpose that will not be inconsistent or interfere with the use of the easement by CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of CITY.

Upon completion of the construction, CITY shall restore the surface of the property to its original condition and shall indemnify and hold GRANTOR harmless against any and all loss, cost, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is Three thousand three hundred and thirty-five dollars with seventy-seven cents (\$3,335.77), and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

GRANTOR covenants to CITY that GRANTOR is lawfully seized in fee simple of the above-granted premises, free from all encumbrances and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to CITY against the lawful claims and demands of all persons claiming by, through, or under GRANTOR.

DATED this 22 day of Jan, 20 10.

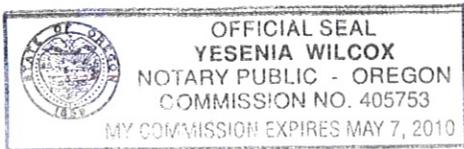
BY: Welsz Family LLC

BY: John Welsz Jr. Inc.

CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of Marion) ss.

The foregoing instrument was acknowledged before me this 22 day of January 20 10 by John Welsz as president of Welsz Family LLC a corporation and the foregoing instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.



NOTARY PUBLIC FOR OREGON
My Commission Expires: May 7, 2010

PERSONAL ACKNOWLEDGEMENT

STATE OF OREGON, County of _____) ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____, as

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

(Grantee's Name and Address)

Accepted from _____ on
behalf of the City of Woodburn after authorization
by its City Council on

_____, _____
date

City Recorder:

Christina Shearer

EXHIBIT "A"

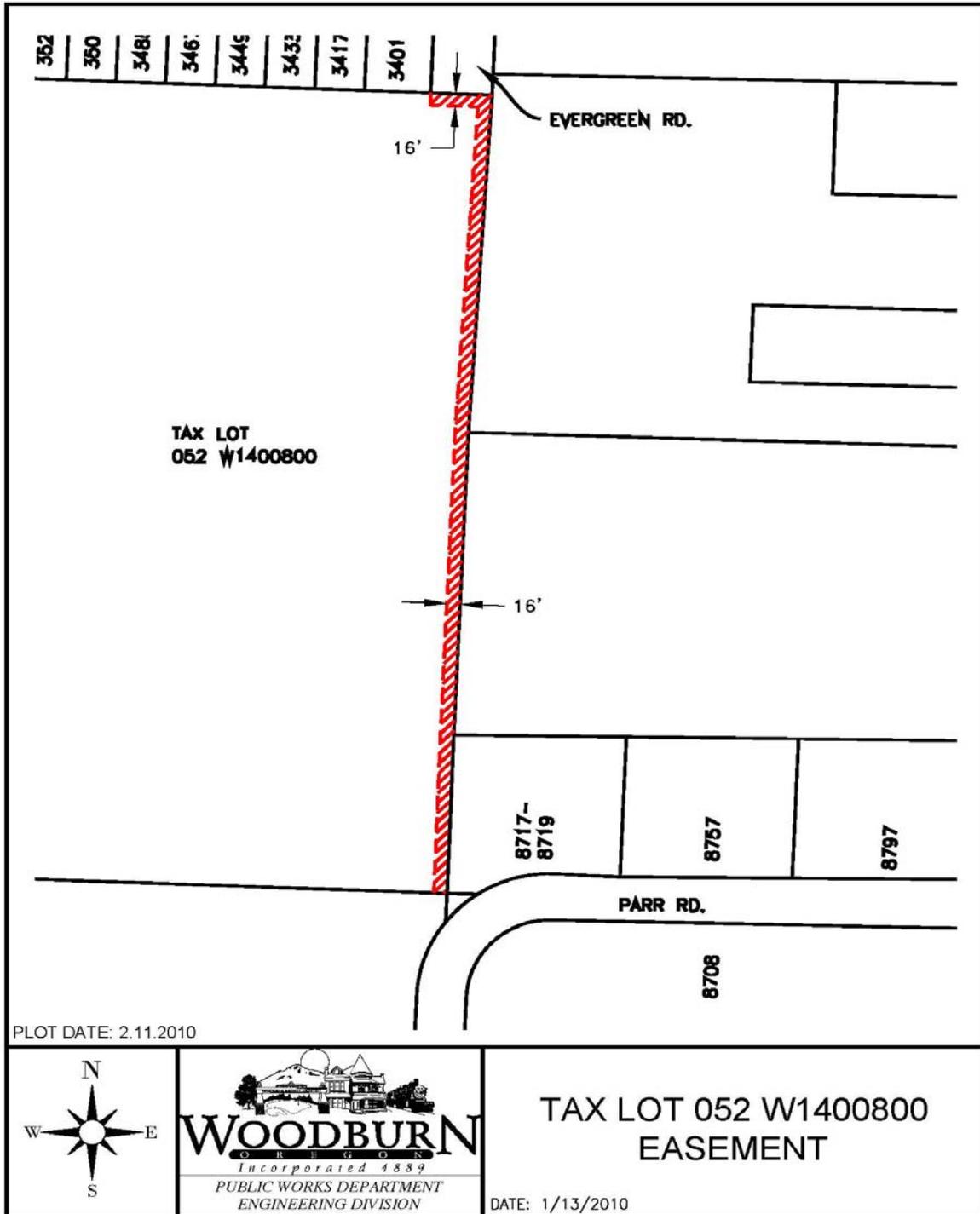
Legal Description of Permanent Easement

Beginning at the SE corner of that certain property, Parcel 11, conveyed to Weisz Family LLC by deed recorded in Reel 1666 Page 370 Marion County Deed Records in Section 7, Township 5 South Range 2 West of Willamette Meridian, Marion County, Oregon.

Thence from the point of beginning North $0^{\circ} 30'$ East, 15.54 chains along the East boundary of said property; thence North $89^{\circ}40'$ West 74 ft; thence South $0^{\circ} 30'$ West 16 ft; thence South $89^{\circ}40'$ East 58 ft, thence south $0^{\circ} 30'$ West 15.30 chains; thence South $89^{\circ} 40'$ East 16.00 to the point of beginning.

EXHIBIT "B"

Sketch for Legal Description of Permanent Easement



ATTACHMENT "B"

AFTER RECORDING RETURN TO:

Woodburn City Recorder
City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

CITY OF WOODBURN, OREGON PUBLIC UTILITY EASEMENTS (Permanent)

EL 2-2-10
Deceased

Arthur Chernishoff, Kapa Chernishoff, & ~~Harlem Chernishoff~~ GRANTOR, grants to the CITY OF WOODBURN, OREGON, hereinafter called CITY, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain a domestic water main on the following described land:

See attached Exhibit "A" Legal Description of Permanent Easement and attached Exhibit "B" Sketch for Legal Description of Permanent Easement which are by this reference incorporated herein

GRANTOR reserves the right to use the surface of the land for any purpose that will not be inconsistent or interfere with the use of the easement by CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of CITY.

Upon completion of the construction, CITY shall restore the surface of the property to its original condition and shall indemnify and hold GRANTOR harmless against any and all loss, cost, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is two-thousand eighty-six dollars with eighty-seven cents (\$2,086.87), and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

GRANTOR covenants to CITY that GRANTOR is lawfully seized in fee simple of the above-granted premises, free from all encumbrances and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to CITY against the lawful claims and demands of all persons claiming by, through, or under GRANTOR.

DATED this 2nd day of February, 2010.

BY: [Signature]

BY: [Signature]

BY: _____

CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of _____) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by _____, as _____ of _____ a corporation and the foregoing instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.

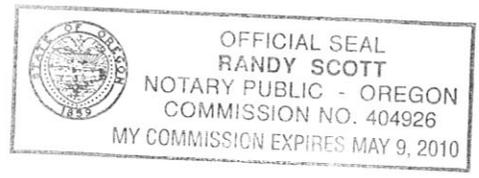
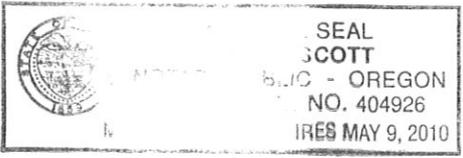
NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

PERSONAL ACKNOWLEDGEMENT

STATE OF OREGON, County of MAZION) ss.

The foregoing instrument was acknowledged before me this 2ND
day of FEB., 2010 by ARTHUR CHERNISHOFF
KARA CHERNISHOFF

Randy Scott
NOTARY PUBLIC FOR OREGON
My Commission Expires: MAY 9 2010



City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

(Grantee's Name and Address)

Accepted from _____ on
behalf of the City of Woodburn after authorization
by its City Council on
_____ date

City Recorder:

Christina Shearer

EXHIBIT "A"

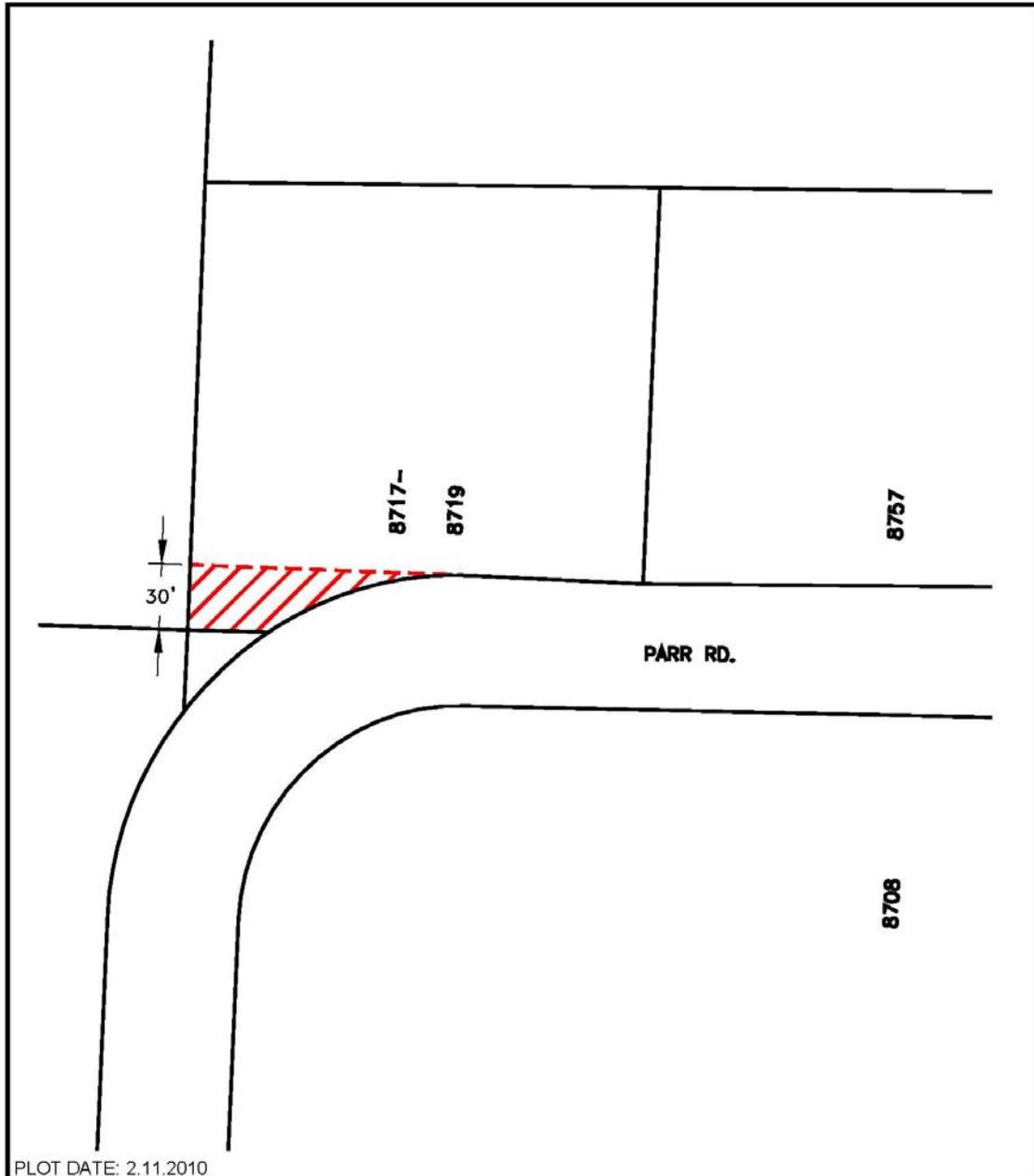
Legal Description of Permanent Easement

Beginning at the SW corner of that certain property described by deed recorded in Reel 1858 Page 370 Marion County Deed Records in Section 13, Township 5 South Range 2 West of Willamette Meridian, Marion County, Oregon.

Thence from point of beginning N 0° 15' E, 30.00 feet along the East boundary of said property; thence East parallel to north boundary of said property, 110 feet more or less to the beginning of the radius curve of the northerly right-of-way boundary of County Road 517 (Parr Road); thence west along the arc, continuing along the northerly right-of-way boundary of County Road 517, to a point of intersection with the southerly boundary of said property; thence west along the south boundary of said property to the point of beginning.

EXHIBIT "B"

Sketch for Legal Description of Permanent Easement



PLOT DATE: 2.11.2010

	<p>WOODBURN OREGON <i>Incorporated 1889</i> PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION</p>	<p>8717-8719 PARR ROAD EASEMENT</p> <p>DATE: 12/16/2009</p>
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Agenda Item

February 22, 2010

TO: Honorable Mayor and City Council through City Administrator
FROM: Ignacio Palacios, Finance Director
SUBJECT: Silverton Network Support Agreement

RECOMMENDATION

Authorize the City Administrator to execute an Intergovernmental Agreement with the City of Silverton to provide computer and network support.

BACKGROUND

The City of Silverton approached the City requesting a proposal for network support services. Currently, the City provides network support to several local governments and districts in the area providing network support, equipment and software installation.

The City of Silverton has approved the City's proposal to provide network support services at a set hourly rate with all equipment, software and peripherals to be provided by the City of Silverton. The proposed support will take approximately 10 hours per month to provide adequate coverage to be covered by Information Services.

FINANCIAL IMPACT

The agreement would supplement the IS department's revenue by approximately \$6,000 annually.

Agenda Item Review: City Administrator City Attorney Finance

Agreement

Computer and Network Support

This agreement is made to engage the services of City of Woodburn to provide Computer and Network Support to the City of Silverton; and is made under the authority of ORS 190.003 to 190.110.

In consideration of mutual benefits and obligations herein set forth, the parties agree as follows:

1. Scope of Services

- 1.1. City of Woodburn shall provide support and maintain desktop computers, printers, servers, and any other computer related equipment for the City of Silverton. All ownership rights to said equipment shall remain with the City of Silverton.
- 1.2. The City of Woodburn will help setup and/or relocate any computer related equipment. Network drop locations, power receptacle locations, and furniture relocation will be the responsibility of the City of Silverton.
- 1.3. City of Woodburn will work with hardware and software vendor support to resolve issues. If items need to be returned to the vendor for support the City of Silverton will take care of and pay for any shipping and handling charges.
- 1.4. City of Woodburn will not provide any physical hardware but will help make hardware choice recommendations and work with the City of Silverton to order any necessary hardware.
- 1.5. The City of Woodburn will work with the City of Silverton to backup and maintain the City of Silverton's data.
- 1.6. Support will be provided during normal business hours, 8am – 5pm Monday through Friday. After hours support will be available Monday through Friday but will be limited to 2 calls per month and lasting no more than 2 hours each. If additional after hours or weekend support is needed it will be available on a mutually agreed upon time frame.

2. Limitations of Services

- 2.1 The City of Woodburn shall, at its sole discretion, select which personnel will provide services under this agreement.

- 2.2 The City of Woodburn shall be the sole employer of any and all personnel providing services under this agreement. The City of Woodburn reserves the right to prioritize the workload of its personnel.

3. Fees and Charges

- 3.1 Services rendered will be charged at \$50 per hour (regular hourly rate) and be based on quarterly hour increments.
- 3.2 After hours and weekend support services under this agreement shall be billed at a rate of one and one half (1.5) times the regular hourly rate.
- 3.3 Time spent traveling will be added to the hourly rate billed, but there will be no additional travel costs billed.
- 3.4 Since the City of Woodburn will not be providing any hardware, all hardware costs will be provided by the City of Silverton.

4. Billing and Payment

- 4.1 The hourly charges shall be billed quarterly.

5. Security

- 5.1 City of Woodburn will use the existing encrypted VPN connection to remotely access the City of Silverton's computers and help trouble shoot and resolve issues.
- 5.2 City of Woodburn will not release any of the City of Silverton's information unless directed to do so by the City of Silverton.

6. Limitations of Liability

- 6.1 City of Woodburn assumes no liability for the accuracy of any data on the Silverton network.
- 6.2 The City of Woodburn agrees to defend, indemnify, and hold harmless the City of Silverton, its officers, agents, and employees from damages arising out of the tortious acts of the City of Woodburn, its officers, agents, and employees acting within the scope of their employment and duties in performance of this agreement subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 through 30.300, and the Oregon Constitution.

- 6.3. Likewise, the City of Silverton agrees to defend, indemnify, and hold harmless the City of Woodburn, its officers, agents, and employees from damages arising out of the tortious acts of the City of Silverton, its officers, agents, and employees acting within the scope of their employment and duties in performance of this agreement subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 through 30.300, and the Oregon Constitution.

7. Terms and Termination

- 7.1. This agreement shall be effective upon execution hereof on behalf of both parties, and shall continue until terminated as provided in 7.2.
- 7.2. This agreement may be terminated by either party upon (30) days written notice.
- 7.3. Notwithstanding the giving of notice of termination as provided in 7.2, City of Silverton shall remain obligated with respect to any unfulfilled financial obligation which accrued hereunder prior to the effective date of such termination.

8. Communication and Notice

- 8.1. Any notice in writing required to be given hereunder shall be sufficient if sent by regular mail or personally delivered to the City Administrator, City of Woodburn; and to the City Administrator, City of Silverton.
- 8.2. Each party shall designate, and may change from time to time, a representative for communication, negotiations, and general liaison with the other concerning the content, future, and administration of this Agreement. No such designated representative shall be held an agent or attorney-in-fact having authority to bind either party.

9. Amendments

- 9.1. This Agreement represents the complete and integrated agreement between the parties with respect to the subject matter hereof, and may be amended only by written amendment executed by both parties. As such, this Agreement cancels and supersedes all prior written and oral agreements, representations, negotiations, and communications between the parties and their representatives with respect to the subject matter hereof.

IN WITNESS WHEREOF the parties have caused the Agreement to be executed on behalf by their duly authorized representatives as of the dates set forth below.

City of Woodburn

City of Silverton

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____



Agenda Item

February 22, 2010

TO: Honorable Mayor and City Council through City Administrator
FROM: Ignacio Palacios, Finance Director
SUBJECT: Authorized Signers for City General Bank Accounts

RECOMMENDATION

Approve the attached resolutions authorizing signers on the City's general bank accounts.

BACKGROUND

Historically the signers on the City's general bank accounts have been the City Administrator, Assistant City Administrator, Finance Director and City Recorder. Due to those times when City staff is not available I am requesting the addition of the Chief of Police as an authorized signer. The Finance Director requires authorization to access the City's general bank accounts as part of assigned job duties.

The City's bank services provider, U.S. Bank, requires a resolution to notify them of an addition/or removal of a signer.

FINANCIAL IMPACT

There is no financial impact.

Agenda Item Review: City Administrator City Attorney Finance

DEPOSITORY SERVICES RESOLUTION FOR GOVERNMENTAL ENTITIES

DEPOSITOR NAME: CITY OF WOODBURN

CONTACT: IGNACIO C. PALACIOS

ADDRESS: 270 MONTGOMERY ST
WOODBURN OR 97071-4730

TAX IDENTIFICATION NUMBER: 936002282

I, Kathy Figley (name of certifying officer) do hereby certify that I am the Mayor (title of certifying officer) of the above-named governmental entity (therein called the "Depositor") a municipality existing under the laws of the State of Oregon and that the following is a true, complete and correct copy of resolutions adopted at a meeting of the Depositor duly and properly called and held on the 22nd day of February, 20 10; that a quorum was present at said meeting; and that said resolutions are now in full force and effect.

RESOLVED, that U.S. Bank National Association is hereby designated as a depository of the Depositor with authority to accept or receive at any time for the credit of the Depositor deposits by whomsoever made of funds and other property in whatever form or manner transferred to endorsed; and that any officer of the Depositor is hereby authorized to open or cause to be opened one or more accounts with the Bank on such terms, conditions and agreements as the Bank may now or hereafter require and to make any other agreements deemed advisable in regard to any of the foregoing. Depositor acknowledges and agrees that the services contemplated by this resolution shall be governed by the U.S. Bank Customer Agreement for commercial deposit accounts, as amended from time to time.

RESOLVED, that checks, drafts or other orders for the payment, transfer or withdrawal of any of the funds or other property of the Depositor on deposit with the Bank shall be binding on the Depositor when signed, manually or by use of a facsimile or mechanical signature or otherwise authorized, by any one of the individuals listed in the section entitled "Authorized Signers", and the Bank is hereby authorized to pay and charge to the account of the Depositor any such checks, drafts or other orders so signed or otherwise authorized, including those payable to the individual order of the same person or persons signing or otherwise authorizing the same and including also those payable to the Bank or to any other person for application, or which are actually applied to the payment of any such indebtedness owing the Bank from the person or persons who signed such checks, drafts or other withdrawal orders or otherwise authorized such withdrawals. In particular, and not in limitation of foregoing, such persons may authorize payment, transfer or withdrawal by oral or telephonic directions to the Bank complying with such rules and regulations relating to such authorization as the Bank may communicate to the Depositor from time to time.

RESOLVED, that the Mayor (identify certifying officer by title) hereby certifies to the Bank the names and signatures (either actual or any form or forms of facsimile or mechanical signatures adopted by the person authorized to sign) of the Authorized Signers listed below and shall from time to time hereafter, upon a change in the facts so certified, immediately certify to the Bank the names and signatures (actual or facsimile) of the persons then authorized to sign or to act. The Bank shall be fully protected in relying on such certificates and on the obligation of the certifying officer (set forth above) to immediately certify to the Bank any change in any facts so certified, and the Bank shall be indemnified and saved harmless by the Depositor from any claims, demands, expenses, loss or damage resulting from or growing out of honoring or relying on the signature of other authority (whether or not properly used and, in the case of any facsimile signature, regardless of when or by whom or by what means such signature may have been made or affixed) of any officer or person whose name and signature was so certified, or refusing to honor any signature or authority not so certified.

RESOLVED, That these resolutions shall continue in force until express written notice of their rescission or modification has been furnished to and received by the Bank; and

RESOLVED, That any and all transactions by or on behalf of the Depositor with the Bank prior to the adoption of this resolution be, and the same hereby are, in all respects ratified, approved and confirmed.

I further certify that the officers of the Depositor signing the resolution, have, and at the time of adoption of said resolutions had, full power and lawful authority to adopt the foregoing resolutions and to confer the powers therein granted to the persons named, and that such persons have full power and authority to exercise the same.

I further certify that the names, titles (if any) and signatures (actual or facsimile) of the persons authorized to sign or act on behalf of the Depositor by its governing board identified above are as set forth below in the section of this Resolution entitled "Authorized Signers".

I further certify, under penalties of perjury, that the tax identification number shown above is correct and that the Depositor is not subject to backup withholding because (a) it is exempt, (b) has not been notified by the Internal Revenue Service (IRS) that it is subject to backup withholding as a result of a failure to report all interest or dividends or (c) the IRS has notified the Depositor that it is no longer subject to backup withholding, and I am a U.S. citizen or other U.S. person

Account Number: [REDACTED]

Authorized Signers

<u>Name</u>	<u>Title</u>	<u>Signature</u>
<u>Christina Shearer</u>	<u>City Recorder</u>	
<u>Scott Derickson</u>	<u>City Administrator</u>	
<u>Terrie Stevens</u>	<u>Assistant City Administrator</u>	
<u>Ignacio Palacios</u>	<u>Finance Director</u>	
<u>Scott Russell</u>	<u>Chief of Police</u>	

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the Depositor this

22nd day of February, 20 10

(Certifying Officer) Mayor
(Title)

(Attest by one other officer) City Administrator
(Title)

Branch Number: 3191 Cost Center: 8810 Call Tracking Number: Service Banker: Janet Kozowski

Service Banker Review: _____ Validated by: _____ Team Leader Review: _____ FileNet Indexed by: _____

DEPOSITORY SERVICES RESOLUTION FOR GOVERNMENTAL ENTITIES

DEPOSITOR NAME: CITY OF WOODBURN
PAYROLL ACCOUNT

CONTACT: IGNACIO C. PALACIOS

ADDRESS: 270 MONTGOMERY ST
WOODBURN OR 97071-4730

TAX IDENTIFICATION NUMBER: 936002282

I, Kathy Figley (name of certifying officer) do hereby certify that I am the Mayor (title of certifying officer) of the above-named governmental entity (therein called the "Depositor") a municipality existing under the laws of the State of Oregon and that the following is a true, complete and correct copy of resolutions adopted at a meeting of the Depositor duly and properly called and held on the 22nd day of February, 20 10; that a quorum was present at said meeting; and that said resolutions are now in full force and effect.

RESOLVED, that U.S. Bank National Association is hereby designated as a depository of the Depositor with authority to accept or receive at any time for the credit of the Depositor deposits by whomsoever made of funds and other property in whatever form or manner transferred to endorsed; and that any officer of the Depositor is hereby authorized to open or cause to be opened one or more accounts with the Bank on such terms, conditions and agreements as the Bank may now or hereafter require and to make any other agreements deemed advisable in regard to any of the foregoing. Depositor acknowledges and agrees that the services contemplated by this resolution shall be governed by the U.S. Bank Customer Agreement for commercial deposit accounts, as amended from time to time.

RESOLVED, that checks, drafts or other orders for the payment, transfer or withdrawal of any of the funds or other property of the Depositor on deposit with the Bank shall be binding on the Depositor when signed, manually or by use of a facsimile or mechanical signature or otherwise authorized, by any one of the individuals listed in the section entitled "Authorized Signers", and the Bank is hereby authorized to pay and charge to the account of the Depositor any such checks, drafts or other orders so signed or otherwise authorized, including those payable to the individual order of the same person or persons signing or otherwise authorizing the same and including also those payable to the Bank or to any other person for application, or which are actually applied to the payment of any such indebtedness owing the Bank from the person or persons who signed such checks, drafts or other withdrawal orders or otherwise authorized such withdrawals. In particular, and not in limitation of foregoing, such persons may authorize payment, transfer or withdrawal by oral or telephonic directions to the Bank complying with such rules and regulations relating to such authorization as the Bank may communicate to the Depositor from time to time.

RESOLVED, that the Mayor (identify certifying officer by title) hereby certifies to the Bank the names and signatures (either actual or any form or forms of facsimile or mechanical signatures adopted by the person authorized to sign) of the Authorized Signers listed below and shall from time to time hereafter, upon a change in the facts so certified, immediately certify to the Bank the names and signatures (actual or facsimile) of the persons then authorized to sign or to act. The Bank shall be fully protected in relying on such certificates and on the obligation of the certifying officer (set forth above) to immediately certify to the Bank any change in any facts so certified, and the Bank shall be indemnified and saved harmless by the Depositor from any claims, demands, expenses, loss or damage resulting from or growing out of honoring or relying on the signature of other authority (whether or not properly used and, in the case of any facsimile signature, regardless of when or by whom or by what means such signature may have been made or affixed) of any officer or person whose name and signature was so certified, or refusing to honor any signature or authority not so certified.

DEPOSITORY SERVICES RESOLUTION FOR GOVERNMENTAL ENTITIES

DEPOSITOR NAME: CITY OF WOODBURN
WATER DEPOSITS

CONTACT: IGNACIO C. PALACIOS

ADDRESS: 270 MONTGOMERY ST
WOODBURN OR 97071-4730

TAX IDENTIFICATION NUMBER: 936002282

I, Kathy Figley (name of certifying officer) do hereby certify that I am the Mayor (title of certifying officer) of the above-named governmental entity (therein called the "Depositor") a municipality existing under the laws of the State of Oregon and that the following is a true, complete and correct copy of resolutions adopted at a meeting of the Depositor duly and properly called and held on the 22nd day of February, 20 10; that a quorum was present at said meeting; and that said resolutions are now in full force and effect.

RESOLVED, that U.S. Bank National Association is hereby designated as a depository of the Depositor with authority to accept or receive at any time for the credit of the Depositor deposits by whomsoever made of funds and other property in whatever form or manner transferred to endorsed; and that any officer of the Depositor is hereby authorized to open or cause to be opened one or more accounts with the Bank on such terms, conditions and agreements as the Bank may now or hereafter require and to make any other agreements deemed advisable in regard to any of the foregoing. Depositor acknowledges and agrees that the services contemplated by this resolution shall be governed by the U.S. Bank Customer Agreement for commercial deposit accounts, as amended from time to time.

RESOLVED, that checks, drafts or other orders for the payment, transfer or withdrawal of any of the funds or other property of the Depositor on deposit with the Bank shall be binding on the Depositor when signed, manually or by use of a facsimile or mechanical signature or otherwise authorized, by any one of the individuals listed in the section entitled "Authorized Signers", and the Bank is hereby authorized to pay and charge to the account of the Depositor any such checks, drafts or other orders so signed or otherwise authorized, including those payable to the individual order of the same person or persons signing or otherwise authorizing the same and including also those payable to the Bank or to any other person for application, or which are actually applied to the payment of any such indebtedness owing the Bank from the person or persons who signed such checks, drafts or other withdrawal orders or otherwise authorized such withdrawals. In particular, and not in limitation of foregoing, such persons may authorize payment, transfer or withdrawal by oral or telephonic directions to the Bank complying with such rules and regulations relating to such authorization as the Bank may communicate to the Depositor from time to time.

RESOLVED, that the Mayor (identify certifying officer by title) hereby certifies to the Bank the names and signatures (either actual or any form or forms of facsimile or mechanical signatures adopted by the person authorized to sign) of the Authorized Signers listed below and shall from time to time hereafter, upon a change in the facts so certified, immediately certify to the Bank the names and signatures (actual or facsimile) of the persons then authorized to sign or to act. The Bank shall be fully protected in relying on such certificates and on the obligation of the certifying officer (set forth above) to immediately certify to the Bank any change in any facts so certified, and the Bank shall be indemnified and saved harmless by the Depositor from any claims, demands, expenses, loss or damage resulting from or growing out of honoring or relying on the signature of other authority (whether or not properly used and, in the case of any facsimile signature, regardless of when or by whom or by what means such signature may have been made or affixed) of any officer or person whose name and signature was so certified, or refusing to honor any signature or authority not so certified.

DEPOSITORY SERVICES RESOLUTION FOR GOVERNMENTAL ENTITIES

DEPOSITOR NAME: CITY OF WOODBURN
RECORDERS TRUST

CONTACT: IGNACIO C. PALACIOS

ADDRESS: 270 MONTGOMERY ST
WOODBURN OR 97071-4730

TAX IDENTIFICATION NUMBER: 936002282

I, Kathy Figley (name of certifying officer) do hereby certify that I am the Mayor (title of certifying officer) of the above-named governmental entity (therein called the "Depositor") a municipality existing under the laws of the State of Oregon and that the following is a true, complete and correct copy of resolutions adopted at a meeting of the Depositor duly and properly called and held on the 22nd day of February, 20 10; that a quorum was present at said meeting; and that said resolutions are now in full force and effect.

RESOLVED, that U.S. Bank National Association is hereby designated as a depository of the Depositor with authority to accept or receive at any time for the credit of the Depositor deposits by whomsoever made of funds and other property in whatever form or manner transferred to endorsed; and that any officer of the Depositor is hereby authorized to open or cause to be opened one or more accounts with the Bank on such terms, conditions and agreements as the Bank may now or hereafter require and to make any other agreements deemed advisable in regard to any of the foregoing. Depositor acknowledges and agrees that the services contemplated by this resolution shall be governed by the U.S. Bank Customer Agreement for commercial deposit accounts, as amended from time to time.

RESOLVED, that checks, drafts or other orders for the payment, transfer or withdrawal of any of the funds or other property of the Depositor on deposit with the Bank shall be binding on the Depositor when signed, manually or by use of a facsimile or mechanical signature or otherwise authorized, by any one of the individuals listed in the section entitled "Authorized Signers", and the Bank is hereby authorized to pay and charge to the account of the Depositor any such checks, drafts or other orders so signed or otherwise authorized, including those payable to the individual order of the same person or persons signing or otherwise authorizing the same and including also those payable to the Bank or to any other person for application, or which are actually applied to the payment of any such indebtedness owing the Bank from the person or persons who signed such checks, drafts or other withdrawal orders or otherwise authorized such withdrawals. In particular, and not in limitation of foregoing, such persons may authorize payment, transfer or withdrawal by oral or telephonic directions to the Bank complying with such rules and regulations relating to such authorization as the Bank may communicate to the Depositor from time to time.

RESOLVED, that the Mayor (identify certifying officer by title) hereby certifies to the Bank the names and signatures (either actual or any form or forms of facsimile or mechanical signatures adopted by the person authorized to sign) of the Authorized Signers listed below and shall from time to time hereafter, upon a change in the facts so certified, immediately certify to the Bank the names and signatures (actual or facsimile) of the persons then authorized to sign or to act. The Bank shall be fully protected in relying on such certificates and on the obligation of the certifying officer (set forth above) to immediately certify to the Bank any change in any facts so certified, and the Bank shall be indemnified and saved harmless by the Depositor from any claims, demands, expenses, loss or damage resulting from or growing out of honoring or relying on the signature of other authority (whether or not properly used and, in the case of any facsimile signature, regardless of when or by whom or by what means such signature may have been made or affixed) of any officer or person whose name and signature was so certified, or refusing to honor any signature or authority not so certified.

RESOLVED, That these resolutions shall continue in force until express written notice of their rescission or modification has been furnished to and received by the Bank; and

RESOLVED, That any and all transactions by or on behalf of the Depositor with the Bank prior to the adoption of this resolution be, and the same hereby are, in all respects ratified, approved and confirmed.

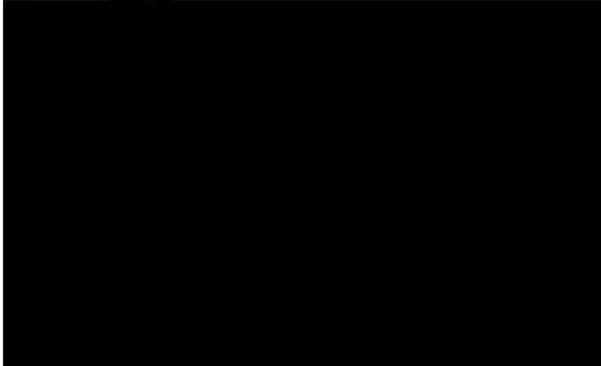
I further certify that the officers of the Depositor signing the resolution, have, and at the time of adoption of said resolutions had, full power and lawful authority to adopt the foregoing resolutions and to confer the powers therein granted to the persons named, and that such persons have full power and authority to exercise the same.

I further certify that the names, titles (if any) and signatures (actual or facsimile) of the persons authorized to sign or act on behalf of the Depositor by its governing board identified above are as set forth below in the section of this Resolution entitled "Authorized Signers".

I further certify, under penalties of perjury, that the tax identification number shown above is correct and that the Depositor is not subject to backup withholding because (a) it is exempt, (b) has not been notified by the Internal Revenue Service (IRS) that it is subject to backup withholding as a result of a failure to report all interest or dividends or (c) the IRS has notified the Depositor that it is no longer subject to backup withholding, and I am a U.S. citizen or other U.S. person

Account Number: [REDACTED]

Authorized Signers

<u>Name</u>	<u>Title</u>	<u>Signature</u>
<u>Christina Shearer</u>	<u>City Recorder</u>	
<u>Scott Derickson</u>	<u>City Administrator</u>	
<u>Terrie Stevens</u>	<u>Assistant City Administrator</u>	
<u>Ignacio Palacios</u>	<u>Finance Director</u>	
<u>Scott Russell</u>	<u>Chief of Police</u>	

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the Depositor this

22nd day of February, 20 10

(Certifying Officer) Mayor
(Title)

(Attest by one other officer) City Administrator
(Title)

Branch Number: 3191 Cost Center: 8810 Call Tracking Number: Service Banker: Janet Kozowski

Service Banker Review: _____ Validated by: _____ Team Leader Review: _____ FileNet Indexed by: _____