



Agenda Item

December 5, 2012

TO: City Council
FROM: Kathy Figley, Mayor
SUBJECT: **Committee Appointments**

The following appointment are made, subject to the approval of the Council. Please forward any adverse comments to me prior to the Council meeting on Monday, December 10, 2012. No reply is required if you approve of my decision.

- ✓ **Library Board**
Position VI Phyllis McKean (*reappointment*)
- ✓ **Park Board**
Position VI Ardis Knauf (*reappointment*)
Position VII Gevin Gregory (*new appointment*)
- ✓ **Planning Commission**
Position 1 Patti Grigorieff (*reappointment*)
Position 4 Erubiel Valladares (*new appointment*)
Position 7 Robert Carney (*new appointment*)
- ✓ **Budget Committee**
Position III Matt Geiger (*new appointment*)
Position IV Stanley Milne (*reappointment*)
Position VI John Reinhardt (*reappointment*)

Mural Committee

Lazaro Ybarra (*lifelong resident and practicing artist*)
Merri Berlin (*active community member and holder of fine arts degree*)
Colleen Vancil (*President of Woodburn Art Center*)
Frank Lonergan (*Council representative*)
Jim Cox (*Council representative*)

**COUNCIL MEETING MINUTES
NOVEMBER 13, 2012**

0:00 **DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, NOVEMBER 13, 2012**

CONVENED The meeting convened at 7:02 p.m. with Mayor Figley presiding.

0:00 **ROLL CALL**

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

Staff Present: City Administrator Derickson, City Attorney Shields, Public Works Director Brown, Police Chief Russell, Economic and Development Director Hendryx, Finance Director Shearer, City Recorder Pierson

0:01 **ANNOUNCEMENTS**

- A. The City Council Meeting scheduled for Monday, November 26 has been cancelled. The next City Council meeting will take place on December 10 at 7:00 pm.
- B. City Hall will be closed November 22 and 23 for the Thanksgiving Holiday. The Library and Aquatic Center will be closed on November 22 but will be open normal business hours the rest of the weekend.
- C. Please join us for the Annual Mayor’s Tree Lighting on Sunday, December 2. The whole family is invited to this traditional holiday event that takes place at two downtown locations. We’ll start at the Settlemier House at 5:30 pm to light the tree and sing some carols, led by the Dickens Carolers. We will then parade to the Downtown Plaza by candlelight, where we will light the Plaza tree, enjoy festive entertainment, hot chocolate, cookies, and maybe even be visited by Santa himself.

0:02 **APPOINTMENTS**

A. Finance Director:

City Administrator Derickson appointed Christina Shearer as Finance Director.

Pugh/McCallum..... approve the appointment of Christina Shearer as Finance Director. The motion passed 4-1 with Councilor Cox voting no.

B. City Recorder:

City Administrator Derickson appointed Heather Pierson as City Recorder.

Pugh/Lonergan.... approve the appointment of Heather Pierson as City Recorder. The motion passed unanimously.

**COUNCIL MEETING MINUTES
NOVEMBER 13, 2012**

0:05 **PRESENTATION**

Ruby Wolfer, Woodburn Area Tourism Coordinator provided Council with an update on projects she is working on.

0:10 **CONSENT AGENDA**

- A. Woodburn City Council minutes of October 22, 2012
 - B. Woodburn City Council Executive Session minutes of October 22, 2012
 - C. Woodburn Planning Commission minutes of October 11, 2012
 - D. Liquor License application for La Azteca
 - E. Liquor License application for Valley Pacific Floral.
- McCallum/Cox**...approve the consent agenda as presented. Motion passed unanimously.

0:11 **PUBLIC HEARING**

Mayor Figley declared the hearing open at 7:15 pm for the purpose of hearing public input on a Supplemental Budget. Finance Director Shearer provided a staff report. Councilor Cox asked why we are transferring such a large amount. Director Shearer stated that transferring it makes it so it isn't spendable without Council approval and it earmarks it for future use. City Administrator Derickson added that it is a cleaner way to end the year and reflects where we stand. No members of the public wished to speak in either support or opposition of the Supplemental Budget. Mayor Figley declared the hearing closed at 7:23

0:19 **COUNCIL BILL NO. 2911- A RESOLUTION APPROVING TRANSFERS OF FY 2012-2013 APPROPRIATIONS AND APPROVING A SUPPLEMENTAL BUDGET.**

McCallum introduced Council Bill 2911. City Recorder Pierson read the bill by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed 4-1 with Councilor Cox voting no. Mayor Figley declared Council Bill No. 2911 duly passed.

0:20 **COUNCIL BILL NO. 2912- A RESOLUTION AUTHORIZING EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WOODBURN AND THE WOODBURN POLICE ASSOCIATION ("THE WPA") FOR THE CONTRACT YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2014.**

McCallum introduced Council Bill 2912. City Recorder Pierson 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. 2912 duly passed.

0:22 **AWARD OF CONSTRUCTION CONTRACT FOR THE WASTEWATER TREATMENT PLANT LABORATORY HVAC UPGRADE TO ROBERT LLOYD SHEET METAL, INC.**

Cox/Lonergan.... That City Council, acting as the Local Contract Review Board, award the construction contract for the Wastewater Treatment Plant (WWTP) Laboratory HVAC Upgrade in the amount of \$59,000 to Robert Lloyd Sheet Metal, Inc. The motion passed unanimously.

0:23 **MODIFICATION OF EMPLOYMENT AGREEMENTS**

**COUNCIL MEETING MINUTES
NOVEMBER 13, 2012**

Lonergan/Pugh Authorize the Mayor, on behalf of the City, to modify the employment agreements of the City Administrator and City Attorney to restore previous 457 Deferred Compensation City match amounts. The motion passed unanimously.

0:24 **PLANNING COMMISSION APPROVAL OF VAR 2012-03, LOCATED AT
1585 N. PACIFIC HIGHWAY (BANK OF AMERICA ATM KIOSK)**

Council declined to call this item up for review.

**PLANNING COMMISSION DENIAL OF VAR 2012-05, LOCATED AT 1300 N. 2ND
STREET (NUEVO AMANECER, PHASE IV)**

Council declined to call this item up for review.

0:26 **CITY ADMINISTRATOR'S REPORT**

The City Administrator had nothing to report.

0:26 **MAYOR AND COUNCIL REPORTS**

Councilor Pugh has concerns about the Welcome to Woodburn sign being removed and would like to have it put up at City Hall. Public Works Director Brown stated that it is in storage and that once the interchange project is complete the sign will go back up by the Transit Center. Director Brown stated that he would look into putting it someplace else in view of the public instead of having it in storage

Councilor McCallum thanked Councilors Pugh and Schmidt for their service on the Council. He also brought up the subject of coal trains and would like staff to look into them and report back to the Council.

Councilor Cox stated that he does not think we need to get involved in the coal train issue. Mayor Figley thanked those that have served their country.

1:34 **ADJOURNMENT**

Pugh/Schmidt... meeting be adjourned. The motion passed 4-1 with Councilor Schmidt voting no. The meeting adjourned at 7:39 p.m.

APPROVED _____
KATHRYN FIGLEY, MAYOR

ATTEST _____
Heather Pierson, City Recorder
City of Woodburn, Oregon

**WOODBURN PLANNING COMMISSION WORKSHOP/MEETING
MINUTES
October 25, 2012**

CONVENED: The Planning Commission met in a public meeting session at 7 p.m. in the City Hall Council Chambers, with Chair Ellen Bandelow presiding.

ROLL CALL:

Chair	Bandelow	Present
Vice-Chair	Piper	Absent
Commissioner	Corning	Present
Commissioner	Grigorieff	Present
Commissioner	Lima	Present
Commissioner	Ellsworth	Present
Commissioner		Vacant

Staff Present: Jim Hendryx, Economic & Development Services Director
 Jon Stuart, Assistant City Attorney
 Don Dolenc, Associate Planner
 Vicki Musser, Recording Secretary

Chair Bandelow opened the meeting at 7 pm, and led the Commissioners in the flag salute.

Minutes

The October 11, 2012 minutes were unanimously approved.

Business from the Audience

There was none.

Communication

There was none.

Items for Action

There were none.

Public Hearing

VAR 2012-03, 1585 N. Pacific Highway, Bank of America ATM Kiosk: “The applicant seeks to place a walk-up ATM kiosk on a lot at the southwest corner of Mt. Hood Avenue and N. Pacific Highway. The property is zoned Commercial General (CG). Abutting properties are also zoned Commercial General (CG). The applicant requests a variance to reduce the setback abutting N. Pacific Highway.”

The property is located at the intersection of Mt Hood and 99E. The applicant proposes to install a free-standing kiosk in one corner of the property, south of the Centro sign and west of trees along the property border. The kiosk is a building, well within the 15-foot setback of 99E. If there were no encroachment, the kiosk would only require a Type 1 Design Review. The kiosk will not be manned, but simply serve as a receptacle for ATM deposits. Planning Division staff recommends approval, subject to the following conditions:

1. The property owner shall execute an acceptance of these conditions on a form provided by the City.
2. The property owner shall develop and maintain the subject property in accordance with all provisions of the WDO, whether or not addressed in the staff review, conditions of approval, or public hearing.
3. The property shall be developed in substantial conformity to the plans attached hereto as Exhibits A through D, except as modified by these conditions of approval.
4. The new accessible parking space shall meet the minimum ADA required width of 9'-0" before issuance of a building permit.

Commissioner Ellsworth asked if the kiosk might conflict with any utilities. Associate Planner Don Dolenc said that Public Works did not note any utilities in their comments on the variance, but if necessary, the kiosk could be moved slightly.

Applicant: Melody Herring, 9716 178th Place NE #201, Redmond, WA 98052: The applicant noted that there is a sewer line deep underground, but that it won't conflict with the proposed ATM kiosk. She stated that Bank of America is well within the regulated amount of parking. The kiosk won't affect the present landscaping. The design presented in the staff report is typical of the kiosk proposed to be put in this location, with the door to the south.

No one spoke on behalf of the application.

No one spoke in opposition to the application.

The Commissioners discussed the variance. The general consensus was that the proposal was straight-forward and clear.

Motion: Commissioner Lima made a motion that VAR 2012-03 be approved with the standard conditions, and directed that the Chair be allowed to sign the Final Order. Commissioner Grigorieff seconded the motion. The Commissioners voted unanimously to approve the variance.

Workshop

Director Hendryx began the workshop by directing the Commission’s attention to Section 2 of the Woodburn Development Ordinance (WDO); specifically, to Section 2.105, *Overlay Districts*, and then proceeding on throughout the Section from there, pausing for comments and questions. Generally, Section 2 has been reformatted and indexed, but there are no substantive changes.

The Commission had several questions in regards to Section 2.201, *Accessory Structures*, which deals with regulations for access structures such as fences, free-standing walls, detached garages and gazebos. This section discusses the newly standardized and simplified vision clearance requirements. The Commissioners decided that they wanted to discuss accessory building and parking regulations for residential properties in more detail, and these topics will be re-addressed at the next meeting. They also had various questions about telecommunication issues, which are dealt with in Section 2.203 *Specific Conditional Uses*, and which are presently allowed only in industrial zones.

Assistant City Attorney Jon Stuart noted that the WDO is primarily about immovable land use topics. Moveable items (such as cars, boats, RV’s) are basically regulated by municipal code. Code enforcement officers work to educate the public regarding infractions.

At the next workshop, accessory building and parking regulations will be discussed, and then the Commission will move on to Section 3.

Items for Action

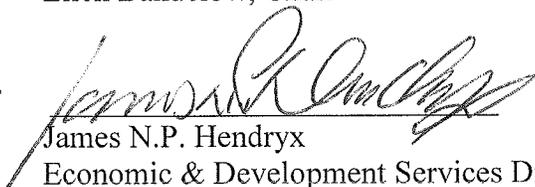
The next Planning Commission meeting is scheduled for Thursday, November 8th. There won’t be a meeting on the following regularly scheduled meeting date, November 22nd, due to Thanksgiving. The Commissioners indicated that the majority of them would be able to attend a meeting on Thursday, November 29th, at which time a land use application would be presented.

Adjournment

Commissioner Lima made a motion that the meeting be adjourned, and Commissioner Grigorieff seconded it. The meeting was adjourned at 8:24pm.

APPROVED 
Ellen Bandelow, Chair

Nov 8 2012
Date

ATTEST 
James N.P. Hendryx
Economic & Development Services Director
City of Woodburn, Oregon

11/9/2012
Date

**WOODBURN PLANNING COMMISSION WORKSHOP/MEETING
MINUTES
November 8, 2012**

CONVENED: The Planning Commission met in a public meeting session at 7 p.m. in the City Hall Council Chambers, with Chair Ellen Bandelow presiding.

ROLL CALL:

Chair	Bandelow	Present
Vice-Chair	Piper	Present
Commissioner	Corning	Absent
Commissioner	Grigorieff	Present
Commissioner	Lima	Present
Commissioner	Ellsworth	Present
Commissioner		Vacant

Staff Present: Jim Hendryx, Economic & Development Services Director
Don Dolenc, Associate Planner
Vicki Musser, Recording Secretary

Chair Bandelow opened the workshop/meeting at 7 pm, and led the Commissioners in the flag salute.

Minutes

The October 25, 2012 minutes were unanimously approved.

Business from the Audience

There was none.

Communication

Economic and Development Services Director Jim Hendryx reminded the Commission that there is a special PC meeting on November 29th, with two possible land use applications tentatively scheduled to be presented for a public hearing. At this time, it is unknown whether a workshop would be held as well.

Items for Action

There were none.

Workshop

At the October 25th Planning Commission meeting, the Commissioners discussed Section 2.2 in the Woodburn Development Ordinance (WDO), and had some questions scheduled to be revisited at tonight's meeting. One question related to residential front yard vision clearance standard heights. Regulations for the vision clearance area have been confusing and difficult to understand, but now there is one front yard standard of 42".

The Commission continued their previous discussion on lot coverage in residential properties, which are allowed either 35 or 45% lot coverage for the primary house, depending on the building's height. A separate 25% lot coverage of the back yard lot is figured for any accessory bldg in the rear yard. However, a rear addition to the house would be figured by the overall lot coverage. It was suggested that it might be easier to do away with the current regulation regarding the 25% rear yard lot coverage, and only use the overall lot coverage, as some jurisdictions do. The Council declined to make that change.

Chair Bandelow pointed out that in some yards people could build what might be termed a second house, but call it an accessory structure. She explored the idea that any accessory building should be made to match the appearance of the existing house, as is required in Neighborhood Conservation Overlay District (NCOD), for example.

Commissioner Piper doesn't favor people being able to use just any materials (such as corrugated metal) when building an accessory structure.

It was decided to keep the standards the way they are at present, and revisit lot coverage at another time.

The Commissioners had voiced questions regarding parking at the October 25th meeting. The present regulation says that you have to have 2 spaces in the garage for parking, and 2 paved spaces in front of the garage, each measuring at least 10x20 for side-by-side garage spaces. A 3-car garage would require a 30x20 space for parking outside the garage. The apron/access to a driveway is 24 feet standard. Chair Bandelow noted that the apron or parking pad of many 3-car garages is more than 24 feet. This might occur only on long driveways, but there's nothing in the regulations that specifically states that.

Planning staff will research this and clarify the standard wording.

At present, RV's and boats may be parked beside the garage on a parking pad, but not cars. The Commissioners discussed whether the regulation should be altered to include cars.

Director Hendryx noted that some cities, such as Beaverton, allow car parking beside the garage, if the parking area is screened. He noted that there are hundreds of violations to Woodburn's parking rules, and asked the Commission if they wished to recognize that it is an issue in the community and acknowledge it.

Chair Bandelow felt that numerous violations of the law should not be condoned, encouraged or legalized. That being said, she stated that if Woodburn allows boats and RV's along the side of the garage, then cars should be allowed as well on a parking pad. She voiced some concern for the necessary back and forth driving from parking pad to street, which could create mud holes and ruts in bad weather. Vehicles should not be

allowed to park beyond the front or rear edges of the house, and no cars should be allowed to park in the front or back yards.

Commissioner Ellsworth noted her concerns about junked cars being seen from the street, as well as cars in the process of being worked on. She likes the ordinance as it is, although she would add the requirement of a privacy screen across the front of the parking pad.

Commissioner Piper thought that would be better to have an extra car on an RV pad than on the street or the grass, as long as it's done correctly and neatly.

Director Hendryx said the Commission appeared to be in agreement to require a privacy fence across the front of any parking pad located by the side of a garage. At present, the regulations only state that the parking pad must be fenced on the side. Staff will include additional language in the hearing drafts, which have yet to be scheduled.

Director Hendryx introduced the changes in Section 3 of the WDO in a PowerPoint, noting the overall formatting changes to bring about consistency, the purpose statements and indexes in each section. Overall readability has been improved.

In Section 3.103, it is proposed that uncovered decks not more than 30 inches above final grade shall maintain at least a 3 foot setback from the property line or Special Setback. The purpose of the 3 foot setback was to prevent possible fire spread during a fire. Commissioner Piper questioned this setback, and felt that it should be at least 5 feet from the property line, in order to create a viable fire break and leave space for fire hoses, in necessary. The Commission generally agreed that decks 18 inches or less in height would require a 3 ft setback.

Staff noted that railings are not required until the proposed deck is over 30 inches, though they can be erected at any height, if the owner wishes.

In Section 3.104, *Vehicular Access*, current proposals for existing standards include cross-over access agreements between businesses, as well as ODOT/Marion County coordination.

Both Director Hendryx and Commissioner Ellsworth noted that they had gone into the wrong business driveway in Woodburn by accident in the past, and then couldn't cross over to their actual destination. Chair Bandelow pointed out that it is not desirable to have cars habitually crossing over to other businesses on purpose.

In Section 3.107, *Architectural Design Guidelines*, Chair Bandelow voiced concern over the exterior finish of dwellings, saying that people should use finishes that resemble the required materials.

Associate Planner Dolenc noted that site-built houses have to have a garage; whereas manufactured dwellings have the option of a carport. Chair Bandelow felt that both housing options should have the same requirements.

The Commission reached a consensus that both site-built houses and manufactured dwellings should have the same standards.

The next steps to be taken in furthering Sections 2 and 3 towards a final resolution include contacting the Chamber of Commerce, having an open house, holding public hearings, and providing notice to Department of Land Conservation and Development (DLCD), which is a 45 day process. Planning staff plans to send out a Measure 56 notice, or perhaps a notice to all Woodburn citizens, advising them of upcoming public hearings, once dates are set. Director Hendryx would like to talk about a rough public hearing schedule at next Planning Commission workshop. He wants to stage the hearings so people can attend the specific WDO discussions they're interested in.

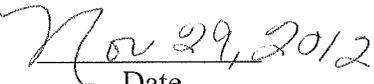
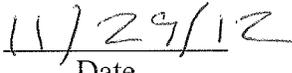
A separate public hearing might be held for signs, since the City Council wants to impose a 10 year amortization period for non-conforming signs to come into compliance.

Items for Action

The next Planning Commission meeting is scheduled for Thursday, November 29th.

Adjournment

Commissioner Lima made a motion that the meeting be adjourned, and Commissioner Ellsworth seconded it. The meeting was adjourned at 9:04pm.

APPROVED		
	Ellen Bandelow, Chair	Date
ATTEST		
	James N.P. Hendryx Economic & Development Services Director City of Woodburn, Oregon	Date



Agenda Item

December 10, 2012

TO: Honorable Mayor and City Council through City Administrator
THRU: Scott Russell, Chief of Police
FROM: Jason R. Alexander, Captain
SUBJECT: **Additional Privilege-On/Off Premise Sales and Add Partner**

RECOMMENDATION:

The Woodburn City Council recommends that the OLCC approve **Additional Privilege-On/OFF Premise Sales and Add Partner** application for Senior Estates Golf and Country Club.

BACKGROUND:

Applicant: Sharon Schaub
1048 Stanfield Rd.
Woodburn, OR 97071
503.989.8686

Applicant: Renee Hayes
45 Smith Dr.
Woodburn, OR 97071
971.267.4704

Business: Estates Golf and Country Club
1776 Country Club Rd.
Woodburn, OR 97071
503.9981.3060

Owners: Publicly Owned ran by a Board of Directors

Agenda Item Review: City Administrator City Attorney Finance

License Type: **On-Premise Sales** – which permits beer, wine, and cider sales for on-premise consumption only. **Off Premise Sales** – which permits beer, wine and cider sales for off-premise sales.

On November 14, 2012, the Woodburn Police Department received an application, requesting approval for **Additional Privilege-On/Off Premise Sales and Add Partner** for Country Cottage Restaurant located within the Senior Estates Golf and Country Club, located at 1776 Country Club Rd. Woodburn, Oregon.

The Senior Estates Golf and Country Club Board of Directors have entered into an agreement with Renee Hayes, to bring the Country Cottage Restaurant to the Clubhouse. Senior Estates Golf and Country Club Board of Directors have requested Renee Hayes be added to the current liquor license.

Senior Estates Golf and Country Club Board of Directors and Renee Hayes are also requesting an on-premise liquor license, so alcohol can be served with meals. The Country Cottage Restaurant will be open Tuesday through Saturday from 7:00am until 8:00pm and Sunday from 7:00am until 5:00pm. There will be no lottery machines, music, pool tables, or other forms of entertainment.

DISCUSSION:

The Police Department has completed a background investigation, in connection with the OLCC, on the applicant and found nothing of a questionable nature, which would preclude the issuance of this license.

FINANCIAL IMPACT:

None



Agenda Item

December 10, 2012

TO: Honorable Mayor and City Council through City Administrator

FROM: Heather Pierson, City Recorder

SUBJECT: **CERTIFIED ELECTION RESULTS – November 6, 2012 General Election**

RECOMMENDATION:

Accept the November 26, 2012 Abstract of Election Results from Marion County Elections and swear in successful candidates.

DISCUSSION:

Marion County Elections has provided the City with the certified results of ballots cast within the City on the following Mayor and Council positions:

Mayor

Kathryn Figley	4,234
Write-In	245
Over Votes	01
Under Votes	1,699

Councilor – Ward I

Horst Raustein	596
Write-In	12
Over Votes	0
Under Votes	373

Councilor – Ward II

Lisa Ellsworth	448
Write-In	13
Over Votes	0
Under Votes	226

Councilor – Ward VI

Eric Morris	339
Gevin Gregory	127
Write-In	8
Over Votes	0
Under Votes	170

TOTAL REGISTERED VOTERS WITHIN THE CITY: 7,668

Agenda Item Review: City Administrator City Attorney Finance

Canvass Report — Total Voters — Official
Marion County, Oregon — November 6, 2012 General Election — November 06, 2012

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Total Number of Voters: 121,645 of 151,411 = 80.34%

Precincts Reporting 122 of 122 = 100.00%

11/26/2012 09:35 AM

City of Woodburn Mayor

Precinct	Blank Ballots Cast	Over Votes	Under Votes	Total Ballots Cast	Registered Voters	Percent Turnout	Kathryn Figley	Write-In:	Totals
815	0	0	292	981	1,269	77.30%	659	30	689
825	0	0	175	687	924	74.35%	487	25	512
835	0	0	279	874	1,016	86.02%	548	47	595
845	0	0	525	1,799	2,095	85.87%	1,243	31	1,274
855	0	1	289	1,194	1,484	80.46%	828	76	904
865	0	0	139	644	880	73.18%	469	36	505
Totals:	0	1	1,699	6,179	7,668		4,234	245	4,479

I certify that the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.


 Signature of County Clerk Date of Abstract
NOV 26 2012

Canvass Report — Total Voters — Official
Marion County, Oregon — November 6, 2012 General Election — November 06, 2012

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Total Number of Voters: 121,645 of 151,411 = 80.34%

Precincts Reporting 122 of 122 = 100.00%

City of Woodburn Ward I Councilor

Precinct	Blank Ballots Cast	Over Votes	Under Votes	Total Ballots Cast	Registered Voters	Percent Turnout	Horst Raustein	Write-In:	Totals
815	0	0	373	981	1,269	77.30%	596	12	608
Totals:	0	0	373	981	1,269		596	12	608

I certify that the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.	
	NOV 26 2012
Signature of County Clerk	Date of Abstract

Canvass Report — Total Voters — Official
Marion County, Oregon — November 6, 2012 General Election — November 06, 2012

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11/26/2012 09:35 AM

Total Number of Voters: 121,645 of 151,411 = 80.34%

Precincts Reporting 122 of 122 = 100.00%

City of Woodburn Ward II Councilor

Precinct	Blank Ballots Cast	Over Votes	Under Votes	Total Ballots Cast	Registered Voters	Percent Turnout	Lisa Ellsworth	Write-In:	Totals
825	0	0	226	687	924	74.35%	448	13	461
Totals:	0	0	226	687	924		448	13	461

I certify that the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.


NOV 26 2012

Signature of County Clerk Date of Abstract

Canvass Report — Total Voters — Official
Marion County, Oregon — November 6, 2012 General Election — November 06, 2012

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11/26/2012 09:35 AM

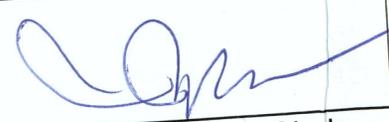
Total Number of Voters: 121,645 of 151,411 = 80.34%

Precincts Reporting 122 of 122 = 100.00%

City of Woodburn Ward VI Councilor

Precinct	Blank Ballots Cast	Over Votes	Under Votes	Total Ballots Cast	Registered Voters	Percent Turnout	Eric Morris	Gevin Gregory	Write-In:	Totals
865	0	0	170	644	880	73.18%	339	127	8	474
Totals:	0	0	170	644	880		339	127	8	474

I certify that the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.

 **NOV 26 2012**

Signature of County Clerk Date of Abstract



Agenda Item

December 10, 2012

TO: Honorable Mayor and City Council
FROM: Scott C. Derickson, City Administrator
N. Robert Shields, City Attorney
SUBJECT: **Extension of WAVE Cable Television Franchise**

RECOMMENDATION:

Adopt the ordinance amending Ordinance 2307 (the WAVE cable television franchise) to extend the franchise expiration date until March 31, 2013.

BACKGROUND/DISCUSSION:

As the City Council is aware, during the past few months, City staff has been in franchise renewal discussions with WAVE representatives. This process is being accomplished "in house" with the negotiating team of the City Administrator, City Attorney, and Finance Director. Various drafts have been exchanged with WAVE and agreement has been reached on all aspects of the all-inclusive franchise document except for the sections concerning Community Access Television and the maintenance of the Institutional Network. A January meeting will be scheduled with WAVE in order to finalize these remaining sections.

Both WAVE's legal counsel and City staff request that the City Council adopt the franchise extension ordinance.

An emergency clause is included so that WAVE can continue to operate its cable television system during the negotiation period.

FINANCIAL IMPACT:

None.

Agenda Item Review: City Administrator ___x___ City Attorney ___x___ Finance ___x___

**COUNCIL BILL NO. 2913
ORDINANCE NO. 2497**

AN ORDINANCE AMENDING ORDINANCE 2307 (THE WILLAMETTE BROADBAND, LLC/ WAVEDIVISION VII, LLC CABLE TELEVISION FRANCHISE) TO EXTEND SAID FRANCHISE ORDINANCE UNTIL MARCH 31, 2013 AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 2307 granted a franchise ("the Existing Franchise") to Willamette Broadband, LLC to operate a cable television system for a 10 year period within the corporate limits of the City of Woodburn under the terms and conditions of the November 14, 2001 Cable Television Franchise Agreement between the City of Woodburn, Oregon and Willamette Broadband, LLC (as successor-in-interest to DirectLink of Oregon, Inc.); and

WHEREAS, WaveDivision VII, LLC purchased the cable television system serving the City of Woodburn from Willamette Broadband, LLC and remained subject to the Existing Franchise; and

WHEREAS, the parties to the Existing Franchise have been negotiating in good faith towards renewal; and

WHEREAS, the parties now believe that it would be in their mutual interest to extend the Existing Franchise until March 31, 2013; and

WHEREAS, a representative of WaveDivision VII, LLC has consented to this extension of the Existing Franchise; **NOW, THEREFORE,**

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Section 3 of Ordinance 2307 is amended to read as follows:

Section 3. The Franchise shall expire on March 31, 2013

Section 2. This ordinance being necessary for the immediate preservation for the public peace, health, and safety, in that it is important that the franchisee under the Existing Franchise is able to continue to operate a cable television system while negotiations take place, an emergency is declared to exist and this ordinance shall take effect immediately upon passage and approval by the Mayor.

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: _____
Heather Pierson, City Recorder
City of Woodburn, Oregon



Agenda Item

December 10, 2012

TO: Honorable Mayor and City Council
FROM: Scott C. Derickson, City Administrator
SUBJECT: **Extension of Data Vision Franchise**

RECOMMENDATION:

Adopt the ordinance amending Ordinance 2291 (the Data Vision franchise) to extend the franchise expiration date until March 31, 2013.

BACKGROUND/DISCUSSION:

As you are aware, over the past several months, we have been finalizing a new cable television franchise between the City and WAVE Broadband. We have done this work "in house" and it has taken a significant amount of staff time.

At the same time as WAVE, we have also been negotiating the expiring telecommunications franchise of Data Vision Communications. I recently had a productive meeting with John Hoffman of Data Vision and made some progress on finalizing this franchise. Mr. Hoffman will be following through and producing some more information for City consideration. Since all of the information has not yet been provided and we have been concentrating on finishing the WAVE franchise, staff is requesting that the Data Vision franchise be continued until the end of the next quarter, March 31, 2013.

An emergency clause is included so that Data Vision can continue to operate during the negotiation period.

I have contacted John Hoffman, the President/CEO of Data Vision, and he agrees with this extension.

FINANCIAL IMPACT:

None.

Agenda Item Review: City Administrator ___x___ City Attorney ___x___ Finance ___x___

COUNCIL BILL NO. 2914
ORDINANCE NO. 2498

AN ORDINANCE AMENDING ORDINANCE 2291 (THE DATA VISION COMMUNICATIONS/DATA VISION, LLC FRANCHISE) TO EXTEND SAID FRANCHISE ORDINANCE UNTIL MARCH 31, 2013 AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 2291 granted a franchise (“the Existing Franchise”) to Data Vision Communications to place telecommunication facilities in City right-of-way for a 10 year period within the corporate limits of the City of Woodburn; and

WHEREAS, the parties to the Existing Franchise have been negotiating in good faith towards renewal; and

WHEREAS, the parties now believe that it would be in their mutual interest to extend the Existing Franchise until March 31, 2013; and

WHEREAS, a representative of Data Vision Communications, LLC has consented to this extension of the Existing Franchise; **NOW, THEREFORE**,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Section 4 of Ordinance 2291 is amended to read as follows:

Section 4. The Franchise shall expire on March 31, 2013

Section 2. This ordinance being necessary for the immediate preservation for the public peace, health, and safety, in that it is important that the Franchisee under the Existing Franchise is able to continue to operate while negotiations take place, an emergency is declared to exist and this ordinance shall take effect immediately upon passage and approval by the Mayor.

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:

Heather Pierson, City Recorder
City of Woodburn, Oregon



Agenda Item

December 10, 2012

TO: Honorable Mayor and City Council through City Administrator
FROM: Jim Hendryx, Director of Economic & Development Services
SUBJECT: **Planning Commission approval of cases DR 2012-02, EXCP 2012-02, PLA 2012-03, and SIGN 2012-038, located at 2325 N. Boones Ferry Road (Woodburn Memory Care)**

RECOMMENDATION:

No action is recommended. This item is placed before the Council for information purposes, in compliance with the Woodburn Development Ordinance. The Council may call up this item for review if it desires.

BACKGROUND:

The applicant requests a Design Review for a 26,909 square foot group care facility with 48 beds in 28 living units, an Exception to Street Right-of-Way and Improvement Requirements for Boones Ferry Road, a Property Line Adjustment to relocate the property line between the two parcels, and a permit to establish a monument sign. The property is zoned Medium Density Residential (RM). The Planning Commission conducted a public hearing on November 29, and approved the cases unanimously.

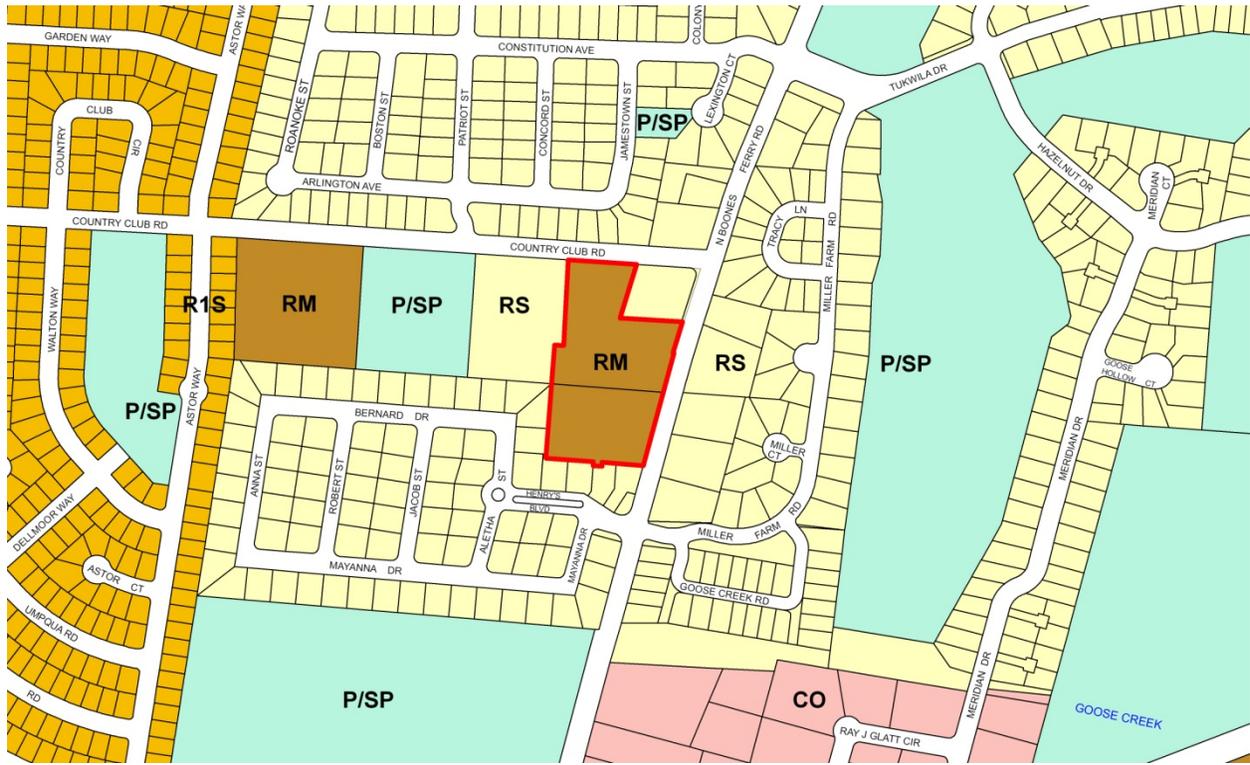
DISCUSSION:

None.

FINANCIAL IMPACT:

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

Agenda Item Review: City Administrator City Attorney Finance



Zoning map showing the subject property



Perspective drawing of the proposed memory care facility



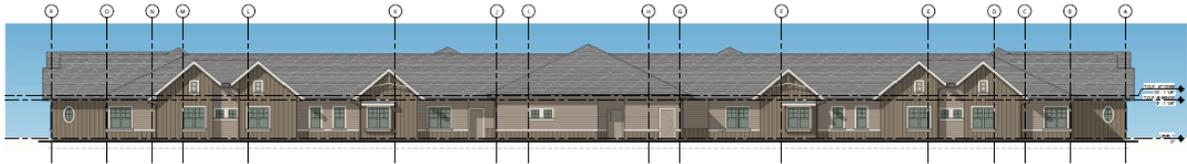
1 EAST ELEVATION - COLOR



2 NORTH ELEVATION - COLOR



3 PORTA COCHERE ELEVATION - COLOR



4 WEST ELEVATION - COLOR



5 SOUTH ELEVATION - COLOR

Elevation drawings of the proposed memory care facility