

PROCLAMATION

Mayor's Day of Recognition for National Service

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and,

WHEREAS, AmeriCorps and Senior Corps address the most pressing challenges facing our cities and nation, from educating students for the jobs of the 21st century and supporting veterans and military families to preserving the environment and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, national service participants serve in more than 70,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and,

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and,

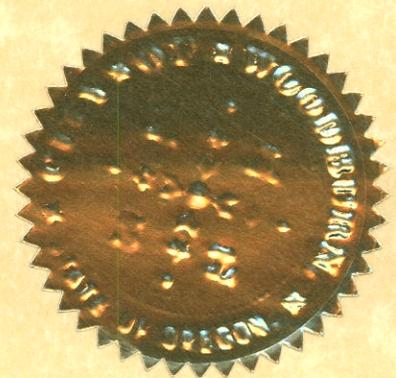
WHEREAS, AmeriCorps members and Senior Corps volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with mayors across the country to support the Mayors Day of Recognition for National Service on April 9, 2013.

NOW, THEREFORE, be it proclaimed by the City of Woodburn that April 9, 2013, is National Service Recognition Day, and, as Mayor, I encourage residents to recognize the positive impact of national service in our city, to thank those who serve; and to find ways to give back to their communities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Woodburn to be affixed this 8th day of April 2013.

Kathryn Figley, Mayor
City of Woodburn



**COUNCIL MEETING MINUTES
MARCH 25, 2013**

0:00 **DATE** COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, MARCH 25, 2013

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

ROLL CALL

Mayor Figley	Present
Councilor Cox	Present
Councilor Lonergan	Present
Councilor McCallum	Present
Councilor Morris	Present
Councilor Raustein	Present
Councilor Ellsworth	Present

Staff Present: City Administrator Derickson, City Attorney Shields, Police Chief Russell, Finance Director Shearer, Human Resource Director Hereford, Economic and Development Director Hendryx, Community Services Director Row, Captain Garrett, Recreation Services Manager Spence, Assistant City Engineer Liljequist, City Recorder Pierson.

0:00 **PROCLAMATION**
Prescription Drug and Heroin Abuse Prevention Month

PRESENTATION

A. Mayor Figley announced that the Construction Phases Update presentation scheduled for tonight's council meeting is being rescheduled.

0:03 **BUSINESS FROM THE PUBLIC**

Ray Phelps, Regulatory Affairs Manager for Republic Services, informed the City Council that a letter was going out to the citizens of Woodburn letting them know that rebranding of Allied Waste to Republic Service is complete. He also informed the City Council that they are sending a survey on recycling food waste out to all residential customers.

0:10 **CONSENT AGENDA**

- A. Woodburn City Council minutes of March 11, 2013
- B. Woodburn Planning Commission minutes of February 28, 2013
- C. Woodburn Recreation and Park Board minutes of March 12, 2013
- D. Crime Statistics through February 2013

McCallum/Ellsworth... adopt the Consent Agenda. Motion passed unanimously.

0:11 **PUBLIC HEARING**

Mayor Figley declared the hearing open at 7:12 pm for the purpose of hearing public input on the proposed telecommunications franchise with DataVision Communications, LLC. City Administrator Derickson provided a staff report. No members of the public wished to speak in either support or opposition of the proposed telecommunications franchise agreement. Mayor Figley declared the hearing closed at 7:14pm.

**COUNCIL MEETING MINUTES
MARCH 25, 2013**

0:14 **COUNCIL BILL NO. 2920 - AN ORDINANCE GRANTING A TELECOMMUNICATIONS FRANCHISE TO DATAVISION COMMUNICATIONS, LLC TO OCCUPY CERTAIN RIGHTS-OF-WAY WITHIN THE CITY OF WOODBURN AND DECLARING AN EMERGENCY** McCallum introduced Council Bill 2920. Recorder Pierson read the two readings of 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. 2920 duly passed.

0:15 **COUNCIL BILL NO. 2921 - A RESOLUTION AUTHORIZING APPLICATION FOR A LOCAL GOVERNMENT GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR THE CONSTRUCTION OF A PICNIC PAVILION WITH RESTROOM FACILITIES, A WALKING PATH AND LANDSCAPE IMPROVEMENTS AT LEGION PARK** McCallum introduced Council Bill 2921. Recorder Pierson read the bill by title only since there were no objections from the Council. Councilor Lonergan asked if we are going to have any trouble coming up with the 40% match and what are we looking at as far as equipment. Recreation Services Manager Spence answered that in regards to the match they had originally budgeted for a project with the Lutheran church and that project has been suspended indefinitely so the funds will now be used for the improvements to Legion Park. He then reviewed the specific improvements to the park which include a pavilion with restrooms, walking paths, increased turf areas under the trees, and the removal of RV style hook-ups. Councilor Cox asked when the grant will be awarded and was told June or July with construction beginning in the fall. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2921 duly passed.

0:20 **AWARD OF CONTRACT FOR STREET SWEEPING OPERATIONS** Cox/Lonergan.... acting as the Local Contract Review Board, award a contract for providing street sweeping operations to Water Truck Services, Inc. of Wilsonville, Oregon for \$93,996.76 per year. Councilor Cox asked how this price and service level compared to what we had with the previous street sweeping contract and Assistant City Engineer Liljequist answered that they will maintain the same level of service for \$28,000 less annually then the last contract. Councilor Lonergan asked what the level of service was with the last street sweeper and was told that they swept approximately once a month and in the downtown area it was twice a month. Councilor Lonergan stated that he has a concern with the street sweeping ordinance that keeps people from parking weekly on the streets when we don't have service weekly and if people are getting cited on days when the street sweeper is not scheduled to sweep. Motion passed unanimously.

0:29 **TRANSIT VEHICLE GRANT AGREEMENT** Cox/McCallum....authorize the City Administrator to enter into the enclosed Grant Agreement No. 29041 with the Oregon Department of Transportation ("ODOT") for the purchase of a "category A" heavy duty low-floor transit vehicle in the amount of \$311,250 or 83% of the total project cost, whichever is less. Councilor McCallum asked Community Services Director Row to explain why we are purchasing large buses when perhaps small buses could be used. Director Row answered that the fixed route is surprisingly busy and

**COUNCIL MEETING MINUTES
MARCH 25, 2013**

that passenger counts are beginning to rise and the bigger bus is needed. He also noted that the bus they are purchasing has a longer service life then other models the City currently uses. Councilor Lonergan asked if he felt this was really the best use of this money and Director Row answered that they have the funding available without tapping into the General Fund and he feels comfortable with this expenditure and thinks it's a good investment for the City to make. Motion passed unanimously.

0:41 **MT. ANGEL FIRE DISTRICT NETWORK SUPPORT AGREEMENT**
Lonergan/Cox.... authorize the City Administrator to execute an Intergovernmental Agreement with the Mt. Angel Fire District to provide computer and network support. Motion passed unanimously.

0:41 **PLANNING COMMISSION APPROVAL OF DESIGN REVIEW 2013-01, LOCATED AT 2720 NEWBERG HIGHWAY (DUTCH BROS)**
Council declined to call this item up for review.

CITY ADMINISTRATOR'S REPORT
The City Administrator had nothing to report.

0:46 **MAYOR AND COUNCIL REPORTS**
Councilor Cox announced that the Mural Committee had its first meeting last week.

Councilor Ellsworth stated she was part of the Woodburn clean-up day and stated that there was a lot less trash downtown then she expected but that there were a lot of cigarette butts. She also stated that she was pleased to see the number of students helping with the cleanup.

Councilor McCallum thanked the Mayor for the proclamation.

Councilor Lonergan wanted to let the City know that the Mural committee is open for business and asked that there be a review of the Ordinance that deals with street sweeping and parking downtown.

Councilor Raustein stated that on street parking in his area is abused and asked how long someone is allowed to park a car on the street without moving it and was told 72 hours.

0:52 **ADJOURNMENT**
Lonergan/McCallum.... meeting be adjourned. The motion passed unanimously. The meeting adjourned at 7:53pm.

APPROVED _____
KATHRYN FIGLEY, MAYOR

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

**WOODBURN PLANNING COMMISSION WORKSHOP/MEETING
MINUTES
March 14, 2013**

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

ROLL CALL:

Chair	Lima	Present
Vice-Chair	Piper	Present
Commissioner	Grigorieff	Absent
Commissioner	Valladares	Present
Commissioner	Bandelow	Absent
Commissioner	Corning	Present
Commissioner	Carney	Present

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

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

Minutes

The February 28, 2013 minutes were unanimously approved.

Business from the Audience

There was none.

Communication

There was none.

Public Hearing

This final public hearing is a continuance of the January 24th, February 7th, and February 28th, 2013 public hearings, all of which have been held to discuss sections of the Woodburn Development Ordinance (WDO) rewrite (LA 2012-01).

The purpose of the rewrite is to simplify and clarify the WDO, to include charts and maps, to update and standardize terminology, to resolve any conflicting standards and circular references, and to make things user-friendly.

During the process of rewriting sections of the WDO and getting it ultimately approved, there have been many steps to follow (such as holding three open houses in January and

assigning a sign focus group to study the sign ordinance and propose changes to the Planning Commission). Tonight's process is a culmination of all the steps that have been taken.

The Planning Commission public hearing dates and discussion topics have been:

- January 24, 2013 - Sections 1 and 2 Land Use Standards
- February 7, 2013 - Sections 3.1 and 5 Development Guidelines and Standards
- February 28, 2013 -Section 3.110 Signs (and amortization, with removal of nonconforming signs within 10 years)
- March 14, 2013 - Any issues remaining to be discussed; possible Planning Commission approval and recommendations for the City Council

Staff went over the Ordinance since the public hearing on Feb. 28th, rectified inconsistencies and made further grammatical changes where needed. Economic and Development Services Director Jim Hendryx noted that overall, the WDO is dramatically shorter. Some sections have been renamed to better reflect the content, and language has been clarified, but the content itself has not been changed. Over the past 3 ½ years, the Planning Commission has given various WDO recommendations for change and the revised WDO reflects those suggestions. A clean copy of the WDO was passed out at tonight's meeting.

Tonight is the last of the four scheduled Planning Commission public hearings, and after discussion and final recommendations from the Commission, the WDO rewrite will go before the City Council on May 13th. Director Hendryx told the Commission that any further suggested modifications can be included in their recommendations to City Council. The Council will decide at that time as to whether further meetings are needed.

Commissioner Piper made a motion that the public hearing portions of the meeting be closed, since no audience was in attendance. Commissioner Corning seconded the motion, and the Commission voted unanimously to close the public part of the meeting.

The Commissioners began discussion portions of the sign ordinance in Section 3.110. Chair Lima brought up the possibility of requiring that signs be professionally made. At present, they are only required to be "all-weather". Requiring that signs be professionally made might be a good way to achieve good aesthetics in signage. Commissioner Carney pointed out that, on the other hand, a regulation stipulating that a sign must be professionally made can act as a challenge to get around the rule. He encouraged Commission discussion about ways of being careful to phrase WDO sign language in a very specific manner, for example, listing "hand-painted signs" as not being allowed, which would be more all-encompassing and making it less likely to be able to skirt around the rule.

Commissioner Piper asked for suggestions on how to truly capture the intent of what the WDO is attempting to say when writing sign regulations. Various thoughts were considered, such as further clarifying language and giving specific examples of signs that would not be allowed.

Commissioner Carney noted that when a sign is hand-painted on the wall of a business, it stays, even when the business owner no longer uses that building. One factor that should be considered is not only the quality and placement of the sign, but also the sign's potential for perpetual display.

Director Hendryx summed up the discussion so far by noting the Commission's interest in addressing various signage issues, as well as desiring to make some recommendations regarding hand-painted signs.

- A. Assistant City Attorney Jon Stuart directed the Commission's attention to Section 3.110.06, page 7 *General Requirements*, subheading D, which states, "Each sign should be designed to be consistent with the architectural style of the main building or buildings on the site. Signs should be designed to incorporate at least one of the predominately visual elements of the building, such as type of construction, materials or color. The use of fluorescent colors or highly reflective materials should be discouraged." He said that this is an example of trying to establish aesthetic guidelines, without being rigid about it, since it's hard to consistently enforce signs that are not allowed. There are some sentences in the WDO that state "shall be", and those indicate rules that must be adhered to. The WDO sentence, "*The use of fluorescent colors or highly reflective materials should be discouraged*", uses the word "should" and is designed to encourage people towards the good sign aesthetics the Commission was discussing at this meeting.

Commissioner Piper observed that by the time a person goes to the time, expense and dealing with the structural requirements of building a sign, it's doubtful that the sign would be amateurishly hand-painted. He also brought up the regulation stating that signs must be "all-weather", asking if unpainted plywood would be permitted. What is the life-span of an "all-weather" sign? He suggested that wood be put onto a list of non-acceptable materials.

Director Hendryx said that a sign permit is needed for all signage, including wall signs. Staff has control over time, place and matter, but not content. The life-span of signage has not been determined. If someone hand-paints a sign onto the side of a building, it could become an enforcement issue to have it removed. He said that staff can put more qualifiers into the code, with a listing of what sort of materials can be used, such as treated plywood, rather than just the general term "plywood". Staff will tighten up the language and return to the next meeting for further input. Additionally, staff will investigate signs around town and see whether the codes are being enforced.

Assistant City Attorney Stuart said that the WDO needs to give clear enough direction that the average person can understand it. If terms are made too ambiguous, people will

not know what sign will be approved. The goal is to define with enough specificity that people can understand what they can and can't do.

Commissioner Carney stated that the Commission wants discourage people going out and painting signs by hand on the side of their building.

Assistant City Attorney Stuart suggested that one way to encourage better wall signs would be to require that certain materials be used, like wood or metal frames. This may discourage simple hand-painted signs. He said that murals are included under signs in the WDO. Under Oregon law, content cannot be regulated.

Chair Lima likes the idea of restricting what materials can be used for making signs. Commissioner Corning suggested checking what other cities have done to regulate their signage.

It was agreed to make the suggested changes to the sign code, restricting the materials used. The Commission voted to continue the discussion on March 28th.

Items for Action

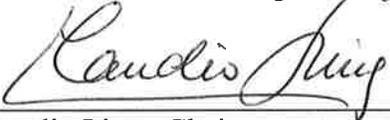
The next Planning Commission meeting/public hearing is scheduled for Thursday, March 28, 2013.

Business from the Commission:

None.

Adjournment

Commissioner Corning made a motion that the meeting be adjourned, and Commissioner Valladares seconded it. The meeting was adjourned at 7:50 pm.

APPROVED 
Claudio Lima, Chair

3/28/2013
Date

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

3/29/2013
Date



Agenda Item

April 8, 2013

TO: Honorable Mayor and City Council

FROM: Scott Derickson, City Administrator
N. Robert Shields, City Attorney

SUBJECT: Ordinance Review/Revision Project
Repeal of Ordinance 1582 (Prescribing Evidentiary Hearing Procedures)

RECOMMENDATION:

Adopt the ordinance repealing Ordinance 1582 (Prescribing Evidentiary Hearing Procedures).

BACKGROUND:

This matter is brought before you by the City Attorney and City Administrator as part of the Ordinance Review/Revision Project, which was initiated by the City Council. As part of this ongoing effort, each general ordinance of the City is being legally and administratively evaluated. Based on this evaluation, a recommendation is then made to the City Council.

Before the Oregon Legislature passed laws requiring all planning commissions and city councils to follow state-prescribed evidentiary procedures for all site specific land use hearings, it was common for local governments to adopt their own local ordinances to provide for these procedures. Historically, Ordinance 1582 (attached) was adopted to assist the Planning Commission and City Council with quasi judicial land use hearings.

DISCUSSION:

Because of the existence of the extensive evidentiary procedures now legally required by the state, Ordinance 1582 is no longer legally necessary.

FINANCIAL IMPACT:

None.

Attachment: Ordinance 1582

Agenda Item Review: City Administrator City Attorney Finance

COUNCIL BILL NO. 386

ORDINANCE NO. 1582

AN ORDINANCE PRESCRIBING PROCEDURES FOR EVIDENTIARY HEARINGS, AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF WOODBURN DO ORDAIN:

Section 1. In all evidentiary hearings before the Common Council and Planning Commission, the following procedures for the conduct of the hearings are prescribed:

1. All interested persons in attendance shall be heard on the matter for hearing, and this fact shall be communicated to those in attendance.
2. A summary of the application or other matter for hearing shall be given by the presiding officer or someone appointed by him or her.
3. The staff report, if any, shall be made.
4. Questions, if any, by the hearing body of the staff.
5. Testimony shall be received in the following order:
 - a. Applicant
 - b. Proponents
 - c. Opponents
 - d. Rebuttal by proponents
 - e. Others
6. Close public hearing. However, the Common Council or Planning Commission may continue the hearing and the taking of evidence to another meeting, the time, date and place of which shall be announced before adjournment.
7. Questions, if any, by the hearing body.
8. Discussion by the hearing body.
9. A decision shall be made by the hearing body, except, however, that further discussion and/or decision by the hearing body may be postponed to another meeting, the time, date and place of which shall be announced before adjournment.

10. All persons who speak at such a hearing shall identify themselves by name, address and interest in the matter. Attorneys or others shall be allowed to speak on behalf of proponents or opponents.
11. Written Briefs by any interested party, their attorney or other agent will be accepted if filed with the secretary or clerk of the hearing body.
12. A record made at any prior evidentiary hearing may be accepted, considered and used by the hearing body at any subsequent hearing; and said body by majority vote of a quorum present may deny to accept or hear any repetitious matter.

Section 2. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this ordinance shall take effect immediately upon passage by the Council and approval by the Mayor.

APPROVED: *Stanley C. Liss*
 STANLEY C. LISS, Mayor

Passed by the Council	<u>November 8, 1977</u>
Submitted to the Mayor	<u>November 10, 1977</u>
Approved by the Mayor	<u>November 10, 1977</u>
Filed in the Office of the Recorder	<u>November 10, 1977</u>

ATTEST: *Barney O. Burris*
 BARNEY O. BURRIS, Recorder
 City of Woodburn, Oregon

COUNCIL BILL NO. 2922

ORDINANCE NO. 2502

AN ORDINANCE REPEALING ORDINANCE 1582 (PRESCRIBING PROCEDURES FOR EVIDENTIARY HEARINGS) AS PART OF THE ORDINANCE REVIEW/REVISION PROJECT INITIATED BY THE CITY COUNCIL AND DECLARING AN EMERGENCY

WHEREAS, Ordinance 1582 was adopted to prescribe procedures for evidentiary hearings conducted by the City Council and Planning Commission; and

WHEREAS, Ordinance 1582 was passed prior to the Oregon Legislature’s passage of state law, requiring that city councils and planning commissions employ statutorily required evidentiary procedures in all site specific land use hearings; and

WHEREAS, the general evidentiary procedures prescribed by Ordinance 1582 must be supplemented by the state statutory provisions and are no longer legally required for the City Council and Planning Commission to conduct evidentiary hearings; **NOW, THEREFORE**,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Ordinance 1582 is repealed.

Section 2. This ordinance being necessary for the immediate preservation of the public peace, health and safety so any modifications made by the City Council initiated Ordinance Review/Revision Project can be implemented without delay, 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

April 8, 2013

TO: Honorable Mayor and City Council

FROM: Scott Derickson, City Administrator
N. Robert Shields, City Attorney

SUBJECT: Ordinance Review/Revision Project
Repeal of Ordinance 1816 (Creating a Cable Television Advisory Board)

RECOMMENDATION:

Adopt the ordinance repealing Ordinance 1816 (Creating a Cable Television Advisory Board).

BACKGROUND:

This matter is brought before you by the City Attorney and City Administrator as part of the Ordinance Review/Revision Project, which was initiated by the City Council. As part of this ongoing effort, each general ordinance of the City is being legally and administratively evaluated. Based on this evaluation, a recommendation is then made to the City Council.

Ordinance 1816 (Creating a Cable Television Advisory Board) was adopted after the United States Congress passed significant federal legislation regulating cable television. Woodburn and a number of other municipalities, created citizen advisory boards to assist local jurisdictions with their role in cable franchising. Historically, the Cable Television Advisory Board was met and was active for a few years. However, as technology progressed and federal law changed, the Board became inactive and its members were not reappointed.

DISCUSSION:

The Cable Television Advisory Board is not presently needed by the City. If a need arises in the future, this board could be reestablished

FINANCIAL IMPACT:

None.

Attachment: Ordinance 1816

Agenda Item Review: City Administrator City Attorney Finance

COUNCIL BILL 714
ORDINANCE NO 1816

AN ORDINANCE CREATING A CABLE TELEVISION ADVISORY BOARD,
DEFINING ITS DUTIES AND RESPONSIBILITIES.

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Purpose. The Woodburn Cable Television Advisory Board is hereby created to advise and make recommendations to the City Administrator and when appropriate, the Mayor and City Council, on matters pertaining to the operation of the Cable Television System in the City of Woodburn.

Section 2. Board Membership. The Board shall consist of seven (7) members, appointed by the Mayor with the approval of the City Council, and from resident voters of the City. Members shall serve without pay. Terms of office shall be three years from the date of appointment. Appointments shall be made annually upon the expiration or other determination of the members term of office. Terms of office shall begin the first year, with three members who will serve for the period of one year, two who shall serve for the period of two years and two who shall serve for the period of three years from the date of their appointment. Each member of the Board serves at the pleasure of the Mayor and City Council and may be removed prior to expiration of their terms without cause or hearing. Members may be removed by the Mayor, with the consent of the City Council. In addition to the appointed members, the Mayor and the City Administrator or his designee will serve as exofficio members.

Section 3. Meetings. The Board shall meet at such times as the Board may determine are appropriate and necessary. All Board meetings shall be conducted in accordance with the bylaws of the organization, the provisions of this ordinance and with law.

Section 4. Officers. The Cable Television Advisory Board shall, at its first annual meeting, elect a chairman, secretary and such other officers as the Board may deem appropriate. Officers shall have such duties and authority as the Board shall establish, consistent with its bylaws, other provisions of this ordinance and with law.

Section 5. Board Responsibilities. The Cable Television Advisory Board shall work directly with the Cable Franchise holder and have the responsibility for advising and making recommendations to the City Administrator or the designated staff liaison, and when appropriate, to the Mayor and Council, on matters pertaining to the use of community access channels; to foster awareness of the community

access channels; to act as intermediary for the community with respect to all issues, concerns and needs of the community regarding cable television; and to perform as a respondent to all grievances brought before the committee.

Section 6. Rules and Regulations. The Cable Television Advisory Board shall advise and recommend to the Cable Franchise holder and when appropriate the City Administrator and the Mayor and Council reasonable rules and regulations governing the use and control of community access cable television channels in the City of Woodburn.

Section 7. Internal Administration Policies and Procedures. The Cable Television Advisory Board shall operate in conformance with all city administrative procedures.

Section 8. Annual Reports. The Cable Television Advisory Board shall make a full and complete report to the City Council and make such other reports as may be required by the Mayor and Council.

Approved as to form: *[Signature]* 5-5-83
City Attorney Date

Approved: *[Signature]*
William J. Costine, Mayor

Passed by the Council	<u>May 9, 1983</u>
Submitted to the Mayor	<u>May 10, 1983</u>
Approved by the Mayor	<u>May 10, 1983</u>
Filed in the Office of the Mayor	<u>May 10, 1983</u>

ATTEST: *[Signature]*
Barney O. Burris, Recorder
City of Woodburn, Oregon

COUNCIL BILL NO. 2923

ORDINANCE NO. 2503

AN ORDINANCE REPEALING ORDINANCE 1816 (CREATING A CABLE TELEVISION ADVISORY BOARD) AS PART OF THE ORDINANCE REVIEW/REVISION PROJECT INITIATED BY THE CITY COUNCIL AND DECLARING AN EMERGENCY

WHEREAS, Ordinance 1816 created a Cable Television Advisory Board to assist the City Administrator and City Council on matters pertaining to cable television; and

WHEREAS, historically, Woodburn was one of many municipalities that established citizen advisory boards for this purpose; and

WHEREAS, the Cable Television Advisory Board has not been active for some time and is not presently needed by the City; and

WHEREAS, the City Council has the power and authority to reestablish the Cable Television Advisory Board if it is needed in the future; **NOW, THEREFORE**,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Ordinance 1816 is repealed.

Section 2. This ordinance being necessary for the immediate preservation of the public peace, health and safety so any modifications made by the City Council initiated Ordinance Review/Revision Project can be implemented without delay, 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

April 8, 2013

TO: Honorable Mayor and City Council

FROM: Scott Derickson, City Administrator
N. Robert Shields, City Attorney

SUBJECT: Ordinance Review/Revision Project
Repeal of Ordinance 2254 (Museum Committee)

RECOMMENDATION:

Adopt the ordinance repealing Ordinance 2254 (Museum Committee).

BACKGROUND:

This matter is brought before you by the City Attorney and City Administrator as part of the Ordinance Review/Revision Project, which was initiated by the City Council. As part of this ongoing effort, each general ordinance of the City is being legally and administratively evaluated. Based on this evaluation, a recommendation is then made to the City Council.

Ordinance 2254 (Creating a Museum Committee) was adopted after the City acquired its downtown museum. After its creation, this advisory group met periodically and was active for a few years. However, it eventually became inactive and its members were not reappointed.

DISCUSSION:

The Museum Committee is not presently needed by the City. If a need arises in the future, this group could be reestablished.

FINANCIAL IMPACT:

None.

Attachment: Ordinance 2254

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

COUNCIL BILL NO. 2016

ORDINANCE NO. 2254

AN ORDINANCE CREATING A MUSEUM COMMITTEE AND DEFINING ITS DUTIES AND RESPONSIBILITIES AND DECLARING AN EMERGENCY.

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Purpose. The Woodburn Museum Committee is hereby created to advise and make recommendations to the City Administrator and Mayor and City Council, on matters related to the management of the museum.

Section 2. Membership. The Committee shall consist of seven (7) members, appointed by the Mayor with the approval of the City Council, and shall be responsible to the Mayor and City Council. Six (6) members shall be appointed from resident voters of the greater Woodburn area. The seventh member shall be appointed from the student body of Woodburn High School and need not be a resident voter. Members shall possess a background and interest in historic collections, historic preservation and local and/or natural history. Members shall serve without pay. Terms of office, excepting that of the member appointed from the student body of Woodburn High School, shall be four (4) years from the date of appointment and staggered so three positions will expire every two years. The term of office for the member appointed from the Woodburn High School shall be two (2) years from the date of appointment, which shall be in August. All other appointments shall be made annually, in December, upon the expiration or other determination of the members' term of office. Each member of the Committee serves at the pleasure of the Mayor and City Council and may be removed prior to expiration of their terms without cause or hearing. Members may be removed by the Mayor, with the consent of the City Council. In addition to the appointed members, the Mayor and City Administrator will serve as ex-officio members.

Section 3. Meetings. The Committee shall meet quarterly, or at such times as the Committee may deem necessary and appropriate. All Committee meetings shall be conducted in accordance with the bylaws of the organization, the provisions of this ordinance and with law.

Section 4. Officers. The Museum Committee shall, at its first meeting, elect a chairman and such other officers as the Committee may deem appropriate. Officers shall have such duties and authority as the Committee shall establish, consistent with its bylaws, other provisions of this ordinance and with law.

Section 5. Committee Responsibilities. The Museum Committee shall be responsible for advising and making recommendations to the City Administrator, and when appropriate, to the Mayor and Council, on all matters pertaining to the planning, acquisition, development and management of the Museum.

Section 6. Budget. The Museum Committee shall participate in the preparation of the annual budget and shall recommend to the Budget Officer a budget for the expenditure of all funds produced by tax or other means for the development, promotion and management of the Museum in the City of Woodburn.

Section 7. Rules and Regulations. The Museum Committee shall advise the City Administrator regarding preparation and adoption of reasonable rules and regulations governing the use of and proper conduct in the Museum in the City of Woodburn.

Section 8. Supervision of Curator. The City Administrator shall have the responsibility for the hiring, termination, discipline and any other personnel actions affecting the Museum Curator, or other paid museum personnel.

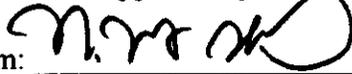
Section 9. Internal Administrative Policies and Procedures. The City Administrator shall be the fiscal and internal administrative agent for the Museum. The museum shall operate in conformance with City administrative procedures including those pertaining to the following:

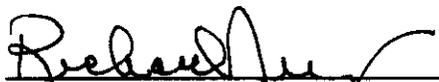
- (1) Personnel, including recruitment, selection, classification and pay for department staff;
- (2) Personnel matters, including discipline and grievances;
- (3) Receipt, disbursement and accounting for monies;
- (4) Maintenance of general books, cost accounting records, and other financial documents;
- (5) Purchasing;
- (6) Budget administration; and
- (7) Operation and maintenance of equipment and buildings.

Section 10. Assistance to the Committee. The Curator, shall assist the Committee in the performance of its duties, and shall prepare reports as requested by the Committee.

Section 11. Annual Reports. The Museum Committee shall make a full and complete annual report to the City Council and make such other reports as may be required by the Mayor and Council. The Curator shall be responsible for the preparing the report with Committee input.

Section 12. Emergency Clause. This ordinance being necessary for the public peace, health and safety, an emergency is declared to exist and this ordinance shall take effect immediately upon passage by the Council and approval by the Mayor.

Approved as to form:  01-07-2000
City Attorney Date

Approved: 
Richard Jennings, Mayor

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

January 10, 2000
January 11, 2000
January 11, 2000
January 11, 2000

ATTEST: Mary Tennant
Mary Tennant City Recorder
City of Woodburn, Oregon

COUNCIL BILL NO. 2924

ORDINANCE NO. 2504

AN ORDINANCE REPEALING ORDINANCE 2254 (CREATING A MUSEUM COMMITTEE) AS PART OF THE ORDINANCE REVIEW/REVISION PROJECT INITIATED BY THE CITY COUNCIL AND DECLARING AN EMERGENCY

WHEREAS, Ordinance 2254 created a Museum Committee to assist the City Administrator and City Council on matters pertaining to the Woodburn Museum; and

WHEREAS, historically, Woodburn was one of many municipalities that established citizen advisory boards for this purpose; and

WHEREAS, the Museum Committee was an advisory board that has not been active for some time and is not presently needed by the City; and

WHEREAS, the City Council has the power and authority to reestablish the Museum Committee if it is needed in the future; **NOW, THEREFORE,**

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Ordinance 2254 is repealed.

Section 2. This ordinance being necessary for the immediate preservation of the public peace, health and safety so any modifications made by the City Council initiated Ordinance Review/Revision Project can be implemented without delay, 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

April 8, 2013

TO: Honorable Mayor and City Council
FROM: Scott Derickson, City Administrator
SUBJECT: **Opposition to Coal Trains through Woodburn**

RECOMMENDATION:

Deliberate on the proposed resolution joining other Oregon communities in opposing the rail transportation of coal exports. Although the future proposed coal transportation project is uncertain, there could still be Council interest in outlining the City's position on this matter.

BACKGROUND

In October 2011, the Oregon International Port of Coos Bay signed an exclusive negotiation agreement with an anonymous company interested in building a new terminal and shipping 6 to 10 million tons of coal per year to Asia. The Port of Coos Bay has indicated that as many as four coal trains a day, two of which are full, would pass through Woodburn. Each train would require four locomotives to haul approximately 14,750 tons of coal traveling at least 45 mph through Woodburn. This would exponentially cause health risks in the Woodburn area to rise due to coal dust being widely dispersed.

DISCUSSION:

Having coal trains travel through Woodburn could potentially put local citizens – particularly in the downtown area and elsewhere along the rail route - at risk for increased asthma, bronchitis and emphysema outbreaks, as well as the likelihood of significant negative impacts on local residents' water quality and property values along the railroad tracks. In addition to the health risks, emergency personnel will be severely impacted. With the additional trains, local streets will be blocked at least 10 minutes more per day, which potentially slows response times for police, fire and ambulance services. Also, once Union Pacific upgrades its Portland to Eugene line, train speeds will increase — both passenger and cargo.

Agenda Item Review: City Administrator City Attorney Finance

FINANCIAL IMPACT:

Property values along railroad tracks already suffer a diminished value, and allowing coal trains through Woodburn would further decrease the value. Even slight decreases in property values may significantly erode property tax revenues used to support City services. The additional health risks will have a negative financial impact on Woodburn residents, too.

COUNCIL BILL NO. 2925

RESOLUTION NO. 2028

A RESOLUTION OPPOSING THE TRANSPORTATION OF COAL FOR EXPORT THROUGH THE CITY OF WOODBURN

WHEREAS, in October 2011, the international Port of Coos Bay signed an exclusive negotiating agreement with an anonymous company interested in building a new terminal and shipping 6 to 10 million tons of coal per year to Asia. The coal would be strip-mined on public lands in the Powder River Basin (PRB) of Wyoming and Montana; and

WHEREAS, the Port of Coos Bay has indicated that as many as four coal trains a day — two full and two empty — would pass through Woodburn. Each train would have four locomotives hauling approximately 14,750 tons of coal. Trains are allowed to travel up to 45 mph through Woodburn and the coal dust would be widely disbursed beyond the tracks. Coal dust particles vary in size but some are smaller than a single human red blood cell, and can penetrate the nose, upper respiratory system and travel deep into the lungs and lead to irreversible lung disease. More than 45,000 residents in Marion County already suffer from asthma, bronchitis and emphysema; and

WHEREAS, according to the Environmental Protection Agency and research in other communities, there is a likelihood of significant negative impacts on local residents' health, economy and water quality. Property values along railroad tracks already suffer a diminished value, and this would further decrease the value. Even slight decreases in property values may significantly erode property tax revenues used to support City services; and

WHEREAS, even though coal dust can be reduced by 85 percent with the application of a "surfactant" applied at the mine, this still leaves up to 4.5 to 66 tons of potential "fugitive coal dust" that would be emitted along forests, farms, rivers and urbanized areas in the Woodburn region. Coal dust contains toxic-heavy metals, including mercury, arsenic and lead, all known to have serious adverse health impacts on people of all ages, particularly children. These heavy metals, as well as emissions from the diesel-powered engines, are linked to increases in cancer, bronchitis, emphysema, black lung disease and birth defects ; and

WHEREAS, mercury and other toxic air pollutants produced from burning coal in Asian nations have been shown to adversely impact the Northwest's air, water, fish and wildlife; and

WHEREAS, each coal train would block local streets for at least 10 minutes or more per day, which potentially would slow response times for police, fire and ambulance services. In addition, once Union Pacific upgrades its Portland to Eugene line, train speeds will increase. Coal trains will be held to a speed limit of around 55 mph, which will increase the opportunity for more train-related accidents; and

WHEREAS, shipping coal has lasting effects on Oregon because it encourages China to continue to rely on inefficient coal-fired plants that send pollutants to Oregon. It also undermines the U.S. manufacturing sector. Exporting coal will cause the loss of Oregon jobs; and

WHEREAS, derailment is more likely in coal trains than in other trains. Because many homes and businesses in the Woodburn area are in such close proximity to the rail alignment, a coal train derailment could result in significant property damage to residents or business owners in the area; **NOW, THEREFORE**,

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:

Section 1. The City Council finds that allowing coal trains to pass through Woodburn is not compatible with the City's efforts to improve air quality, enhance public health and promote local food production.

Section 2. The City Council finds that allowing trains or barges to pass through the state of Oregon transporting coal in the volume and of the type planned is not compatible with the environmental future desired by our City residents.

Section 3. The City Council finds that all applicable federal, state and local laws protecting public health, safety and air and water quality should be enforced to protect citizens from the adverse effects of coal trains and barges.

Section 4. The City Council fully supports Governor John Kitzhaber's request that a federal agency prepare a programmatic and comprehensive environmental impact statement (EIS) under the National Environmental Policy Act to look at the unprecedented number of coal export proposals pending in the Pacific Northwest, as well as the potential effects in this country of the use of

coal in Asia. Now is the time for conducting a programmatic EIS, before substantial and irreversible commitments of resources are made.

Section 5. The City Council joins the call for review of a comprehensive independent Health Impact Assessment before any permits are approved for any proposed coal export project.

Section 6. The City Council directs that a copy of this resolution shall be sent to Governor Kitzhaber, Senators Wyden and Merkley, Congressman Schrader, Secretary of the Interior Salazar, Secretary of the Army McHugh, General Temple of the U.S. Army Corps of Engineers, and all local state legislators.

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



April 8, 2013

TO: Honorable Mayor and City Council through City Administrator
FROM: Robyn Stowers, Community Relations Officer
SUBJECT: **Woodburn Downtown Association Agreement**

RECOMMENDATION:

It is recommended that the City Council authorize the City Administrator to enter into the attached agreement with the Woodburn Downtown Association.

BACKGROUND:

The Woodburn Downtown Association has been involved in planning events and festivals in downtown Woodburn since its formation in 1982. The organization's mission is "To promote the historic and cultural diverse heritage of our community by providing opportunities that will encourage community-wide investment in downtown Woodburn. To encourage ownership of downtown through community participation in creating a beautiful, safe and economically successful City of Woodburn."

In 2012, after a brief hiatus, downtown business owners resurrected the WDA as a means to stimulate economic activity downtown by planning events and supporting downtown merchants. The organization subsequently entered into an agreement with the City that assigned them the role of lead organizer of downtown events.

During the first year of the WDA reformation, the organization successfully planned three large downtown events; Mother's Day, Downtown Festival and Mexican Independence Day. The City and WDA collaboration resulted in the reduction of City staff hours used to plan events and ultimately added to the overall quality of the events by increasing community support, partnerships, ownership of downtown business, quality of entertainment, and the reduction of noise complaints.

With the large number of nearby residential dwellings, sound complaints are an inevitable side effect of holding community events in the downtown core. While the sound impact to downtown residents has always been a concern with large events at the plaza, the WDA has taken precautions to limit the noise impact to the downtown neighborhood. The organization monitors noise at events, and in the

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

infrequent instances where a complaint is received, has been responsive in reducing volumes to below the allowable level.

In an effort to further reduce the noise impact to surrounding neighborhoods the WDA is planning to hold their largest event, Mexican Independence Day, at Centennial Park this year. Featuring two days of traditional entertainment and activities, Mexican Independence Day has been celebrated in Woodburn for more than a decade. The increased amount of activity downtown has a greater impact on downtown residents than smaller, generally one-day community events, and Centennial Park is believed to be a more appropriate site for this event, since it is located much further from residential neighborhoods.

DISCUSSION:

The attached agreement with the Woodburn Downtown Association will formalize the continuation of this partnership. The major tenants of the agreement include:

- o The City will provide suitable locations for events organized by WDA.
- o The City will waive any Special Event Park Use permit fees.
- o The City will determine opening and closing times for events and the time period when music is allowed.
- o The City will issue a Special Events Permit upon receiving a complete and acceptable application from WDA.
- o The City will provide limited logistical support and oversight during the events planning phase, set-up, and operations.
- o The City will provide on-call maintenance support for City owned property and equipment for the duration of events.
- o The WDA will develop an annual events budget and a calendar of events specifically identifying, but not limited to, activities needed to plan for and execute the scheduled events.
- o The WDA will provide a written re-cap of the events program within 60 days following the last scheduled event covered by this agreement.
- o The WDA's planning process will be open to all WDA members and include input from any interested community members.

FINANCIAL IMPACT:

Since this is essentially an extension of the existing agreement, there will be no direct financial impact to the City associated with this item.

Attachment

Woodburn Downtown Association Agreement

**Agreement for Services
between
City of Woodburn
and
Woodburn Downtown Association**

This Agreement is made and entered into by and between the City of Woodburn, an Oregon municipal corporation (hereinafter the “City”), and the Woodburn Downtown Association, an Oregon non-profit corporation (hereinafter the “WDA”).

WITNESSETH:

WHEREAS, the City acknowledges and supports the economic and cultural impacts downtown events have contributed to Woodburn and wishes to honor and preserve the multiple traditions that influence the community; and

WHEREAS, the WDA and the City originated downtown events many years ago as a means of stimulating economic activity and community pride in downtown Woodburn; and

WHEREAS, after a brief hiatus, the WDA decided in 2012 to again assume the role of lead organizer for downtown events for the benefit of Woodburn businesses and the general community; and

WHEREAS, the City recognizes the importance of the WDA ensuring that downtown events continue to grow and improve, and desires to provide its support through the terms and conditions of this agreement; and

WHEREAS, private/public cooperation between the City and the WDA is necessary to sustain downtown events;

NOW, THEREFORE, in consideration of the terms, conditions, compensation and performances contained herein, the parties hereto do mutually agree as follows:

Section 1. Term. This Agreement shall commence upon execution by the parties and shall terminate on March 31, 2014.

Section 2. Termination. This Agreement may be terminated at any time by mutual, written consent of the parties or for convenience by either party upon written notice to the other party of 30 calendar days.

Section 3. City Responsibility. The City agrees to the following:

- A. To provide suitable locations for events organized by WDA.
- B. To waive any Special Event Park Use permit fees.

- C. To determine opening and closing times for events and the time period when music is allowed.
- D. To issue a Special Events Permit upon receiving a complete and acceptable application from WDA.
- E. To notify the Woodburn Police Department of events for which a Special Events Permit has been issued.
- F. To provide limited logistical support and oversight during the events planning phase, set-up, and operations.
- G. To provide picnic tables, trash cans and electrical service, based on availability.
- H. To provide on-call maintenance support for City owned property and equipment for the duration of the downtown events. Refuse collection services shall be at the expense of the WDA.
- I. To assist in the promotion of covered events, depending on the availability of resources.

Section 4. Responsibilities of WDA. The WDA agrees to the following:

- A. To sponsor and conduct low cost family-oriented events consistent with the values and expectations of the community.
- B. To abide by Woodburn's Park Regulations Ordinance and Special Event Policies unless waived by the City.
- C. To make arrangements for all event set-up and clean-up.
- D. To develop an annual events budget and a calendar of events specifically identifying, but not limited to, activities needed to plan for and execute the schedule of downtown events. The events budget and calendar of events shall be referred to as the WDA's "Downtown Events Program."
- E. To submit the Annual Downtown Events Program to the City Administrator and the Community Services Director by April 1, 2013. WDA may add or delete events after the Annual Downtown Events Program is submitted to the City, but will make every reasonable attempt to do so with at least 14 days advance notice.
- F. To provide a written re-cap of downtown events program within 60 days following the last scheduled event covered by this agreement. Once the

written re-cap is received by the City, the City Administrator will contact the WDA President to schedule a City Council presentation of the re-cap.

- G. The planning process will be open to all WDA members and include input from any interested community members.
- H. To utilize private security as necessary to ensure the safety of event participants, organizers, equipment, and City property. The City Administrator and/ or Chief of Police may require the WDA to provide a specific level of private security, as they may deem necessary based upon the nature of each individual event.

Section 5. Documents and Reports. The WDA shall maintain books, records, documents and other materials that sufficiently and properly reflect all expenditures made pursuant to this Agreement. Specifically, the WDA:

- A. Agrees that the City shall have full access and the right to examine and copy, during normal business hours, all of the records of the WDA with respect to matters covered in this Agreement. Such rights shall last for ten (10) years from the date a disbursement is made hereunder.

Section 6. Auditing of Records. Upon thirty (30) days prior written notice, the City or its agent shall have the right to conduct an audit or review of the WDA's records reasonably related to this Agreement. If an audit or review of the records determines that funds have been inappropriately expended under this Agreement, or state law, the WDA shall take action to remedy the situation to the full amount identified in the audit as inappropriate. If the inappropriately expended funds exceed \$500, then WDA will pay the City for the cost of the audit or review.

Section 7. Insurance. The WDA shall provide and maintain at their own expense during the term of this contract, comprehensive general liability insurance with a single limit of \$1,000,000.00 per occurrence. Such insurance shall be primary to other insurance maintained by the City and shall name the City of Woodburn as additionally insured.

Section 8. Compliance with Federal, State and Local Laws. The WDA agrees to abide by all applicable federal and state statutes and regulations prohibiting employment discrimination, and any other statutes and regulations pertaining to the subject matter of this Agreement.

Section 9. Authority to Execute Agreement. The WDA represents to the City that this Agreement has been duly authorized by all necessary action on the part of the WDA and no other corporate or other action on the part of the WDA is necessary to authorize the execution and delivery of this Agreement. That this Agreement has been duly authorized by the Woodburn City Council and the City represents to the WDA that the City Administrator has the power and authority to bind the City to this Agreement.

Section 10. Legal Relations. Neither the WDA, nor any employee, officer, official or volunteer of the WDA shall be deemed to be an independent contractor, employee or volunteer of the City. No liability shall attach to the WDA or the City by reason of entering into this Agreement except as expressly provided herein.

Section 11. Indemnification. The WDA agrees to be responsible for and assumes liability for its own negligent acts or omissions, and those of its officers, agents, officials, employees or volunteers while performing work or expending funds pursuant to this Agreement to the fullest extent provided by law, and agrees to save, indemnify, defend and hold the City harmless from any such liability. This indemnification clause shall apply to any and all causes of action arising out of performance of work or expenditures of funds under this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement with respect to any event occurring prior to expiration or termination

Section 12. Nondiscrimination. The WDA shall comply with all applicable federal, state, and local laws, rules and regulations on nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, or disability.

Section 13. Governing Law. This Agreement shall be governed by and construed in accordance with the law of the State of Oregon.

Section 14. Severability. If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 15. Assignment. Neither party shall assign the Agreement without written consent of the other.

Section 16. Attorney Fees. In any action brought by either party under this Agreement, the losing party shall pay to the prevailing party a reasonable sum for attorney fees in such action, or arbitration or appeal

Section 17. Entire Agreement. This Agreement constitutes the entire Agreement between the parties and supersedes all prior agreements, written and oral, between the parties. No modification of this Agreement shall be binding unless in writing and signed by both parties.

Section 18. Notification. All correspondence and notices related to this Agreement shall be directed as follows:

If directed to the City:
City of Woodburn
270 Montgomery Street
Woodburn, Oregon 97071
Attn: Jim Row, Community Services Director

If directed to the WDA:
Woodburn Downtown Association
650 N. First Street / PO Box 96
Woodburn, OR 97071
Attn: Nikki DeBuse, President

IN WITNESS WHEREOF, the WDA and City have, by approval of their respective governing bodies, caused this Agreement to be executed.

WOODBURN DOWNTOWN ASSOCIATION

Nikki DeBuse, President

Date

CITY OF WOODBURN

Scott C. Derickson, City Administrator

Date