

**COUNCIL MEETING MINUTES  
JANUARY 27, 2014**

0:00 **DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, JANUARY 27, 2014**

**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	Absent
Councilor Ellsworth	Present
Councilor Alonso Leon	Absent

**Staff Present:** City Administrator Derickson, City Attorney Shields, Interim Public Works Director Scott, Economic and Development Director Hendryx, Finance Director Shearer, Captain Garrett, Human Resource Director Hereford, Communications Coordinator Horton, City Recorder Pierson

0:01 **BUSINESS FROM THE PUBLIC**

Ellen Bandelow, 199 Smith Dr., asked if there was ever a verbal or written offer from the opponents of the UGB expansion that they would discontinue their opposition if the City would remove the narrow strip along Butteville Rd. from that expansion and if the City would be open to a discussion with the opponents to come to a compromise by letting go of that strip? Mayor Figley answered that no, there was never an offer from the opposition and that the City Council is going to be discussing all of the City's options at tonight's meeting.

0:03 **CONSENT AGENDA**

- A. Woodburn City Council minutes of January 13, 2014
  - B. Woodburn Planning Commission minutes of December 12, 2013
  - C. Woodburn Library Board minutes of January 9, 2014
  - D. Woodburn Recreation and Park Board Workshop minutes of January 7, 2014
- McCallum/Lonergan...** adopt the Consent Agenda. The motion passed unanimously.

0:04 **COUNCIL BILL NO. 2946 - A RESOLUTION CALLING FOR A PUBLIC HEARING ON THE ANNEXATION OF CERTAIN PROPERTY LOCATED AT 1225 BROWN STREET AND IDENTIFIED ON MARION COUNTY TAX ASSESSOR'S MAPS AS TAX LOT 051W18C01000** **McCallum** introduced Council Bill No. 2946. Recorder Pierson read the bill by title only since there were no objections from the Council. Economic and Development Director Hendryx provided a staff report. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2946 duly passed.

0:07 **ACCEPTANCE OF A PUBLIC UTILITY EASEMENT WITHIN THE MEMORY CARE DEVELOPMENT AT 2325 N. BOONES FERRY ROAD, WOODBURN, OR 97071 (TAX LOT 051W07BD08300)** **Lonergan/McCallum...** Council accepts the 16 foot wide Public Utility Easement for City water facilities granted by WMC Holding Company

**COUNCIL MEETING MINUTES  
JANUARY 27, 2014**

LLC, property owner of 2325 N. Boones Ferry Road, Woodburn, OR 97071 (Tax Lot 051W07BD08300). The motion passed unanimously.

0:08 **ACCEPTANCE OF A PUBLIC UTILITY EASEMENT WITHIN THE MEMORY CARE DEVELOPMENT AT 2325 N. BOONES FERRY ROAD, WOODBURN, OR 97071 (TAX LOT 051W07BD08300) Lonergan/Cox...** Council accepts the 11 foot wide Public Utility Easement for City water facilities granted by WMC Holding Company LLC, property owner of 2325 N. Boones Ferry Road, Woodburn, OR 97071 (Tax Lot 051W07BD08300). The motion passed unanimously.

0:09 **CITY ADMINISTRATOR'S REPORT**  
The City Administrator stated that he has been called for jury duty this week.

0:09 **MAYOR AND COUNCIL REPORTS**  
Councilor McCallum thanked Ellen Bandelow for her work on the planning commission and advised Councilors that on February 11<sup>th</sup> from 7-11 a.m. the Marion County coordination Council will be meeting at Keizer City Hall to discuss medical marijuana dispensaries. Mayor Figley also thanked Ellen Bandelow for her service on the Planning Commission. Councilor Ellsworth also thanked Ellen Bandelow for her service to the City and let her know that she has been a valuable asset to the community. Councilor Cox thanked Ellen Bandelow for her very good work on the Planning Commission and wished her happy travels.

0:12 **EXECUTIVE SESSION**  
Mayor Figley entertained a motion to adjourn into executive session under the authority of ORS 192.660 (2)(h) and ORS 192.660 (2)(f). **McCallum/Cox...** to move into executive session. The Council adjourned to executive session at 7:13p.m. and reconvened at 8:05 p.m. Mayor Figley stated that no action was taken by the Council while in executive session.

**Cox/Lonergan ...** authorize the City Attorney to file a Petition for Review of the urban growth boundary decision handed down by the court of appeals. The motion passed unanimously.

1:06 **ADJOURNMENT**  
**McCallum/Ellsworth...** meeting be adjourned. The motion passed unanimously. The meeting adjourned at 8:06 p.m.

APPROVED \_\_\_\_\_  
KATHRYN FIGLEY, MAYOR

ATTEST \_\_\_\_\_  
Heather Pierson, City Recorder  
City of Woodburn, Oregon

**EXECUTIVE SESSION  
COUNCIL MEETING MINUTES  
JANUARY 27, 2014**

**DATE**           **CONFERENCE ROOM, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, JANUARY 27, 2014.**

**CONVENED** The Council met in executive session at 7:13 p.m. with Mayor Figley presiding.

**ROLL CALL**

Mayor	Figley	Present
Councilor	Cox	Present
Councilor	Lonergan	Present
Councilor	McCallum	Present
Councilor	Morris	Absent
Councilor	Alonso Leon	Absent
Councilor	Ellsworth	Present

**Staff Present:** City Administrator Derickson, City Attorney Shields, Economic and Development Director Hendryx, City Recorder Pierson

**Media Present:** Maygan Beckers

Mayor Figley reminded those in attendance that information discussed in executive session is not to be discussed with the public.

The executive session was called:

To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed pursuant to ORS 192.660 (2)(h).

To consider records that are exempt by law from public inspection pursuant to ORS 192.660 (2)(f).

**ADJOURNMENT**

The executive session adjourned at 8:06 p.m.

APPROVED \_\_\_\_\_  
KATHRYN FIGLEY, MAYOR

ATTEST \_\_\_\_\_  
Heather Pierson, City Recorder  
City of Woodburn, Oregon

**City of Woodburn**  
**Recreation and Park Board Minutes**  
February 11, 2014 • 5:30 p.m.



1. **CALL TO ORDER**  
The meeting was called to order at 5:30 p.m.
  
2. **ROLL CALL**

Position I	Ricardo Rodriguez, Member (12/14)	Present (6:05 PM)
Position II	Sofie Velasquez (12/14)	Present
Position III	Joseph Nicoletti, Board Secretary (12/17)	Present
Position IV	Rosetta Wangerin, Board Chair (12/17)	Present
Position V	Chris Lassen, Member (12/17)	Present
Position VI	Ardis Knauf (12/16)	Present
Position VII	Gevin Gregory (12/16)	Present
  
3. **APPROVAL OF MINUTES**  
The minutes from the January 7, 2014 meeting/ workshop were unanimously approved (Lassen/ Gregory)
  
4. **BUSINESS FROM THE AUDIENCE**  
None
  
5. **NEW BUSINESS**  
  

**Park Project Rankings/ Priority**  
The Board discussed the results of their park project ranking exercise following January’s annual workshop.
  
6. **OLD BUSINESS**  
  

**Legion Park Master Plan Update**  
Jim provided an update on the status of the Legion Park Rehabilitation process, followed by a presentation of the draft Legion Park Master Plan. Members of the audience provided feedback on the plan. Comments focused on the importance of an artificial turf soccer field, the need for adequate spectator seating, and a desire for a second basketball court.
  
7. **DIVISION REPORTS FROM DEPARTMENT**
  - a. **AQUATICS**

### **Financial Update**

- YTD (July – January) numbers are looking good!
  - Expenses are down 3%
  - Revenues are up nearly 8%
  - Cost recovery is 49%
- 2<sup>nd</sup> Quarter Attendance increased significantly

### **Program Update**

- Friday is date night movie night
- Added boot camp and personal training
- Repairs/Projects
  - Slide Stairs
  - Painting
  - Fitness Room Floor

### **Marketing Update**

- Working on March Promotion for Fitness Classes (3<sup>rd</sup> year in a row)
- Preparing for two mail campaigns
  - 2 Week Free Trial Members
  - Punch Pass Holders
- Partnered with Signpost to update all web listings (Yelp, MapQuest, Yahoo, etc.) and through Signpost offering 20% off EFT membership for new members

## **b. RECREATION**

### **Youth Sports**

Youth Basketball is well underway – 261 Players this year, 67 more than last year. New flag football league offered in the spring.

### **Community Ed Classes**

Kids in the Kitchen cooking classes have expanded to two classes now instead of one. They are being offered at 4:00 and 6:00pm. Thank you Woodburn Health Center for sponsoring our space at the Harvest Kitchen.

### **B&G Club**

The Teen Center has completed its renovations that include upgrades to the landscaping, furnishings, kitchen, game room space, and technology. A public Open House is scheduled for tomorrow, Feb. 12<sup>th</sup> at noon.

### **Daddy Daughter**

This year's Daddy Daughter Dinner Dance has been postponed due to the weather and will take place next Saturday, February 15<sup>th</sup>. This is one of our signature events and there are over 90 registered. Thank you to Silverton Health for their generous sponsorship of this event.

### **Active Adult**

A variety of trips and tours for 55+ are scheduled including a Valentine's lunch this Friday, overnight to Florence, Oregon later this spring, and others. These trips remain very popular with anywhere from ten to fifty traveling and exploring.

**Train Sign**

We are currently finalizing an interpretive sign that will be installed by the historic 1785 Locomotive.

**Weather**

Last week's snow caused some programs to be cancelled including youth basketball on Saturday and Men's League games on Sunday and Monday.

**c. PARKS & FACILITIES**

None.

**8. FUTURE BOARD BUSINESS**

**9. BOARD COMMENTS**

**10. ADJOURNMENT**

The meeting was adjourned at 7:05 p.m.



# Agenda Item

February 10, 2014

TO: Honorable Mayor and City Council through City Administrator

THRU: Scott Russell, Chief of Police

FROM: Jason R. Alexander, Captain

SUBJECT: **2014 OLCC Renewal**

**RECOMMENDATION:**

The Woodburn City Council recommend to the OLCC to renew the liquor license for the listed businesses for the year of 2014.

**BACKGROUND:**

Annually the police department reviews activities occurring at or in the vicinity of all licensed liquor establishments in Woodburn. Through the established guidelines and procedures, the City Council ensures equitable and consistent treatment of liquor license applications.

The following liquor license applications were reviewed in accordance with police department standards and are recommended for approval:

**Off Premise Sales:**

- |                           |                            |
|---------------------------|----------------------------|
| 7-Eleven                  | A&J Market                 |
| BI-Mart Corp              | C and M Market             |
| Crossroads Grocery & Deli | Del Sol Market             |
| EZ Stop Grocery & Deli    | Woodburn Stop N Go         |
| Harry and David #595      | Young Street Market        |
| La Azteca                 | New Am/PM                  |
| Pipers Jewelry            | Sip Wine and Bistro        |
| Safeway Store #1976       | Carniceria El Ranchito     |
| Su Casa Imports           | Walgreens                  |
| Wal Mart Supercenter      | Woodburn Market            |
| Woodburn Fast Serve INC   | Del Sol Market             |
| Woodburn Mega Foods       | Senior Estates Golf Course |
| Valley Pacific Florist    | Fin De Semana Meat Market  |
| Tienda Mexicana           | Mariscos El Sarandeado     |

Agenda Item Review: City Administrator \_\_\_x\_\_\_ City Attorney \_\_\_x\_\_\_ Finance \_\_\_x\_\_\_

**Full On Premise Sales:**

Chu's Eatery	The Raven Inn
Monte Carlos Sports Bar	Denny's At Woodburn
Eagles Lodge	Elks Lodge
Elmer' Restaurant	Monte Carlos Sports Bar
Los Cabos Mexican Restaurant	Lupita's
Mariscos El Sarandeadado	OGA Members Course
Rumor's Bar and Grill	Vitality at Wellspring
The End Zone	Yun Wah
Casa Marques Mexican Grill	El Tule Taqueria
Legaria's Bar and Grill	Trapala

**Limited On-Premise Sale:**

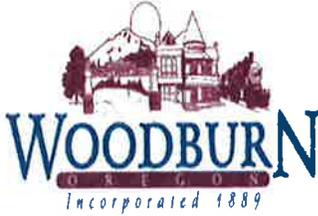
7 Mares Restaurant	Abby's Pizza Inn of Woodburn
El Agave Grill	DEDE's Deli
Los Laureles Taqueria	Mariscos El Sarandeadado
Pizza Hut	Woodburn Lanes
Shari's of Woodburn	Los Laureles Taqueria
Caniceria Y Restaurant La Perla	Sip Wine and Bistro
Cottage Kitchen Senior Estates	

**DISCUSSION:**

The Police Department has completed a background investigation, in connection with the OLCC, on the businesses and found nothing of a questionable nature, which would preclude the renewal of these licenses.

**FINANCIAL IMPACT:**

None.



**Department of Economic  
& Development Services  
Planning Division**

270 Montgomery Street, Woodburn, Oregon 97071 ▪ (503) 982-5246

**CITY COUNCIL STAFF REPORT  
PUBLIC HEARING**

<b>Application Type</b>	Type IV Annexation
<b>Application Number</b>	ANX 2013-01
<b>Project Location</b>	1225 Brown Street, tax lot 051W18C01000
<b>Applicant/Representative</b>	George Snegirev, P.E.
<b>Property Owner</b>	Simon Molodih
<b>Planner Assigned</b>	Don Dolenc, Associate Planner
<b>Application Received</b>	April 18, 2013
<b>120-Day Deadline</b>	The 120-day rule does not apply to annexations.
<b>Date of Staff Report</b>	February 7, 2014
<b>Date of Public Hearing</b>	February 24, 2014

**BACKGROUND AND PROPOSAL**

The applicant requests annexation of a 1.1 acre parcel at the corner of Brown Street and Vine Avenue. The property is designated Low Density Residential on the Comprehensive Plan Map. The subject property is zoned Urban Transition 20 by Marion County. The site is currently vacant. Abutting properties within the City are zoned Residential Single-Family (RS) and are designated Low Density Residential on the Comprehensive Plan Map. No significant trees exist on the site. No wetlands or floodplains exist on the site.

Prior to the Planning Commission’s public hearing, notices were mailed to Marion County, the Woodburn Fire District, the Woodburn School District, and surrounding property owners. A public hearing notice was posted on the property and published in the Woodburn Independent. The Department of Revenue gave preliminary approval for the map and legal description. The Planning Commission held a public hearing on January 9, 2014 and forwarded the case to the Council with a unanimous recommendation of approval.

On January 27, 2014 the Council adopted Resolution 2040, setting February 24, 2014 as the date for the Council’s public hearing. Notices of this hearing were posted in public places and published in the Woodburn Independent.

**RECOMMENDATION** – Direct Staff to prepare an Ordinance annexing the property.

**APPROVAL CRITERIA**

Applicable criteria from the Woodburn Development Ordinance (WDO) are Sections: 1.101, 1.102, 1.103, 2.101, 4.101, 4.102, and 5.104. Additional relevant criteria are the goals and policies of the Woodburn Comprehensive Plan, and the standards of the Transportation System Plan (TSP).

Note: This application was received before adoption of the latest WDO amendments. It is therefore processed under the WDO in effect at the time of application. No substantive amendments were made to the annexation process during the WDO rewrite.



Comprehensive Plan Map showing the subject property



Marion County Zoning Map

## **ANALYSIS AND FINDINGS OF FACT**

### ***General Provisions***

Findings: Per Section 5.104, annexations are Type IV decisions. Per Section WDO 4.101.02.D, the City Council is the decision-maker for Type IV decisions, after receiving a recommendation from the Planning Commission.

Conclusion: The application is correctly filed as a Type IV decision.

### ***WDO 5.104.01 Annexation***

Findings: Section 5.104.01.B requires a pre-application conference with the applicant. The pre-application conference was conducted on October 27, 2013.

Conclusion: The application complies with Section 5.104.01.B.

Findings: Section 5.104.01.C.1 requires compliance with applicable Woodburn Comprehensive Plan goals and policies regarding annexation. The goals and policies of the Comprehensive Plan are discussed later in this report.

Findings: Section 5.104.01.C.2 requires that the territory to be annexed be contiguous to the City and either link to planned public facilities with adequate capacity to serve existing and future development of the property, or guarantee that the present public facilities have adequate capacity to serve existing and future development of the property. The property immediately borders the City limits on two sides. The Public Works Department notes that the existing public facilities have adequate capacity to the property.

Conclusion: The application complies with Section 5.104.01.C.2.

Findings: Section 5.104.01.C.3.a.1 provides the territory to be annexed should be contiguous to the City on two or more sides. The property is contiguous to the City on the north and west sides.

Conclusion: The application complies with Section 5.104.01.C.3.a.1.

Findings: Section 5.104.01.C.3.a.2 provides that the annexation should not increase the inventory of buildable land designated on the Comprehensive Plan as Low or Medium Density Residential within the City to more than a five-year supply. The City has not annexed residential land since 2001. The proposed annexation could be subdivided into five or six single-family lots. Building permit records show that 101 permits for single-family dwellings were issued in the years 2009 through 2013.

Conclusions: The proposed annexation represents less than a four-month supply of residential land at the rate of building that has occurred in Woodburn in the past five years. The application complies with Section 5.104.01.C.3.a.2.

Findings: Section 5.104.01.C.3.a.3 provides that the annexation should reflect the City's goals for directing growth by using public facility capacity that has been funded by the City's capital improvement program. The property abuts the City limits on two sides and would utilize existing streets and utilities.

Conclusion: The application complies with Section 5.104.01.C.3.a.3.

Findings: Section 5.104.01.C.3.a.4 provides that the site should be feasible for development and extend the arterial/collector street pattern. The property is adjacent to existing residential development, is essentially flat, and is serviceable by public utilities. Brown Street is designated as a Service Collector in the Transportation System Plan. Additional right-of-way and improvements would be provided upon development of the property.

Conclusion: The application complies with Section 5.104.01.C.3.a.4.

Findings: Section 5.104.01.C.3.a.5 provides that the annexation should fulfill a substantial unmet community need that has been identified by the City Council after a public hearing – such as park space and conservation of significant natural or historic resources. The annexation would address the need for additional residential land within the City. The last annexation of residential land occurred in 2001.

Conclusion: The application may comply with Section 5.104.01.C.3.a.5.

Findings: Section 5.104.01.D.1 provides that an annexation may be initiated by petition based on the written consent of one hundred percent of the owners and fifty percent of the electors within the territory proposed to be annexed. The annexation petition has been certified to be signed by one hundred percent of the owners. The property is vacant and there are no resident electors.

Conclusion: The application complies with Section 5.104.01.D.1.

Findings: Section 5.104.01.E provides that an annexation shall be designated consistent with the Woodburn Comprehensive Plan, unless an application to re-designate the property is approved as part of the annexation process. The property is designated Low Density Residential on the Comprehensive Plan Map. The petitioner has not requested that either the Comprehensive Plan Map or the Zoning Map be amended.

Conclusion: The property would be zoned Residential Single-Family (RS) upon annexation, in accordance with Section 5.104.01.E.

Note: Compliance with Sections 2.102 (Single-Family Residential Zone), 3.101 (Street Standards), 3.102 (Utilities and Easements), 3.103 (Setback, Open Space and Lot Standards), 3.104 (Access), 3.105 (Off-Street Parking and Loading), 3.106 (Landscaping), 3.107 (Architectural Design), and 3.108 (Partition and Subdivision Standards) is not germane to the annexation, and will be required when the property is developed.

### ***Woodburn Comprehensive Plan***

The annexation goals and policies of the Comprehensive Plan guide the shape and geographic area of the City within the urban growth boundary, so that the City limits define a compact service area for the City, reflect a cohesive land area that is all contained within the City, and provide the opportunity for growth in keeping with the City's goals and capacity to serve urban development.

Findings: OAR 660-014-0070 requires that the annexation comply with all appropriate statewide planning goals, unless the acknowledged comprehensive plan controls the annexation. Woodburn's Comprehensive Plan controls the requested annexation.

Conclusion: The proposed annexation complies with OAR 660-014-0070.

Findings: Policy G-2.1 requires an assessment of the proposed annexation's conformance with the City's plans, facility capacity, and impact on the community. This report and the agency comments provide the required assessment.

Conclusion: The proposed annexation complies with Comprehensive Plan policy G-2.1.

Findings: Policy G-2.2 states that Woodburn will achieve more efficient utilization of land by incorporating all of the territory within the City limits that will be of benefit to the City, providing for the urban infill of vacant and underutilized property, fostering an efficient pattern of urban development in the City, maximizing the use of existing City facilities and services, and balancing the costs of City services among all benefited residents and development. The property abuts the City limits on two sides and would utilize existing streets and utilities.

Conclusions: The proposed annexation maximizes the efficient use of existing City facilities and services, and is similar to infill development of vacant land. The proposed annexation complies with Comprehensive Plan policy G-2.2.

Findings: Policy G-2.3 states that Woodburn will use annexation as a tool to guide the direction, shape and pattern of urban development, smooth transitions in the physical identity and the development pattern of the community, and promote the efficient use and extension of City facilities and services. The proposed annexation would utilize existing streets and utilities, and would not require the extension of City facilities and services.

Conclusion: The proposed annexation complies with Comprehensive Plan policy G-2.3.

**OVERALL CONCLUSION**

The proposed annexation meets the requirements of the Woodburn Development Ordinance.

**STAFF RECOMMENDATION**

Direct Staff to prepare an Ordinance annexing the property.

*Exhibits*

- Exhibit "A"**            Applicant's narrative, dated December 6, 2013
- Exhibit "B"**            Draft Planning Commission minutes of January 9, 2014

# Request for Annexation of 1225 Brown Street

TS5R1W 18C 001000

## Applicant

Simon Molodih  
9801 Wagon Rd.NE  
Mount Angel, OR 97362  
503-873-5542

*Home*

*Cell 503-970-6376*

## Owner

Simon Molodih  
9801 Wagon Rd.NE  
Mount Angel, OR 97362  
503-873-5542

*Home*

*Cell 503-970-6376*

☆ REC'D ☆

DEC 06 2013

WOODBURN COMMUNITY  
DEVELOPMENT DEPT.

Exhibit "A"

1) Property Description

*The property to be annexed into the City is addressed at 1225 Brown Street, Woodburn OR 97071. It has a Gross area of 1.06 acres, and the legal description is Tax Lot 1000, Tax Map TS5R1W18C. It is located at the southwest corner of Vine and Brown, at the southern most edge of the City south of the 214, and west of 99E. The property is level, and devoid of any particular characteristics. Vine Street is newly improved with City services, and runs along the north line of the property. The development of lots, and homes will be from Vine Avenue. And public utilities will be supplied from the same.*

2) Intent.

*Upon annexation of the property it is the applicants intend to proceed with a residential subdivision consisting of single family detached homes*

3) Articles of Submittal

*The required submittals as noted in the application packet for the City of Woodburn are itemized as follows: Petition for a Consent Annexation and Waiver of Time Limit; Legal description in a form certifiable by the State Department of Revenue according to ORS 308.225; Certification of Property Ownership of 100% of Land Area; Certification of Legal Description and Map; Certification of Registered Voters; Application for concurrent Comprehensive Plan Map Amendment and Zoning Map Change requests. These items are all included in this application as Exhibits at the back of the package, and referred to as applicable within the narrative its self.*

4) Narrative

**Narrative demonstrating compliance with the criteria of the Woodburn Development Ordinance**

a. Territory to be annexed shall be contiguous to the City of Woodburn and shall either:

- i. Link to master plan public facilities with adequate capacity to serve development of the uses and densities indicated by the Woodburn Comprehensive Plan; or
- ii. Guarantee the facility linkages with adequate capacity, financed by the applicant.

*Comment: The existing City Boundary runs adjacent to the North, and East boundaries of the parcel to be annexed. Public facilities to serve any proposed development of the property are located in Vine Street. The applicant understands that City Services such as the Police, and Fire Department will need to sign off on adequacy of services.*

b. Annexations shall show a demonstrated community need for additional territory and development based on the following considerations:

- i. Lands designated for residential and community uses should demonstrate substantial conformance to: (a), (b), and (f) and at least one of (c), (d), or (e), as stated below.

*Comment: The proposed annexation meets the requirements of subsections a,b,f, and c.*

(a) Infill. The territory to be annexed should be contiguous to the City on two or more sides;

*Comment: The property is contiguous to the City along its north and east borders at Brown and Vine Street.*

(b) Residential Buildable Land Inventory. The territory to be annexed should not increase the inventory of buildable land designated on the Comprehensive Plan as Low or High Density Residential within the City to more than a 5-year supply;

*Comment: The proposed property will marginally increase the City's inventory of buildable land, but to a level well below the necessary 5-year forecast. No residential land has been annexed into the City for 13 years.*

(c) Street Connectivity. It is feasible for development of the site to either:

(i) Complete or extend of the arterial/collector street pattern as depicted on the Woodburn Transportation System Plan; or

(ii) Connect existing stub streets, or other discontinuous streets, with another public street.

*Comment: The parcel will have frontage, and therefore direct connection to both Vine Avenue, and Brown Street.*

(f) Local Employment. The proposed use of the territory to be annexed shall be for industrial or other uses providing employment opportunities;

*Comment: The annexation of residential land brings in employment opportunities for a variety of skilled workmen associated with the development of the property, and the construction of the homes. New homes also tend to bring the purchases of appliances, furniture, and decorating etc associated with new homes.*

- 5) The applicant has submitted A copy of the latest recorded deed(s) for the subject property as Exhibit 5
- 6) The property to be annexed contains 1.06 acres. The applicant has therefore submitted a **Filing Fee** of \$3,418.00

7) A list of Exhibits

Exhibit 1) FILLED APPLICATION FOR CONCURRENT COMP PLAN & ZONE MAP CHANGE

**WOODBURN PLANNING COMMISSION PUBLIC  
HEARING/MEETING MINUTES  
January 9, 2014**

**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:**

<b>Chair</b>	<b>Lima</b>	<b>Present</b>
<b>Vice-Chair</b>	<b>Piper</b>	<b>Present</b>
<b>Commissioner</b>	<b>Grigorieff</b>	<b>Absent</b>
<b>Commissioner</b>	<b>Valladares</b>	<b>Absent</b>
<b>Commissioner</b>	<b>Comer</b>	<b>Present</b>
<b>Commissioner</b>	<b>Corning</b>	<b>Present</b>
<b>Commissioner</b>	<b>Carney</b>	<b>Present</b>

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

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

**Minutes**

The December 12, 2013 minutes were unanimously approved.

**Business from the Audience**

Economic and Development Services Jim Hendryx formally introduced Frank Comer, the newest Planning Commission member.

**Communication**

**Public Hearing**

**ANX 2013-01, 1125 Brown Street** – The applicant requests annexation of a 1.1 acre parcel at the corner of Brown Street and Vine Avenue. The property is designated Low Density Residential on the Comprehensive Plan Map. The subject property is zoned Urban Transition 20 by Marion County. The site is currently vacant. Abutting properties within the City are zoned Residential Single-Family (RS) and are designated Low Density Residential on the Comprehensive Plan Map. The property will be zoned Residential Single Family (RS). The petition will include the abutting portion of Brown Street. All of the lots at Boones Crossing both been developed since this petition was submitted. Brown Street and Vine Avenue both have water and sewer service, and Public Works states that all public services have adequate capacity to accommodate the expected development of five to six single-family dwellings. The City has not annexed residential land since 2001. The proposed annexation meets the

requirements of the Woodburn Development Ordinance (WDO) and the Comprehensive Plan. The Planning Division recommends approval.

The developer will be required to make improvements to Brown Street, since it is currently a county road, rather than a City of Woodburn street. Street dedication improvement is triggered by the eventual subdivision itself, not the proposed annexation.

**Audience Discussion:**

Simon Molodih, applicant, 9801 Wagon Road NE, Mt. Angel 97362, stated that he was satisfied with the staff report as presented. He plans to build a number of single family residences over a three year period.

**Commissioner Discussion:**

None of the Commissioners voiced any concern over the proposed annexation. Vice-Chair Piper made a motion that the Commission approve ANX 2013-01. Commissioner Corning seconded the motion, and the motion was unanimously approved.

**Items for Action:**

Elections for Planning Commission offices are traditionally done at this time of year. Director Hendryx stated that the elections will be held at the next meeting, the date still to be determined.

**Business from the Commission:**

None

**Adjournment**

Commissioner Comer made a motion that the meeting be adjourned, and Commissioner Piper seconded it. The meeting was adjourned at 7:30pm.

APPROVED \_\_\_\_\_

Claudio Lima, Chair

\_\_\_\_\_ Date

ATTEST \_\_\_\_\_

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

\_\_\_\_\_ Date



# Agenda Item

February 24, 2014

TO: Honorable Mayor and City Council  
FROM: Scott Derickson, City Administrator  
N. Robert Shields, City Attorney  
SUBJECT: **Medical Marijuana Facility Regulations**

## **RECOMMENDATION:**

It is recommended that the City Council consider the attached ordinance creating a temporary prohibition on medical marijuana dispensaries and asking that the planning commission recommend appropriate zones and conditional permit requirements for the siting of medical marijuana dispensaries within the city limits of Woodburn consistent with state law. The Woodburn Development Ordinance currently does not address medical marijuana dispensaries.

## **BACKGROUND:**

On August 14, 2013 the Governor signed HB 3460 (providing for medical marijuana dispensaries) into law. The provisions of the law that authorize the Oregon Health Authority to register medical marijuana facilities under its administrative rules do not go into effect until March 1, 2014.

HB 3460 will allow medical marijuana dispensaries to be sited under certain restrictions in commercial and agricultural zones and directs the Oregon Health Authority to develop rules to regulate such dispensaries. The law provides little direction to local governments on how to effectively manage community expectations for safety, security, and livability with the opening of these dispensaries.

Community concerns regarding such dispensaries in other states have included their proximity to other businesses and services that could be fundamentally at odds with the dispensaries including such things as; child care/playgrounds, religious facilities, drug/alcohol treatment centers, existing high drug/crime areas, civic services, etc. The statute only restricts their placement within 1,000 feet of a school or another dispensary.

The legal landscape has been clouded further by the 2014 Oregon Legislature's consideration of SB 1531, which at the time of this staff report had been amended to allow local governments to regulate but not ban medical marijuana dispensaries (see attached Newspaper article)

During just the last few weeks a number of Oregon cities have adopted ordinances either: (1) banning medical marijuana dispensaries through the business license process because they are illegal under federal law or (2) initiated the consideration of zoning regulations with a 120 day period where medical marijuana dispensaries are temporarily prohibited.

The following cities have acted to ban medical marijuana dispensaries through their business license process as being inconsistent with federal law:

- Medford
- Gresham
- Fairview
- Tualatin
- Beaverton
- Wilsonville
- Oregon City
- Stayton

The following cities have initiated the consideration of zoning regulations to be completed during a 120 day period where medical marijuana dispensaries are temporarily prohibited:

- Cornelius
- Hillsboro
- Sherwood

**DISCUSSION:**

If the City Council wants to adopt an ordinance addressing this issue, staff recommends a zoning approach. As mentioned above, at the time of this staff report, the Oregon legislature continues to consider SB 1531, which would allow cities to regulate dispensaries but not ban them. If a zoning approach is taken, it is more defensible than a ban, if the City Council's authority to act is legally contested.

Because of the time sensitivity of this issue, the proposed ordinance contains an emergency clause.

**FINANCIAL IMPACT:**

None.



## Medical marijuana in Oregon: Senate Bill 1531 amended to allow cities to regulate, but not ban dispensaries

pot.JPG

The Senate Judiciary Committee is expected to take up the amended SB 1531 on Thursday. (*The Associated Press*)

**Noelle Crombie | [ncrombie@oregonian.com](mailto:ncrombie@oregonian.com) By Noelle Crombie | [ncrombie@oregonian.com](mailto:ncrombie@oregonian.com)**

**Email the author | Follow on Twitter**

on February 12, 2014 at 12:38 PM, updated February 12, 2014 at 12:43 PM

The **Senate Judiciary Committee** on Thursday is expected to vote on an amended bill that now would allow local governments to regulate but not ban medical marijuana dispensaries.

**Senate Bill 1531**, if approved by lawmakers, raises questions about the legal status of dispensary bans **already passed in a handful of Oregon communities**. It sets the stage for a court battle between medical marijuana retailers and the growing number of local governments that don't want them.

"It will drive all these cities and counties into court," Rob Bovett, legal counsel for the Association of Oregon Counties, said Wednesday. The association pushed for legislation that would allow local communities to ban the establishments.

The statewide debate over medical marijuana retail outlets comes weeks before the Oregon Health Authority begins registering medical marijuana facilities. Though the state is home to a flourishing medical marijuana industry, these businesses have operated largely without oversight by the state.

A new law, approved last year, authorized the health authority to create a registry of medical marijuana retailers and to craft rules for how they should operate. The rules require the owners of these establishments to undergo background checks and spell out security and marijuana testing requirements.

Many communities, including Medford and several in Washington County, have balked at the new law. Some have changed their business license rules to exclude businesses that violate federal law. Marijuana, though legal for medical use in Oregon, remains prohibited under federal law. Other communities, adopting a wait-and-see approach, are considering temporary moratoriums.

Leland Berger, a Portland attorney who advises medical marijuana businesses, said local resistance to dispensaries is rooted in "prejudice and bigotry." Berger represents a medical marijuana outlet whose business license was revoked by Medford city officials. The business, Mary Jane's Attic and Mary Jane's Basement, continues to operate while the revocation is appealed to the city council.

"They just don't like our kind," Berger said. "It really at the end of the day is bigotry."

The issue of local control over medical marijuana outlets has played out nationally in states with medical cannabis programs. More than 50 local governments in California have established their own medical marijuana ordinances, the result of lax state regulation, said Kris Hermes, a spokesman for the Americans for Safe Access, an advocacy group for medical marijuana patients.

The California Supreme Court last year ruled that local governments have a right to outlaw the establishments, which have spread across the state since medical marijuana was approved in 1996. More than 200 local governments ban dispensaries, Hermes said.

In Oregon, the League of Oregon Cities and the Association of Oregon Counties advocated for a bill that would allow local governments to regulate, restrict or ban the establishments.

The Association of Oregon Counties also proposed a pair of amendments, including one that would prohibit dispensaries in 1,000 feet of a preschool and would allow state regulation of marijuana-infused products that, according to an association memo, are "attractive to kids."

The dispensary law says dispensaries may not be located within 1,000 feet of a school, but does not specify preschools. Neither of those proposals is expected to move forward.

Sen. Floyd Prozanski, D-Eugene, late Tuesday amended Senate Bill 1531 to allow local governments to regulate the time, place and manner in which medical marijuana retailers can operate – something local leaders already thought they could do under the original dispensary law. Prozanski's proposal does not allow cities to ban dispensaries.

The original proposal, said Prozanski, would have given local governments unprecedented authority over the distribution of a substance that Oregonians view as medicine. Local governments don't regulate how pharmacies and prescription drugs are dispensed; medical marijuana is no different, he said.

"Cities and counties have never had that authority to preempt a medicine that is authorized within the state," he said.

He said local governments should have authority over matters like zoning and business hours.

"When you look at the location of liquor stores, smoke shops and strip clubs – all of those are ones that counties and cities have the ability to go through their regulatory process," he said.

Two opinions from the Office of Legislative Counsel, the agency that provides legal advice to lawmakers, have concluded that only the state, not local governments, can regulate medical marijuana dispensaries.

An opinion issued last fall and signed by Charles D. Taylor, senior deputy legislative counsel, concluded that the dispensary law, House Bill 3460, "preempts most municipal laws specifically targeting medical marijuana facilities."

"We conclude that while a municipality may not be required to violate federal law to comply with a conflicting state law, a municipality may not act contrary to state law merely because the municipality believes that the action will better carry out the purposes and objectives of federal law," Taylor wrote.

The opinion was based in part on a new state law restricting genetically modified agriculture. The law, which wasn't aimed at cannabis production and sales, prohibits local governments from regulating commercial plant seeds and products. Supporters of the so-called GMO bill, which legal experts say unintentionally applies to cannabis, sought to prevent local governments from imposing their own rules on genetically modified crops.

Prozanski, who is hoping to refer a recreational marijuana proposal to voters, said he expects local governments to be able to ban recreational cannabis outlets if voters approve legalization.

Prozanski expects the Senate Judiciary Committee to vote on the amended bill Thursday. If approved, it is expected to head to the Senate floor next week.

-- Noelle Crombie

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**COUNCIL BILL NO. 2947**

**ORDINANCE NO. 2514**

**AN ORDINANCE TEMPORARILY PROHIBITING THE LOCATION OF MEDICAL MARIJUANA FACILITIES WITHIN THE CITY OF WOODBURN AND DECLARING AN EMERGENCY**

**WHEREAS**, in the 2013 Special Session, the Oregon Legislature approved House Bill 3460 which creates a medical marijuana registration system and allows for medical marijuana facilities to be located in areas zoned for commercial, industrial, or mixed use; and

**WHEREAS**, House Bill 3460 also includes specific restrictions on the location of medical marijuana facilities related to proximity to schools attended by minors and to other medical marijuana facilities; and

**WHEREAS**, this use and these restrictions are not currently included in the Woodburn Development Ordinance "the WDO"; and

**WHEREAS**, the City has received inquiries regarding siting of medical marijuana facilities in commercial and industrial zones within the City; and

**WHEREAS**, the Woodburn City Council believes that siting medical marijuana facilities within the City absent zoning regulations endangers the health, peace, and welfare of the City of Woodburn; and

**WHEREAS**, the adoption of this ordinance will allow the City the necessary time to complete amendments to the WDO to add zoning regulations for medical marijuana facilities, a process expected to take up to four months; **NOW, THEREFORE**,

**THE CITY OF WOODBURN ORDAINS AS FOLLOWS:**

**Section 1.** Effective immediately no person shall site a medical marijuana facility (as described in House Bill 3460 of the 2013 Oregon Special Legislative Session) within the city limits of Woodburn.

**Section 2.** The prohibition on siting of medical marijuana facilities shall be in effect for one hundred twenty (120) days from the effective date of this Ordinance, or until the effective date of an adopted amendment to the WDO establishing zoning regulations for such facilities, whichever occurs first.

**Section 3.** Pursuant to Section 401.02 E, the Woodburn City Council initiates an amendment to the WDO to establish appropriate zoning regulations for medical marijuana facilities.

**Section 4.** This ordinance being necessary for the immediate preservation of the public peace, health and safety since in order for the City to initiate any municipal controls over medical marijuana facilities this ordinance must take effect before the state regulations are effective on March 1, 2014, 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

February 24, 2014

TO: Honorable Mayor and City Council

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

SUBJECT: **Ordinance Review/Revision Project**  
**Ordinance 1762 (Mobile Home Permits)**

## **RECOMMENDATION:**

Repeal Ordinance 1762 (Mobile Home Permits).

## **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, as time permits.

As you may recall, the initial phase of this project involved an administrative/legal review. Based on this review, recommendations were then made to the City Council for immediate repeal or basic revisions to certain ordinances. The next phase of the project, which we are now beginning, involves recommendations to the City Council made after the departments involved in the enforcement and administration of a particular ordinance have had the opportunity to weigh in and offer their operational input.

## **DISCUSSION:**

### Nature of the Ordinance

Ordinance 1762 (copy attached) provides authority, under state law, for the City to inspect and approve the installation of mobile homes. When this ordinance was first adopted by the City Council it was an important step in localizing the City building program by assuming legal responsibilities that would otherwise have been the responsibility of the State of Oregon.

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Agenda Item Review: City Administrator \_\_\_x\_\_\_ City Attorney \_\_\_x\_\_\_ Finance \_\_\_x\_\_\_

Involved Departments

Economic and Development Services and the City Building Official were asked to provide their input on Ordinance 1762. The consensus was that while the continued existence of Ordinance 1762 is not harmful, this ordinance has become unnecessary because it was replaced by the comprehensive building code ordinance - Ordinance 2415 (copy attached).

Specifically, the Building Official pointed out that Section 2 H of Ordinance 2415 makes Ordinance 1762 unnecessary. Accordingly, staff is recommending that Ordinance 1762 (Mobile Home Permits) be repealed by the City Council.

**FINANCIAL IMPACT:**

None.

Attachments:

Ordinance 1762  
Ordinance 2415

COUNCIL BILL NO. 649

ORDINANCE NO. 1762

AN ORDINANCE PROVIDING FOR INSPECTION AND ISSUANCE OF PERMITS FOR MOBILE HOME INSTALLATION AND DECLARING AN EMERGENCY.

WHEREAS, State law provides for the take-over by cities of the duties of the Director of Commerce as regards the inspector of the installation of mobile homes, now, therefore,

THE PEOPLE OF THE CITY OF WOODBURN DO ORDAIN:

Section 1. Under authority of ORS 446.250, the City of Woodburn shall cause inspections to be made, approve plans and specifications, provide technical services and issue permits for installation of mobile homes and mobile home accessory buildings and structures on a lot.

Section 2. The City of Woodburn shall collect, retain and have use of any fees required by state law to be paid in connection with the inspections listed in Section 1.

Section 3. 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 as to form: Jeffrey J. Blight August 6, 1981  
City Attorney Date

APPROVED: E. Walter Lawson  
E. WALTER LAWSON, MAYOR

August 10, 1981

August 11, 1981

August 12, 1981

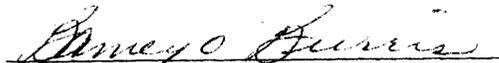
August 12, 1981

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

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

I, BARNEY O. BURRIS, Recorder of the City of Woodburn, do hereby certify that I caused to be posted three copies of Ordinance No. 1762, on of which said copies posted in the City Hall on the bulletin board opposite the entrance to the Recorder's Office, in full view of the traveling public: a second one of said copies posted on the Woodburn Public Library bulletin board at 280 Garfield Street, in full view of the traveling public: a third one of said copies posted on the Community Center bulletin board at 491 N. Third St., places are public places within the corporate limits of the City of Woodburn and all of said copies were posted on the

14th day of August 1981.

  
Barney O. Burris, Recorder  
City of Woodburn, Oregon

COUNCIL BILL NO. 2650

ORDINANCE NO. 2415

**AN ORDINANCE ADOPTING CERTAIN STATE SPECIALTY CODES; SETTING FORTH THE POWERS AND DUTIES OF THE BUILDING OFFICIAL; PROVIDING FOR PROCEDURES AND FEES; ESTABLISHING PENALTY PROVISIONS; REPEALING ORDINANCE 2293 AND DECLARING AN EMERGENCY.**

**WHEREAS**, the State of Oregon regularly adopts certain specialty codes; and

**WHEREAS**, the City has established a building inspection program under state statutes and the administrative rules of the State Building Codes Division; and

**WHEREAS**, under the authority of ORS 455.150, the City of Woodburn administers those specialty codes and building requirements adopted by the state which the City of Woodburn is granted authority to administer; and

**WHEREAS**, it is necessary for the City to periodically adopt the most recent additions of the state specialty codes so that they can be enforced and administered within the corporate limits of the City; **NOW, THEREFORE,**

**THE CITY OF WOODBURN ORDAINS AS FOLLOWS:**

**Section 1. Definitions.** For the purpose of this Ordinance, the following terms shall mean:

- A. Building Official - means the City of Woodburn Building Official who is responsible for building inspections and with the administration and enforcement of this ordinance.
- B. State Building Code - or "the code" means the combined specialty codes adopted by this ordinance.

**Section 2. State Codes Adopted.** The following codes, standards and rules are adopted and are by this reference incorporated herein and shall be in force and effect within the corporate boundaries of the City of Woodburn:

A. The Oregon Structural Specialty Code, as adopted by the State of Oregon, including the following administrative provisions:

1. Section 104.2 (Applications and permits).
2. Section 104.4 (Inspections).
3. Section 104.7 (Liability).
4. Section 104.8 (Approved materials and equipment).
5. Section 104.9 (Modifications).
6. Section 104.10 (Alternate materials, design and methods of construction and equipment).
7. Section 104.11 (Requests for rulings).
8. Section 105.3.2. (Time limit of application). "An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extensions of time for an additional period not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated."

B. The Oregon Mechanical Specialty Code, as adopted by the State of Oregon, including the following administrative provision:

1. Section 106.4.3. (Time limit of application). "An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extensions of time for an additional period not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated."

C. The Oregon Residential Specialty Code, as adopted by the State of Oregon, including the following administrative and automatic fire sprinkler system provisions:

1. Section 105.3.2 (Time limit of application). "An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good

faith or a permit has been issued; except that the building official is authorized to grant one extension of time for an additional period not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated."

2. Sections AN109.4.2 through AN109.4.3 (Fire sprinkler system requirements).

3. Section AN109.4.3 (Definition: Substantially altered or damaged). "The valuation to repair or alter the building or structure exceeds 60 percent of the value of that portion of the building or structure as defined in the building code and determined by the Building Official."

D. The Oregon Plumbing Specialty Code as adopted by the State of Oregon.

E. The Electrical Safety Law as contained in ORS 479.510 to 479.995.

F. The Oregon Fire Code Amendments, as adopted by the State of Oregon;

G. Manufactured structure installation requirements under ORS 446.155, 446.185 (1) and 446.230;

H. Manufactured dwelling park and mobile home park requirements under ORS Chapter 446;

I. Park and camp program requirements under ORS 455.680;

J. Tourist facility requirements under ORS 446.310 to 446.350;

K. Manufactured dwelling alterations under ORS 446.155; and

L. Manufactured structure accessory buildings and structures under ORS 446.253.

**Section 3. Powers and Duties of the Building Official.** The Building Department shall be under the administrative and operational control of the building official. The building official shall have the power to render written and oral interpretations of the code and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of the code. The building official is authorized to enforce all the provisions of the code.

**Section 4. Right of Entry.** When it is necessary to make an inspection to enforce the state building code, or when the building official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of the code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by the code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

**Section 5. Stop Work Orders.** Whenever any work is being done contrary to the provisions of the code, or other pertinent laws or ordinances implemented through the enforcement of the code, the building official may order the work stopped by notice in writing served on any person(s) engaged in the doing or causing such work to be done. Such person(s) shall forthwith stop such work until specifically authorized by the building official to proceed with the work. Notwithstanding the other remedies, if the building official determines that any building under construction, mechanical work, electrical work, or plumbing work on any building or structure poses an immediate threat to the public health, safety or welfare, the building official may order the work halted and the building or structure vacated pending further action by the city and its legal counsel.

**Section 6. Authority to Disconnect Utilities in Emergencies.** The building official or the building official's authorized representative shall have the authority to disconnect fuel-gas utility service, or energy supplies to a building, structure, premises or equipment regulated by the code in case of emergency when necessary to eliminate an immediate hazard to life or property. The building official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection immediately thereafter.

**Section 7. Connection After Order to Disconnect.** Persons shall not make connections from an energy, fuel or power supply nor supply energy or fuel to any equipment regulated by the code which has been disconnected or ordered to be disconnected by the building official, or the use of which has been ordered to be discontinued by the building official, until the building official authorizes the reconnecting and use of such equipment.

**Section 8. Occupancy Violations.** Whenever any building or structure or equipment is being used contrary to the provisions of the code, the building official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of the code.

**Section 9. Appeals Process.** When there is an appeal of a staff interpretation of the code during plan review or inspection, the aggrieved persons shall be notified of the provisions of ORS 455.475 and the following procedures:

A. Plan Review. In an informal appeal of a plans examiner's decision, the plans examiner shall refer the request and any related information to the building official who, in consultation with appropriate technical staff, shall review the request and make a final determination in writing to the applicant within 15 days.

In an informal appeal of the building official's decision, the request shall be forwarded to the State of Oregon, Building Codes Division staff person responsible for interpretations. Formal appeals shall be forwarded to the appropriate state board at the Building Codes Division for final action. The appeal shall be sent to the Department of Consumer Business Services, Building Codes Division accompanied by the required fee, a completed appeal form of the department, and justification for the request along with any supporting information. (ORS 455.690)

B. Inspection. When there is an appeal of a field inspector's interpretation of a particular code, the following process shall be used:

1. The field inspector shall refer the customer and related information to the building official. The building official, in consultation with appropriate technical staff, shall review the request and make a final decision in writing to the customer within 15 days.

2. Formal appeals of the building official shall be forwarded to the appropriate state board for final action. The appeals shall be sent to the Department of Consumer Business Services, accompanied by the required fee, a completed appeal form of the department, and justification for the request along with any supporting information. (ORS 455.690)

3. In accordance with ORS 455.690, any person aggrieved by a final decision may, within 30 days after the date of the decision, appeal to the appropriate state advisory board as listed below:

- Structural Code - Building Codes Structures Board
- Mechanical Code - Mechanical Board
- Residential Code - Residential Structures Board
- Plumbing Code – Oregon State Plumbing Board
- Electrical Code – Electrical & Elevator Board
- Manufactured Home Installation Standard - Manufactured Structures & Parks Board.
- Park & Camp Rules - Manufactured Structures & Parks Board

C. Appeals of Board Decisions. Judicial review of the decision of advisory boards shall be available as provided in Oregon Revised Statutes Chapter 183.

**Section 10. Permits Not Transferable.** A permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder.

**Section 11. Suspension/Revocation.** The building official may, in writing, suspend or revoke a permit issued under the provisions of the state building code whenever the permit is issued in error or on the bases of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of the code.

**Section 12. Inspections.** It shall be the duty of the permit holder or his agent to request all necessary inspections in a timely manner, provide access to the site, and provide all necessary equipment as determined by the building official. The permit holder shall not proceed with the building construction until authorized by the building official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permit holder to remove or replace any material required for proper inspection shall be the responsibility of the permit holder or his agent.

**Section 13. Fees.**

A. Fees for permits, inspections, plan checks, site plan review, copy costs, and such other fees that the City Council deems reasonable in order to administer this ordinance shall be set by ordinance or resolution.

B. The building official may authorize the refunding of fees paid in accordance with the refund policy in effect.

C. The determination of value or valuation under any provisions of the state building code shall be made by the building official. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent or attached equipment.

**Section 14. Savings Clause.** If any section, paragraph, subdivision, clause, sentence, or provisions of the ordinance shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the ordinance.

**Section 15. Violation-Penalty-Remedies.**

A. No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, occupy or maintain a building or structure in the city, or cause the same to be done contrary to or in violation of this ordinance.

B. No person shall install, alter, replace, improve, convert, equip or maintain any mechanical equipment or system in the city, or cause the same to be done contrary to or in violation of this ordinance.

C. No person shall install, alter, replace, improve, convert, equip or maintain any plumbing or drainage piping work or any fixture or water heating or treating equipment in the city, or cause the same to be done contrary to or in violation of this ordinance.

D. No person shall install, alter, replace, improve, convert, equip or maintain any electrical equipment or system in the city, or cause the same to be done contrary to or in violation of this ordinance.

E. Each violation of a provision of this chapter constitutes a Class 1 civil infraction and shall be processed in accordance with the procedures set forth in the civil infractions ordinance.

F. Each day that a violation of a provision of this chapter exists constitutes a separate violation.

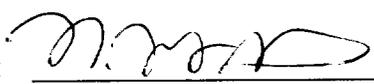
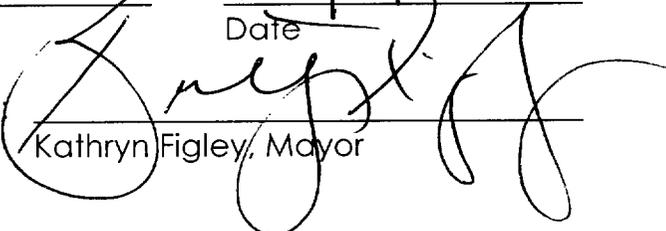
G. Notwithstanding the other remedies in this chapter, if the building official determines that any building under construction, mechanical work,

electrical work, or plumbing work on any building or any structure poses an immediate threat to the public health, safety or welfare, the building official may order the work halted and the building or structure vacated pending further action by the city and its legal counsel.

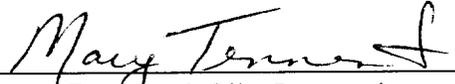
H. The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available under city ordinance or state statute.

**Section 16. Repeal.** Ordinance No. 2293 is hereby repealed.

**Section 17. Emergency Clause.** This ordinance being necessary for the immediate preservation for the public peace, health, and safety so that the current state codes can be applied 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:  12/6/2006  
City Attorney Date  
Approved:   
Kathryn Figley, Mayor

Passed by the Council December 11, 2006  
Submitted to the Mayor December 13, 2006  
Approved by the Mayor December 13, 2006  
Filed in the Office of the Recorder December 13, 2006

ATTEST:   
Mary Tennant City Recorder  
City of Woodburn, Oregon

**SECTION 104  
DUTIES AND POWERS OF BUILDING OFFICIAL**

Note: Unless amended by a municipality under authority of ORS 455.020, Sections 104.1, 104.3 and 104.6 apply.

**104.1 General.** The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**104.2 Applications and permits.** The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

**104.3 Notices and orders.** The building official shall issue all necessary notices or orders to ensure compliance with this code.

**104.4 Inspections.** The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**104.5 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first

make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

**104.6 Department records.** One set of approved plans, specifications and computations shall be retained by the building official for a period of not less than that dictated by OAR 166-300 et al for the jurisdictions where the State of Oregon has jurisdiction, OAR 166-200 et al where a city has jurisdiction and OAR 166-107 et al where a county has jurisdiction. One set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

Section 104.7 is not adopted by the State of Oregon. See ORS 30.265.

**104.7 Liability.** The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**104.8 Approved materials and equipment.** Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

**104.8.1 Used materials and equipment.** The use of used materials which meet the requirements of this code for new materials is permitted.

**104.9 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

**104.10 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

**104.10.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

**104.10.2 Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

**104.11 Request for ruling.** ORS 455.060 provides for state rulings on acceptable materials, designs and methods of construction. When a ruling has been issued, ORS 455.060(4) applies.

**"Attachment A"**



1776 Newberg Hwy  
Woodburn, OR 97071  
Bus. Office 503-982-2360  
Fax 503-981-5004

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September 15, 2006

To: Honorable Mayor and City Council  
From: Paul Iverson Woodburn Fire District   
Subject: Adoption of Multi-family sprinkler requirements

The Woodburn Fire District is requesting that the City adopt the fire sprinkler requirements found in Appendix Chapter AN109.4.2 through AN109.4.3 for multi-family buildings. The fire sprinkler requirements would mandate a fire sprinkler system in all apartment buildings over one story in size and in one-story apartment buildings with more than 16 attached dwelling units. The fire sprinkler system retrofit provisions would require sprinkler systems to be installed in apartment buildings when more than 50 percent of the dwelling units have over 60 percent of their value altered or damaged.

History has taught us that it is not possible to entirely eliminate catastrophic fires in multi-family structures; with sprinklers it is however possible to limit their severity. On June 28, 1996, a fire at the Oakwood Park apartments in Aloha took the lives of three adults and five children, 24 days later less than a mile away a second apartment fire took the lives of a young couple and a toddler. On October 21, 2004 a fire in the Haysville apartments took the life of two adults and one child. All are examples of tragic fires in multi-family housing.

Woodburn has been lucky not to have had any multi-family structure related fatalities, despite the fact that we have not been exempt from fires in these structures. On August 8, 2000 the Grant Street apartment fire destroyed 12 units. On September 9, 2001 the Young Street Apartments burned displacing 80 adults and 20 children.

In early 2001, the city adopted the sprinkler appendix to the building code, requiring that structures with significant damage must install sprinklers when they are rebuilt. Due to this provision, the Young Street apartments had sprinklers installed during the rebuilding phase. On November 11, 2004 there was an unattended cooking fire in the Young Street Apartments. This time the sprinklers activated and extinguished the fire. Only two families were displaced temporarily during the water removal.

The 2001 ordinance expired when the state adopted the 2003 Oregon Structural Specialty Code in 2004. The new ordinance is simply an updated version of the expired ordinance. Adoption of the multi-family fire sprinkler system requirements is an effective way to provide life safety to Woodburn citizens, living in multi-family structures, as we had in the past.

**"Attachment B"**

COUNCIL BILL NO. 2948

ORDINANCE NO. 2515

AN ORDINANCE REPEALING ORDINANCE 1762 (RELATED TO MOBILE HOME PERMITS) AS PART OF THE ORDINANCE REVIEW/REVISION PROJECT INITIATED BY THE CITY COUNCIL

WHEREAS, Ordinance 1762 provides authority, under state law, for the City to inspect and approve the installation of mobile homes; and

WHEREAS, when Ordinance 1762 was first adopted by the City Council it was an important step in localizing the City building program by assuming legal responsibilities that would otherwise have been the responsibility of the State of Oregon; and

WHEREAS, Ordinance 1762 has become unnecessary because it was replaced by the comprehensive building code ordinance - Ordinance 2415; NOW, THEREFORE,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. The City Council finds that after a review by the involved departments there is no longer a need for Ordinance 1762.

Section 2. Ordinance 1762 is repealed.

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

February 24, 2014

TO: Honorable Mayor and City Council through City Administrator

FROM: Randy Scott, Interim Public Works Director

SUBJECT: **Award of Construction Contract for I-5 Interchange Waterline Relocation – Hwy 214, Frontage Road to Tunnel, Bid No 2014-05.**

**RECOMMENDATION:**

That the City Council, acting in its capacity as the Local Contract Review Board, award the construction contract for *the I-5 Interchange Waterline Relocation – Hwy 214, Frontage Road to Tunnel* project to K&E Excavating in the amount of **\$348,790.00.**

**BACKGROUND:**

The contract involves the relocation of approximately 1900 lineal feet of 12" ductile iron waterline pipe, 420 lineal Feet of 8" ductile iron waterline pipe, and 70 lineal feet of 6" ductile iron waterline pipe on Highway 214 from the Frontage Road to the Tunnel that is east of Oregon Way. The project also includes the reconnection of eleven (11) water service laterals. The Project was identified in the Capital Construction Projects of the adopted budget for fiscal year 2013/14.

Bids were opened on January 28, 2014. Six (6) bids were received, opened and recorded as follows:

K&E Excavating	\$348,790.00
Kerr Contractors	\$467,080.00
Pacific Excavation, Inc.	\$538,775.00
C&M Excavation & Utilities, LLC	\$647,000.00
North Santiam Paving Co.	\$697,275.00
Gelco Construction	\$688,805.00

The Engineer's Estimate	\$532,750.00
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Agenda Item Review: City Administrator \_\_\_x\_\_\_ City Attorney \_\_\_x\_\_\_ Finance \_\_\_x\_\_\_

All bidders were considered responsible and responsive bidders.

The recommended award is 35% below the Engineer's estimate.

**DISCUSSION:**

This relocation of the City's water main is required due to conflicts with elements of the ongoing I-5 Interchange Project. The utility relocation cost for this water main relocation project is considered by the Oregon Department of Transportation (ODOT) to be a non-reimbursable expense. However, in accordance with Intergovernmental Agreement 28835 between the City and ODOT, 50% of the non-reimbursable utility relocation cost will be credited to the City to reduce its outstanding contributory obligation to ODOT for the I-5 Interchange and Transit Facility Project

The contract award is in conformance with public contracting laws of the State of Oregon as outlined in ORS Chapter 279C and the laws, regulations of the City of Woodburn, therefore, staff is recommending the contract be awarded.

**FINANCIAL IMPACT:**

The subject project was identified in the adopted fiscal year 2013/14 Budget, Capital Construction Projects in the amount of \$800,000. 50% of the project will be funded using the Water Capital Construction Fund (466) & 50% will be funded using the Street SDC Fund (376). Per IGA 28835, the Street SDC portion is the credited 50% portion of eligible costs against the remaining \$5,500,000 obligation to the I-5 Interchange Project.

Estimated Project Cost Summary:

• Design and Technical Services	\$ 60,000.00
• Construction Contract	\$348,790.00
• Construction Contingency	\$100,000.00
• Construction Management & Inspection	<u>\$ 60,000.00</u>
Total Estimated Project Cost	\$ 568,790.00
2013/14 Budgeted Project Cost	\$ 800,000.00

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February 24, 2014

TO: Honorable Mayor and City Council  
FROM: Scott C. Derickson, City Administrator  
SUBJECT: **FY 2014/15 Financial Plan**

**RECOMMENDATION:**

Adopt the attached FY 2014/15 Financial Plan (Budget Policies & Fiscal Strategy and 5-Year Financial Forecast) via a motion.

**BACKGROUND:**

Woodburn has faced a series of difficult financial challenges in past years. General Fund revenues remain flat while annual operating costs continue to increase, making the City's ability to maintain existing levels of services more difficult.

As a result, the City Council directed that a comprehensive set of financial planning documents be developed and implemented for the purposes of improving the City's financial sustainability. After having first been implemented in 2011, the City has been working with the Financial Plan and 5 Year Financial Forecast as a means of managing the City's current year budget and the FY 2014/15 budget development process.

In past years, the City Council has been commended by the City Auditor and recognized by the Government Finance Officers Association for the use of comprehensive budget policies and the quality presentation, clarity and transparency of Woodburn's Budget documents.

Overall, the financial plan is intended to help the City better predict cost and revenue trends from year to year, make better budget decisions via the memorializing of sound financial practices, budget administration and if necessary, reducing the City's budget so that it is consistent with the overall goals of the City Council and the needs of the community.

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Agenda Item Review: City Administrator \_\_\_x\_\_\_ City Attorney \_\_\_x\_\_\_ Finance \_\_\_x\_\_\_

**PROPOSED 2014/15 POLICY:**

Attached is the proposed FY 2014/15 Budget Policies & Fiscal Strategy, which is largely unchanged from the previous year. Councilors will notice that one primary change has been the name of the document itself. In past years, the policy was titled "Budget Policy and Budget Reduction Strategy." The "reduction strategy" sections continue to exist within the policy, but staff felt the term "fiscal strategy" better reflected the overall purpose of the policy.

Councilors will note the 5-Year Financial Forecast has been updated and is current with its projections. I would encourage Councilors to review the forecast and ask any questions you might have.

Councilors should also note that I have forwarded the proposed Budget Policies & Fiscal Strategy, including the current financial forecast, to the citizen budget committee for their review as well.

**FINANCIAL IMPACT:**

Although there is no immediate monetary impact on the City, the draft Financial Plan will help make stronger financial decisions that are in the best interests of the community and the City organization.

# **City of Woodburn**

## **Budget Policies & Fiscal Strategy**

**FY 2014/15**

- **SECTION 1. ANNUAL REVIEW & POLICY**

- A. **Fiscal Responsibility.** Per the City Council's biannual Adopted Goals, it will be the policy of the City of Woodburn to return the highest level (or sustain the current levels) of service with the least amount of taxpayer investment; and to plan accordingly.
- B. **Balanced Budget.** The City's Budget shall be balanced. For each fund, ongoing costs are not to exceed ongoing revenues plus available fund balances used in accordance with reserve policies.
- C. **Budget Process.** The annual budget process is intended to weigh all competing requests for City resources within expected fiscal constraints. Levels of service will increase or decrease based on the availability of resources. Requests for new programs made outside the annual budget process are discouraged. New initiatives will be financed by reallocating existing City resources to the services with the highest priorities.
- D. **Fiscal Recommendations.** Consistent with the administrative responsibilities outlined in the Charter, the City Administrator will make fiscal recommendations to the City Council on all measures necessary to sustain current levels of service and avoid reductions in City programs, including the consideration by the City Council of new revenue sources if this is determined to be in the best interest of the community.
- E. **Budget Policies Updated Annually.** The City Council will review and adopt Fiscal Year Budget Policies on an annual basis.
- F. **Yearly 5-Year Forecast.** The City Council will review and approve the 5-Year Forecast (see attached Exhibit A) on an annual basis. The forecast is an estimate of future revenues and expenses and is intended to serve as an estimate and a guideline for making sound financial decisions in the current fiscal year and budget preparation. The 5-Year Forecast and the annual Budget Policies together will constitute the City's Annual Financial Plan.
- G. **Policy Direction.** Consistent with their policy making role outlined in the Woodburn City Charter, the City Council is responsible for providing policy direction to determine the City's overall fiscal policy. In response to the fiscal recommendations made by the City Administrator, the City Council shall consider all measures necessary to sustain current levels of service. In addition, the City will avoid reductions in City programs and consideration of new revenue sources if this is determined to be in the best interest of the community.
- H. **Budget.** Under the Woodburn City Charter, the City Administrator serves as Woodburn's Budget Officer. The Finance Director assists the City Administrator with preparation and

presentation of the annual budget, budget administration and the day-to-day finance operations. The Budget Officer is responsible for the administration of the annual budget and may approve or disapprove the expenditures contained in the adopted budget if deemed in the best financial interest of the City.

- I. **Budget Administration**. As authorized by the City Charter, the City Administrator is responsible for taking actions necessary to keep expenditures within anticipated revenues, including initiating layoffs, reorganizations, downsizing, program reductions and adjustments to service levels. The City Administrator will keep the City Council informed as to any steps taken to reduce expenditures and, whenever possible, the Council will review the decisions and consider options during a mid-year budget review.

• **SECTION 2. DISCRETIONARY & DEDICATED RESOURCES**

- A. **Recognizing Financial Limits**. Woodburn will make a distinction between two different types of services; 1) those that are funded primarily from City discretionary resources, and; 2) those that are funded primarily from dedicated resources.
- B. **Discretionary Resources**. The General Fund is the fund that collects discretionary resources to provide discretionary programs and services as recommended by the Budget Officer and approved as part of the City's cycle. The City will continue to fund these programs primarily from General Fund discretionary resources. These include police, park and recreation, economic development, land use financial services and other programs.
- C. **Dedicated Resources**. Dedicated services (e.g., fees, grants, utility revenues, etc.) are traditional City services that are provided primarily with dedicated funds. Dedicated resources are subject to restrictions via state and federal law, grant agreements and contracts, City policy and ordinances. Frequently, these resources will be state or federal programs that the City administers locally, such as public safety programs or transportation grants. The City will fund these programs (i.e. speed and safety belt enforcement, etc.) primarily from dedicated resources.

• **SECTION 3. GENERAL FUND BUDGET (DISCRETIONARY)**

- A. **Annual Budget Goal**. The goal shall be to prepare a budget that maintains existing high priority programs supported by the General Fund while at the same time seeking savings wherever possible. Funding for lower priority programs will be reduced or eliminated to ensure that expenditures remain in balance with resources.
- B. **General Fund Emphasis**. The highest priority shall be to conserve General Fund discretionary resources to fund high priority programs as defined by the City Council and City Administrator.
- C. **Maximize City Council's Discretion**. Wherever legally possible, revenues are to be treated as discretionary resources, rather than as dedicated to a particular program or service. The goal is to give the City Council as much flexibility as possible in allocating resources to local priorities.
- D. **New Revenues**. In order to sustain current levels of service, avoid reductions in public safety programs or increase services needed to meet community demands, the City Council may consider new discretionary revenues if it is determined to be in the best interest of the community.

- E. **Use of Dedicated Funding Sources.** Whenever legally possible, funding responsibility for existing programs or activities should be transferred to appropriate dedicated funding sources, freeing up scarce discretionary resources to fund City Council priorities.
- F. **Cost Efficiency.** Staff will prepare fiscally conservative budgets and will seek savings wherever a balance between cost efficiency and the quality of public service can be achieved.
- G. **Materials & Services.** Departments are to prepare “base budgets” with a goal of holding General Fund or other discretionary resources for materials and services expenditures to no more than FY 2013/2014 budget levels.
- H. **No General Fund Street Maintenance Support.** No discretionary General Fund revenues will be used to support street maintenance activities. General Fund street lighting transfers are exempted from this policy. The current transfer from the General Fund for street lighting will be maintained as long as it is fiscally viable. The transfer will be reviewed as approved each fiscal year as part of the budget process.
- I. **Revenue Estimates.** Departments should budget for revenues based on the best information available during the budget process. If additional information becomes available during the budget process, it should be provided to the Finance Director’s Office. Accuracy in revenue/expenditure estimates is critical. New revenue estimates should be based on the best information available. Subsequent annual estimates should also take into consideration the actual receipts from the previous year.
- J. **Pursuit of New Departmental Revenues.** Departments shall pursue revenue sources to the fullest extent possible for all services as well as total cost identification (including indirect costs) for fee setting purposes, grants or other funding opportunities. Any new revenue sources should be used to offset the cost of existing staff and programs, rather than funding new staff or programs. Fee schedules will be reviewed annually to ensure costs are recovered. Fee schedules will be updated as part of the annual budget process.
- K. **Expenditure Reductions.** Reductions in revenues may require expenditure reductions from the “base budget” level. If reductions are required, the City Administrator will be guided by the City Council’s adopted Resource Reduction Strategy.
- L. **Discretionary Programs.** New discretionary programs may be included in the Proposed Budget with the prior approval by the City Administrator and if the new program is deemed a high priority activity. The impact of new or expanded programs on overhead services (information system services, financial services, building / grounds maintenance, human resource services, budget services, etc.) shall be evaluated to determine if overhead services need to be increased due to the addition of new programs.

The costs of increases in overhead services attributed to additional programs shall be included in the analysis of the total cost of new programs. Should outside funding for a program expire, the program may be terminated by the City Administrator or the City Council.

- M. **Full Cost Recovery.** City staff shall make every effort to assign costs where they occur through the use of interdepartmental / interfund charges and indirect cost percentage assignments. The intent is to clearly define the actual cost of each direct service the City provides internally or externally. The first priority is the recovery of overhead costs from all funds and grant programs.

N. **Annual Budget Savings.** To the extent General Fund supported departments experience savings during the year (due to position vacancies, etc.) that money should not be spent. Instead it should be saved to augment the beginning fund balance for the next fiscal year except as approved by the City Administrator.

• **SECTION 4. NON-GENERAL FUND / UTILITY BUDGETS (DEDICATED)**

- A. **Bottom-Line Emphasis.** For activities or programs funded primarily from non-General Fund sources, Departments are to prepare “base budgets” with a goal of holding any General Fund contribution to no more than the amount provided in the current fiscal year, subject to the availability of funds. Whenever possible, reductions in General Fund contributions should be achieved.
- B. **No Backfilling.** General Fund discretionary dollars will not be used to backfill any loss in water and/or sewer City utility revenue, state-shared or federal revenues, grants or dedicated funding programs (for further information, see the Resource Reduction Strategy).
- C. **Revenue Estimates.** Departments should budget for revenues based on the best information available at the time the budgets are prepared. If additional information becomes available during the budget process, it shall be provided to the Finance Department. New revenues should be estimated based on available information the first year. Subsequent annual estimates should also take into consideration actual receipts from the previous year.
- D. **Overhead Cost Allocation Charges.** All non-General Fund departments should budget the amount allocated to that department.
- E. **Cost Efficiency.** As with the General Fund, staff responsible for non-General Fund budgets will prepare fiscally conservative budgets and will seek savings wherever a balance between cost efficiency and the quality of public service can be achieved.
- F. **Utility Revenue Allocations.** It is the policy of the City of Woodburn that revenue generated by City owned utilities will be split between capital funds and operating expenses in a manner consistent with Woodburn’s Capital improvement plans and operating requirements. The allocation, or split, of these revenues will be approved annually as part of the budget processes.
- G. **General Fund Transfer Savings.** With the exception of required “hard-dollar” grant matches, any unused or unneeded portions of budgeted General Fund transfers to non-General Fund budgets will be returned to the General Fund at the end of the fiscal year in order to increase the General Fund ending balance.
- H. **Utility Rates.** The City will maintain utility rates at a level that ensures that all debt service, operating and capital costs are adequately recovered. Capital costs identified in approved capital improvement plan will be used as the basis for forming the capital costs recovery portion of utility rates.
- I. **System Development Charges.** As permissible under state law, the City will pursue the recovery of infrastructure-related development cost relating to water, sewer, street, storm and parks. These costs will be delineated via a defensible methodology, which will be revised from time to time to ensure accuracy.

J. **Street SDC Minimum Reserve.** The Street SDC Fund will not be depleted below \$5.26 million until after the City's contribution to the Woodburn Interchange Project has been satisfied. A Street SDC Fund balance of \$4 million will be held in reserve and dedicated towards any balance outstanding on the City's contribution to the I-5 Interchange Project.

• **SECTION 5. FUND RESERVES & CONTINGENCIES**

A. **General Fund Contingencies.** At least 10% of the General Fund's operating appropriation shall be placed into the operating contingency to meet cash flow needs and with the expectation that most will not be spent and will become part of the 2014/2015 Beginning Fund Balance. The General Fund operating contingency for 2014/2015 shall be increased if carryover resources are available in accordance with recommendations provided in the City's long-term financial plan.

B. **General Fund Contingency Proportionality.** Where contingency is expended, overall reductions will be made to the General Fund to ensure the remaining contingency remains at 10% of the General Funds operating costs.

C. **Water & Sewer Fund Contingencies.** The Water and Sewer Funds will maintain annual contingencies of not less than 5%.

• **SECTION 6. GRANT APPLICATIONS (ALL FUNDS)**

A. **Approval to Pursue.** The City Administrator's approval is necessary before any employee pursues lobbying efforts on matters having budget implications, and before grant applications are submitted to the granting agency. Department Heads should advise the City Administrator before official positions are taken on matters that might have budget implications.

B. **General Fund Matching Funds.** Upon approval by the City Administrator, matching fund requirements will be presented to the City Council for final approval.

• **SECTION 7. NEW POSITIONS, PROGRAMS AND OVERTIME (ALL FUNDS)**

A. **Base Budget & New Positions.** Departments are to prepare "base budgets" with no new regular positions unless specifically authorized by the City Administrator in advance of Budget preparations. Reorganizations of departments or programs resulting in changes in staffing or positions may be considered if the change is cost neutral or a cost savings from the current costs. No position compensation or increase will be provided beyond amounts budgeted for the position.

B. **Considerations of New Positions/Programs.** Unless otherwise authorized by the City Administrator, consideration of new programs and positions will occur only if the cost of the position or program is offset by non-General Fund sources legally tied to the new position or if the cost of the position is offset by new external revenues, reductions within existing funds and/or the position is required to generate those revenues. Cost estimates for new positions will include office facility space, equipment, rent, utilities, supplies, related increases in overhead services, etc.

Additional personnel or programs shall be requested only after service needs have been thoroughly documented or after it is substantiated that the new employees will result in increased revenue or enhanced operating efficiencies.

- C. **Annual Overtime Budgets.** Departments will anticipate their annual overtime costs to be included the Proposed Budget. Once the Budget is adopted, overtime costs are to be managed within adopted levels. No overtime costs can exceed budgeted levels without first obtaining the authorization of the City Administrator.

- **SECTION 8. MID-YEAR BUDGET REDUCTIONS**

- A. **Revised Revenue or Expense Estimates.** If additional information concerning revenue reductions or significant expense increases becomes available after the start of 2014/15 fiscal year, it may be necessary to make budget adjustments. These adjustments will be made in accordance with the City Council's adopted Resource Reduction Strategy.

- **SECTION 9. MID-YEAR REQUESTS, GENERAL FUND CONTINGENCY (ALL FUNDS)**

- A. **Non-Emergency Requests.** In those cases where a department is required to absorb an unanticipated cost beyond its control of a non-emergency nature, departmental resources must first be exhausted prior to a transfer from General Fund contingencies. Upon conducting a final financial review of departmental budgets towards the end of the year, a transfer from contingency will be made to cover unanticipated costs that could not be absorbed throughout the year.
- B. **Emergency Requests.** Emergency requests during the fiscal year will be submitted to the City Administrator for recommendation and forwarded to the City Council for consideration.

- **SECTION 10. COMPENSATION & BENEFITS (ALL FUNDS)**

- A. **Wage Policy.** Historically, the biggest factors forcing budget growth are increases in employee compensation and increased benefit costs. The City will have a compensation and benefit program that: 1) reflects the value of work performed by our employees, 2) compares favorably with the compensation and benefits paid for similar work in both the private and public sectors, and 3); considers the community's ability to pay. Both our employees and the public must understand the mutual respect that such a policy warrants.
- B. **Health Care & PERS Costs.** Continue the City's policy on wages and salary increases which evaluates the increased cost of health insurance and PERS contributions as part of the total compensation package. It is the goal of the City to reduce annual escalations of health insurance, and other benefit costs by getting the employees to bear an equitable portion of the annual premium increases and/or selecting lower cost benefit programs.
- C. **Cost of Living Adjustments (COLA).** The City Administrator will make a recommendation either to include, or not include, a COLA for non-represented employees in the Proposed Budget. All cost of living adjustments will be approved by the Budget Committee and adopted by the City Council. COLAs or other compensation provided for in collective bargaining agreements will be provided for in the annual Proposed Budget.
- D. **Step Adjustments.** Budgeted personnel services expenditures will include an amount to account for annual step adjustments for all employees who are not currently at the top of their range. Annual employee step adjustments will not exceed 5% without the expressed permission of the City Administrator.

- **SECTION 11. BUDGET CONTROLS**

- A. **Legal Compliance.** The City Administrator and Finance Director will continue to review and control departmental budgets at the “expenditure category level” (such as personnel services, materials and supplies). As such, City Administrator’s approval is necessary before actual or projected year-end expenditures are allowed to exceed total expenditure appropriations for each “expenditure category.”
- B. **Personnel Services & Benefits.** With the exception of overtime pay and temporary help accounts, which shall be developed by Department Heads with the advice of the Finance Director and the approval of the City Administrator, personnel services and benefits cost calculations will be provided by the City Administrator and the Finance Director and will be used as provided. The City Administrator and the Finance Director will also provide estimates for insurance and internal services costs. These amounts will not be altered by Department Heads.
- C. **Wages & Benefit Control.** Positions not entitled to receive benefits will be managed in a manner that keeps them below mandatory benefit thresholds (such as PERS, health insurance, etc.). Positions will only be eligible for benefits if approved by the City Administrator and/or designated in Job Descriptions. All benefit costs must be anticipated and included in the annual Budget.
- D. **One-Time Revenues.** One-time revenues will be used only for one-time expenses.

- **SECTION 12. UNAPPROPRIATED ENDING FUND BALANCES (ALL FUNDS)**

- A. **Limit Unappropriated Ending Fund Balances.** To provide the most budget flexibility during the year, limit the use of unappropriated ending fund balances to circumstances where they are required by law. Rather than use unappropriated fund balances, the goal should be to place any monies not needed for current expenditures in the relevant funds’ operating contingencies.

- **SECTION 13. CAPITAL IMPROVEMENT GUIDELINES**

- A. **Capital Improvement Program.** A 6-year Capital improvement Program will be adopted as part of the annual budget process. It will include all projects anticipated to be initiated and/or delivered in the 6-year planning period. The Capital Improvement Program will be consistent with the City’s adopted Capital Improvement Master Plans. Funding availability will determine the rate at which Capital Improvement program projects are initiated or completed.
- B. **Exceptions.** The City will fund dedicated programs and services with dedicated funding sources. Exceptions may be made, on a case-by-case basis, by the Budget Committee, City Council or by the City Administrator if appropriate. One criterion will be whether the City would incur more costs elsewhere as a result of the reduction.
- C. **Capital Planning Consideration.** Recognizing that it does not necessarily make sense to fund current operations at the expense of long-term capital or planning programs, every effort will be made to continue capital and planning programs geared to the City’s long-term needs.

- **SECTION 14. DEBT ISSUANCE (ALL FUNDS)**

- A. **Debt Issuance.** The City will only issue debt in accordance with adopted Master Debt Resolutions for Sewer and Water. General Obligation debt will only be issued in compliance with state statutes. Debt will only be issued (for all fund types) when a dedicated resource is available to meet the required debt service and reserve.
- B. **Interfund Transfers.** Interfund transfers are allowed if the City Council determines the transfer to be in the best interest of the City. All interfund transfers will be managed consistent with state budget law. No debt will be issued without the approval of the City Administrator and authorization of the City Council.

- **SECTION 15. ANNUAL FINANCIAL AUDITS**

- A. **Annual Audit Required.** The Oregon Municipal Audit Law (ORS 297.405 – 297.555) requires a financial audit and examination be made of the accounts and financial affairs of the City at least once a year. Consistent with State law, the City of Woodburn will conduct an annual independent audit of the preceding fiscal year.
- B. **Audit Standards.** Woodburn’s annual financial Audits will be conducted in accordance with auditing standards generally accepted in the United States. Those standards require that an independent auditor plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free of material misstatement.

The audit will examine, on a test basis, evidence supporting the amounts and disclosures in the basic financial statements. The audit will also assess accounting principles used and significant estimates made by management, as well as evaluating the overall basic financial statement presentation. The audit will contain an assessment of the City’s internal financial controls and procedures make any necessary recommendation for improvement.

- C. **Finance Director and City Administrator Oversight.** It will be the responsibility of the Finance Director and the City Administrator to oversee the annual audit process.
- D. **Preparation of Financial Statements.** When feasible, City staff will prepare and provide annual financial statement to the auditor’s satisfaction. If staffing levels or other barriers exist to internal preparations of financial statements, the City Administrator may authorize the auditor’s preparation of financial statements for the purposes of completing the annual audit on time.
- E. **Audit Deadlines & Extensions.** Per Section 15 (F), the Annual Audit will be presented to the City Council no later than December 31. Consistent with State law, the annual Audit will also be filed with the Oregon Secretary of State’s Audit Division no later than December 31.

The presentation of the Audit to the City Council and filing with the Secretary of State’s Office may occur later than December 31 if an audit filing extension is granted by the Secretary of State’s Office. Any and all requests for audit filing extensions must be approved by both the City Administrator and the Auditor. In the event that an audit filing extension is requested and/or granted, the City Administrator will inform the City Council of the reason for the extension request and estimated time line for completing, presenting and filing the audit.

- F. **Audit Presentation to Council.** The annual Audit findings will be presented to the Woodburn City Council during a regularly scheduled City Council meeting by a representative of the audit firm. All audits presented to the City Council must be complete and signed by a representative of the audit firm.

G. **Budget Committee Review.** A copy of the annual Audit will be provided to the Woodburn Budget Committee for their review.

• **SECTION 16. PROGRAMS**

A. **Discretionary Programs.** To the extent additional discretionary resources are available, high priority services areas will be slated for growth in discretionary support. Lower priority service areas will receive constant or decreasing discretionary support. Based on the direction of the City Council, discretionary programs are identified, and prioritized, as follows:

**Discretionary Programs**

- ✓ Police Patrol & Public Safety
- ✓ Police Support Services
- ✓ Financial Services
- ✓ Legal Services
- ✓ Land Use Planning
- ✓ Economic Development
- ✓ Code Enforcement
- ✓ General Administration
- ✓ Library
- ✓ Aquatic Center
- ✓ Recreation Programming
- ✓ Parks and Park/Tree Maintenance
- ✓ Other General Fund Supported Non-Essential Program & Services
- ✓ Computer/Network transfers (capital replacements of desktop pc's and associated servers)
- ✓ Discretionary Transfers (i.e. Transit, Streets, RSVP, etc.)
- ✓ Community Services (i.e. flower baskets, TOT Grants – where permissible, etc.)
- ✓ Intergovernmental Agreements that provide no direct offsetting revenues

• **SECTION 17. RESOURCE REDUCTION STRATEGY (ALL FUNDS)**

A. **Goal & Reduction Approach.** When faced with a potential reduction in resources, the City's goal is to continue to provide services in a professional, effective and efficient manner. Consequently, to the extent possible, across-the-board reductions in expenditures will be avoided.

B. **Case-by-Case Consideration.** Reductions will be made on a case-by-case basis, focusing on each individual program or service. If possible, reduction will be made proportional to the programs and services identified by the City Council.

C. **Moderation When Possible.** If, as a result of loss of a significant amount of discretionary resources, expenditure reductions become necessary, those reductions will be made in moderate case-by-case reductions in discretionary supported programs and services. These reductions will focus first on programs funded by dedicated resources and then services funded by discretionary resources.

D. **Discretionary Contributions.** If further reductions are required, any discretionary funding that supplements or supports services mostly supported with dedicated resources will be reduced or eliminated. This may apply to programs or activities expanded or started with discretionary

resources within the last few years. Exceptions may be made on a case-by-case basis by the City Council.

- E. **Furlough Days**. If personnel budget/salary saving are required, the City will consider a reduced work week or furlough days prior to laying off staff.
- F. **Consideration List**. Discretionary funding for programs funded by discretionary resources will be reduced or eliminated as needed. Legal restrictions or the City's ability to maintain minimal service levels will be considered. Based on the direction of the City Council, the order of City service areas to be considered for reductions are:

**Consideration List**

- ✓ Intergovernmental Agreements that provide no direct offsetting revenues
  - ✓ Community Services (i.e. flower baskets, TOT Grants – where permissible, etc.)
  - ✓ Discretionary Transfers (i.e. Transit, Streets, RSVP, etc.)
  - ✓ Computer/Network transfers (capital replacements of desktop pc's and associated servers)
  - ✓ Other General Fund Supported Non-Essential Program & Services
  - ✓ Parks and Park/Tree Maintenance
  - ✓ Recreation Programming
  - ✓ Aquatic Center
  - ✓ Library
  - ✓ General Administration
  - ✓ Code Enforcement
  - ✓ Economic Development
  - ✓ Land Use Planning
  - ✓ Legal Services
  - ✓ Financial Services
  - ✓ Police Support Services
  - ✓ Police Patrol & Public Safety
- G. **Indirect Costs**. The City's overhead programs will not be prioritized, but will be sized to the need and size of the overall organization. Generally, wherever possible, the City's goal is to make fee-supported programs self-sufficient. This includes recovering those programs' appropriate share of the City's overhead costs. If reductions occur, then indirect costs will be sized to the needs and size of the rest of the organization.
  - H. **Dedicated Funding for Programs**. Where legally possible, the City will consider using dedicated resources to fund high priority programs related to the purpose for which the dedicated funds are received.

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# The City of Woodburn

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Forecast

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Fiscal Years 2015-2019

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# City of Woodburn

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## Five Year Forecast For Years 2014-15 to 2018-19

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# Introduction

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## City of Woodburn Background

The City of Woodburn is located in Marion County, Oregon, 18 miles northeast of the City of Salem along the I-5 corridor. Woodburn is located in Oregon's Willamette Valley which experiences a moderate climate.

Woodburn has changed significantly in population since it was first incorporated in 1899. The city originally began as a small farming and manufacturing community. Beginning in the 1960's Woodburn became a suburb of Salem and Portland with its proximity to I-5. Over the past 18 years, Woodburn has grown 74%. As of the census of 2000, there were 20,100 people residing in Woodburn. As of 2010, its population had risen to 24,080, a net rise of 19.8% over 2000, ranking it the 21<sup>st</sup> most-populated city in Oregon. The per capita income was \$16,357 (compared to \$26,171 for the state), and the median income for a family was \$42,519 (or 14% less than the state median household income).

## Purpose of the Forecast

The 5 Year Financial Forecast takes a forward look at the City's most significant fund revenues and expenditures with the purpose of identifying financial trends, shortfalls and issues so the City can proactively address them. For the purposes of the financial outlook, we strive to look at operating revenues (those revenue sources not subsidized by beginning fund balance) versus operating expenses. Future results are projected based on the City's current service levels, policies and unavoidable future impacts. Existing fund balances will be considered available for one time expenditures only, whenever possible.

The financial forecast serves as a basis of our financial plan for our primary operational funds – which influence changes to the City's budget policy. The intent of this financial forecast is to project each operating fund's financial position under certain assumptions. The forecast then sets the stage for the budget process, aiding both the City Manager and Council in establishing priorities and allocating resources appropriately. Responsible financial stewardship is imperative to provide for the current and future needs of our community. Forecasting is one of the most powerful tools the City has available to help make informed financial decisions that will ensure the City's future vitality and economic stability.

## Forecast Methodology

The City of Woodburn's approach to forecasting is to apply a conservative philosophy that neither overstates revenues nor understates expenditures. Economic forecasting is not an exact science. Rather, it is dependent upon the best professional judgment of the forecaster. To enhance the accuracy of projections the City identifies factors that contribute to the changes in revenues and expenditures, such as development, inflation, interest rates and known future events that will affect operations. Our forecasting of operating costs embraces the concept of Status Quo. This concept assumes that the current level of service will continue for the next five years with cost changes based on inflationary increases. This provides a baseline economic estimate from which reductions or increases in service levels can be determined. To the extent certain reductions or additions are anticipated, they are noted

within the Fund section of this report. Exceptions to the status quo assumption are noted at the beginning of each fund.

Because capital improvements are based on available resources, a long-term forecast is not useful for budgeting purposes. Master plans governing our long term investments in Water, Sewer, Transportation, Storm Water, and Parks have been established. Projects are prioritized based on the master plans, but are scheduled based on available resources that due to variations in growth rates that are not readily predicted. To the extent possible, operations are funded first and remaining resources are allocated to fund capital improvements. This frequently means that improvements are delayed to achieve the matching funding source. Improvements which are too expensive to be paid from net resources are assumed to be funded via bonded debt, although in practice, this is a rare occurrence. For these reasons, capital construction funds, and the related special revenue funds are not included in this forecast.

Utilizing general ledger records and reports, audited financial statements, water and sewer master plans/rate studies, and published City budgets, each of the funds listed below will be examined to identify patterns in revenues, expenditures, and cash balances that may indicate financial instability or threats to sustainability of current operations.

## Executive Summary

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This report is a combined effort of all City staff. Each department provided insight into future year operating revenues and costs. Our goal in assembling this report is to reveal trends, highlight financial issues, and provide suggestions and options. We look forward to feedback and input from the City Council and other interested parties on these issues.

Because the Fund Section provided detailed fund information, the executive summary will focus on the most significant issues facing the City. We have also included an organization chart in the appendix to aid you in understanding the City's departmental structure.

### Overview

The forecast model predicts that most operating funds will have sufficient resources to meet expenses over the five-year period. A few of the fund graphs depict a declining undesignated balance of resources. While this may seem alarming it is just an indicator. In reality, the City would not submit a proposed budget where costs exceed all available resources. The value of the forecast is that it allows us to predict where problems might occur and provides the City adequate time to take corrective action before the situation becomes a crisis.

### Economic and Demographic Assumptions

As a result of recent economic downturn and slow pace of recovery, Woodburn's population is expected to continue a slow pace of growth in the near future. Oregon as a whole is expected to grow with a modest annual population growth rate 1.1-1.25 percent between 2014 and 2020. Oregon and the City of Woodburn's economic condition heavily influence the population growth. Woodburn's economy determines the ability to retain local work force as well as attract job seekers. These factors will weigh heavily upon the City's ability to continue to provide a high level service to the public.

## Issues in Coming Months

- Stabilization and slow recovery of General Fund Property Tax Revenue
- Continued focus on stabilizing General Fund finances

## Issues in the Coming Year

- Negotiation of Woodburn Police Association contract
- Continued refinement of Capital Construction financing and budgeting processes

## Issues Beyond One Year

### Water

The Water master plan is badly out of date and is in need of an update which is scheduled for 2014-15. An updated rate study will be included as part of the master plan and will address potential rate adjustments. The operational fund is in relatively good shape, but that is largely at the expense of setting aside rate revenue for future capital expansion.

### General Fund

New demands for services will need either new resources or program cuts in other areas. Currently, police coverage is 1.25 officers per 1,000 residents (recommended coverage is 1.50 per 1,000 residents). The challenge for the City will be to continue to provide a high level of service with only modest increases in revenues. Demand for park and recreation services are expected to continue to increase due to increases in population and put additional strain on the limited resources of the General Fund.

In addition, City Hall and Library maintenance and improvements continue to be deferred. Staff is working on recommendations to fund improvements and alleviate pressure on capital needs.

### Transit

As the economic downturn continues it will become increasingly difficult for the General Fund to sustain its contribution to the transit fund. Historically, the General Fund has provided \$151,000 annually to Transit; that support has declined to \$116,000, resulting in reductions in service hours and routes in recent years. The transit operation is aggressively seeking grants to fund operations and maintain and/or increase current levels of service, but a restoration of some of the General Fund subsidy may be necessary to sustain the program in the long term. New capital investments in vehicles and shelters are exclusively grant funded.

### Streets

Due to economic conditions, Street SDC revenues have remained flat and are expected to remain flat. The City has committed to provided \$5.5 million to ODOT for the interchange project – of which the City has currently reserved \$4 million towards this obligation. The reserve amount and flat revenues have a direct impact on the City's ability to provide for street capital projects. Additionally, the City may need to finance the remaining portion of the obligation.

## Issues for Administrative Attention

Not all of the issues that arise from the forecast need Council direction. Those listed here can be dealt with at an administrative level. The purpose of this forecast as noted previously is to point to areas of

concern and allow staff and council to direct resources and focus to areas of need. This forecast is also intended to 'drive' the City's financial policies and assist in formulating need financial policies to guide staff and council in making informed decisions.

Based on 'forecasted concerns' the following 'general' financial policies are being or have recently been implemented:

- Adopt policies and plans for capital asset acquisition, maintenance, replacement, and retirement.
- Develop a capital improvement plan that identifies priorities and time frames for undertaking capital projects and provides a financing plan for those projects. The plan, including both capital and related operating costs, should project at least five years into the future and should be fully integrated into the overall financial plan.
- Periodically evaluate the performance of programs and services.
- Identify cost effective opportunities where performance, efficiency and effectiveness measures can be developed and included as part of the basic budget materials and budget document.
- Monitor, measure and evaluate capital program implementation, especially for projects funded by restricted funds.
- Identify programs that should be self-sufficient.
- Review of established fees to ensure cost recovery is sufficient.
- Establish and adopt cost recovery policies for all other services with fees and charges not established by state statute. Opportunities for new fees and charges will need to be determined as part of this process.
- Continue to monitor indirect cost recovery for Internal Services Funds and evaluate the effectiveness of these charges. These indirect costs should be evaluated and updated periodically.

# General Fund

## Variances from Status Quo Assumptions

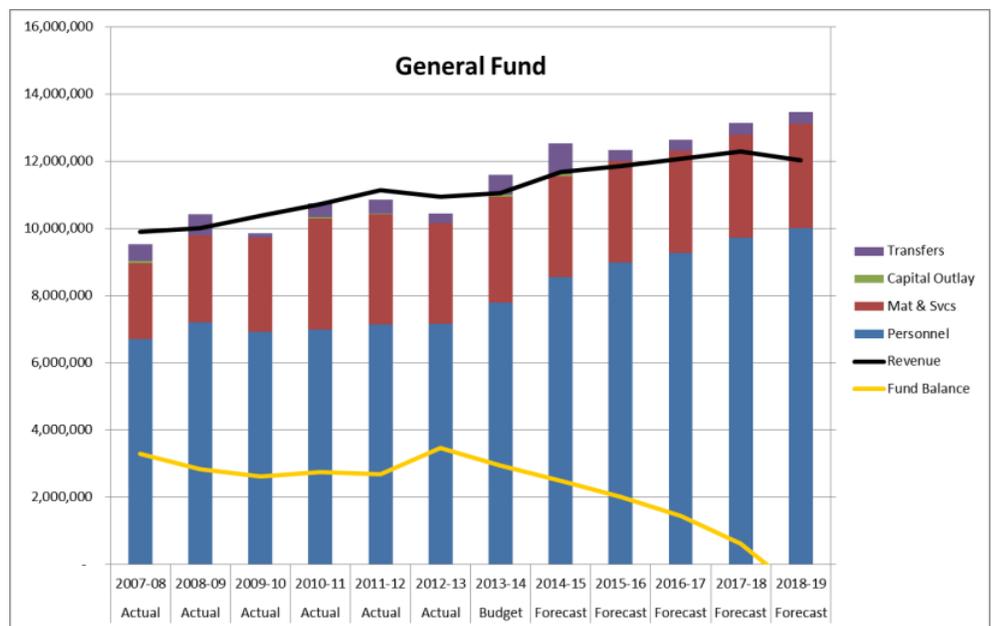
- None

## Key Assumptions

- PERS Rate Increase effective 7/1/2015
- General Fund Services charge on Water & Sewer revenue ends FY 2018-19

## Operating Position

Property taxes account for almost 69% of the annual resources in the General Fund. Tax growth is expected minimal begin to increase at a modest rate over the forecast period. This is due to the continued slow recession recovery rate in Woodburn and the effects of compression due to depressed market values. Property taxes could increase if there are significant new developments within city limits. Franchise fees are the second largest revenue in this fund equating to 9% of total resources. Franchise fees are taxes based on the gross



revenues of utilities that use the City's right-of-way. Private utilities doing business in the City of Woodburn include Portland General Electric, Northwest Natural Gas, Qwest, United Disposal, Wave Broadband, Woodburn Ambulance and others. The only way this source of revenue will increase is if the private utilities revenues derived from Woodburn residents also increase. Intergovernmental is the third largest type of revenue at 7%. This type includes state and federal grants, and state cigarette, liquor and revenue sharing. Overall, revenues are projected to increase at a modest 2% rate for the forecast period.

## Capital Projects – From Operating Revenues

The City has a number of deferred maintenance projects, and several are reaching a critical need. The 2014-15 forecast includes funding for the most critical needs, such as City Hall Roof and HVAC replacement, a significant mower replacement, and other facilities related needs.

## Potential Impacts and Issues

There are potential future demands that could increase costs in this fund; however, there are no available resources for these expansions. Potential future demands are explained below.

Parks & Facilities Maintenance – As demand continues to grow for the public’s use of City parks, additional burdens are being placed on the City’s General Fund to provide enhanced services. Additional staff hours are required for clean up and maintenance of these parks. With the completion of first phase of the City’s Greenway project staff will be asked to maintain the trail. These potential cost increases are not included in the forecasts. Facilities Maintenance continues to be a challenge with aging buildings requiring increasingly expensive repairs and maintenance.

Police Staffing – Crime, of all types, is on the rise in Woodburn. While population continues to increase, there has not been a proportional increase in development resulting in increased tax revenues. This phenomenon places an increased burden on the demand for Police services without commensurate revenue increases.

## Funding Alternatives

As costs grow there either needs to be a corresponding reduction in other costs or new resources need to be generated. Possible new resources are presented below. Staff does not take a position for or against these options. They are presented for informational purposes.

General Fund Services Fee – The City levies a franchise fee on private utilities for the use of the City right of way. For the first time in Fiscal 2013-14, the City levied this franchise fee on its own utilities. A 5% General Fund Services franchise fee was approved for a 4-year period. Council will evaluate the need and effectiveness of this fee prior to the sunset date of June 30, 2017.

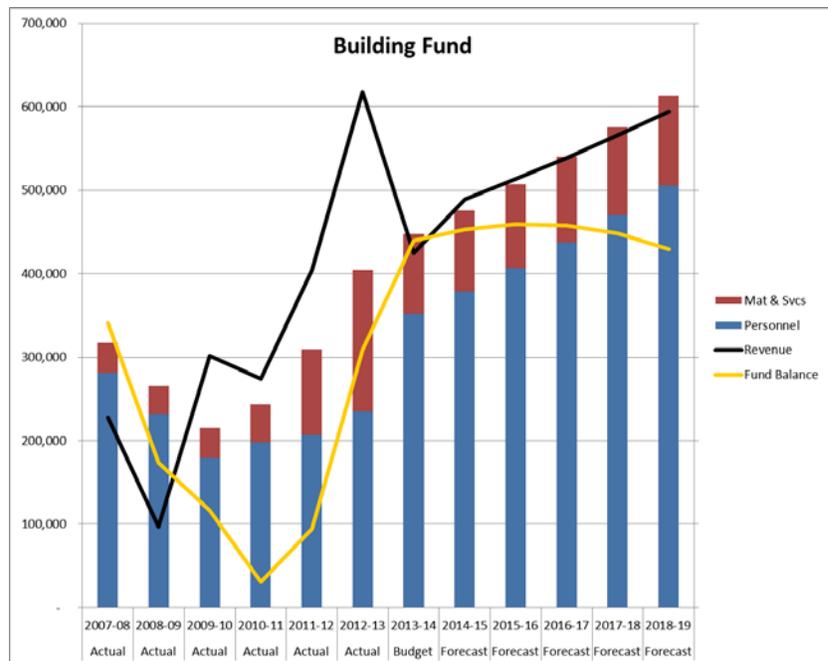
# Building Fund

## Variations from Status Quo Assumptions

- Permit revenues are based on slowly increasing activity, primarily in the residential housing market. We expect increased commercial development in FY 2014-15.

## Operating Position

Revenues are based upon permits issued for new development and redevelopment that historically ebb and flow. Permits are collected prior to the work being done and therefore cash balances exist to pay for services to be performed in the future. The graph depicts the effects of the recent downturn in new development starts. Future revenues are based on estimates of when specific projects might begin. Costs reflect cuts and reductions already in place and estimated inflationary influences. Additionally, the difference between operating revenues and expenses is the use of beginning fund balance to supplement the program through FY 2010-11. This is illustrated by the steep decline in beginning fund balance beginning in FY 2008-09. As revenues have recovered, so has fund balance. This is an illustration of a normal cycle of growth, recession, and recovery.



This is an illustration of a normal cycle of growth, recession, and recovery.

## Potential Impacts and Issues

Delays in developers submitting plans or starting construction will affect the bottom line. The City will closely monitor the actual revenues against the forecast and will take corrective action if necessary. This fund is projected to have sufficient resources to carry the program through the forecast horizon.

A return to a 'normal' level of development will necessitate a return to historic staffing levels. Restoring the additional Building Inspector/Plans Examiner and increasing hours for existing staff would add approximately \$100,000 per year to the Building Program. This has already occurred in 2013-14 and is forecast to continue through the forecast horizon.

# Transit Fund

## Variations from Status Quo Assumptions

- Award of capital grants to replace one full size bus and provide for security enhancements

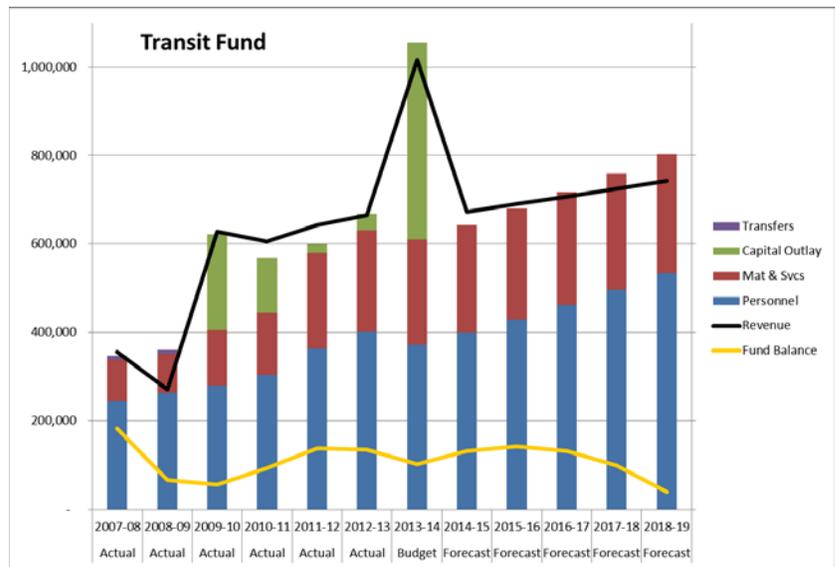
## Key Assumptions

- Ability to continue to obtain grant funding
- General Fund contribution remains stable for forecast period
- Fares remain consistent for forecast period
- Reorganization of Transit Program
- Maintenance of operating hours

## Operating Position

The City's Transit system provides bus operations as well as Dial-a-Ride services for disabled citizens. The Transit operation is funded by a contribution of \$116,000 from the General Fund, approximately \$30,000 in fare revenue with the balance made up from State and Federal grants.

The large increase in capital outlay (and revenue) for FY 2013-14 is due to the receipt of a Federal Grant for a new heavy duty transit bus. This bus is expected to have a longer service life and reduced maintenance costs when compared to our current fleet of light duty buses. The City continues to monitor the availability of Federal funds for this program and manages staffing and service levels to available resources.



## Capital Projects – From Operating Revenues

Replacement of buses and vans is done as-needed and historically has occurred when grant funding is available.

## Potential Impacts and Issues

Should a large unanticipated curtailment of Federal grant revenue occur, this program could potentially be drastically curtailed or discontinued as replacement funding is not anticipated to be available from the General Fund. In addition, the declining fund balance displayed at the end of the forecast horizon may necessitate a return to historical funding levels for General Fund support of the transit fund.

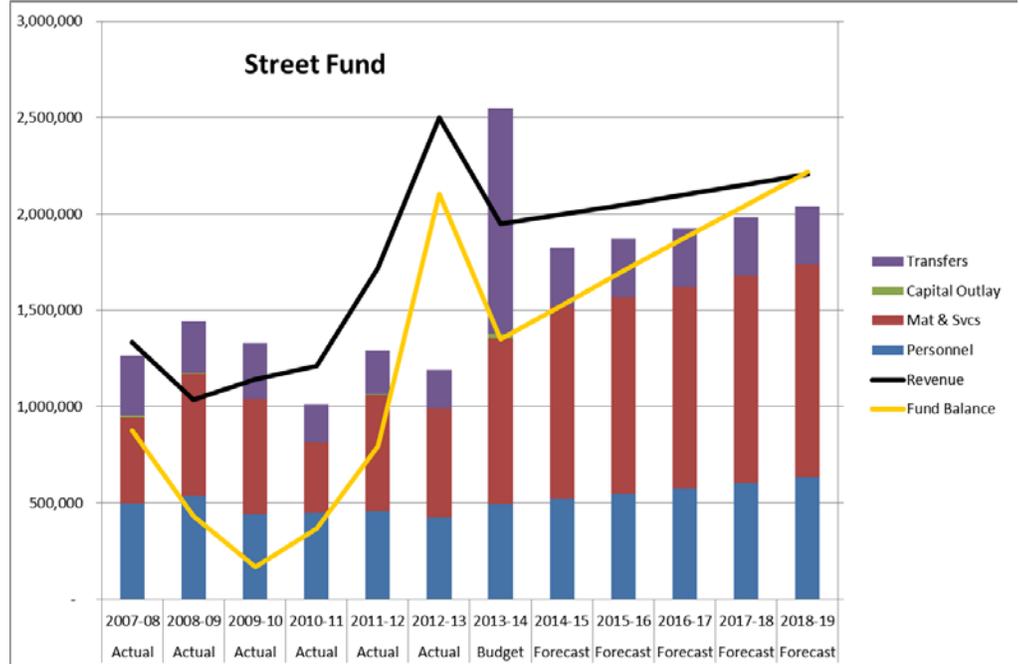
# Street Fund

## Variances from Status Quo Assumptions

- None

## Operating Position

Gas taxes distributed by the State are the primary resource for this fund. Taxes peaked in FY 2005-06 and have been in decline since. The 2009 Legislative Session approved increases in vehicle title and registration fees which became effective in 2010 and an increase in tax of 6 cents per gallon of gasoline became effective January 2011. A referendum petition to repeal the new law failed to collect enough signatures. Revenues



have begun to increase and should continue to do so for the next several years due to the phase-in of title, registration and weight fees.

Additionally, the Revenue Sharing Fund was collapsed into the Street and Local Gas Tax Funds (the construction portion of the Revenue Sharing Fund was transferred to the Local Gas Tax Fund). Street lights are now being paid for out of the Street Fund beginning in FY 2011-12. State shared revenues are now transferred in from the General Fund to provide funding for that expenditure.

Street projects that had previously been budgeted as capital projects have been reevaluated and are now funded as operational expenses in the Street fund. These include resurfacing projects that do not significantly reconstruct the roadbed or increase lane size or capacity.

## Capital Projects – From Operating Revenues

Projects related to, but not a part of, the Interstate 5 Interchange project were funded in FY 2013-14. This is the cause of the sharp increase in Transfers for FY 2013-14.

## Potential Impacts and Issues

Due to the increase in the gas tax, increases to registration and other fees and the shifting of shared revenues (to cover street lighting expenses) to this Fund, financing remains relatively stable for the forecast period.

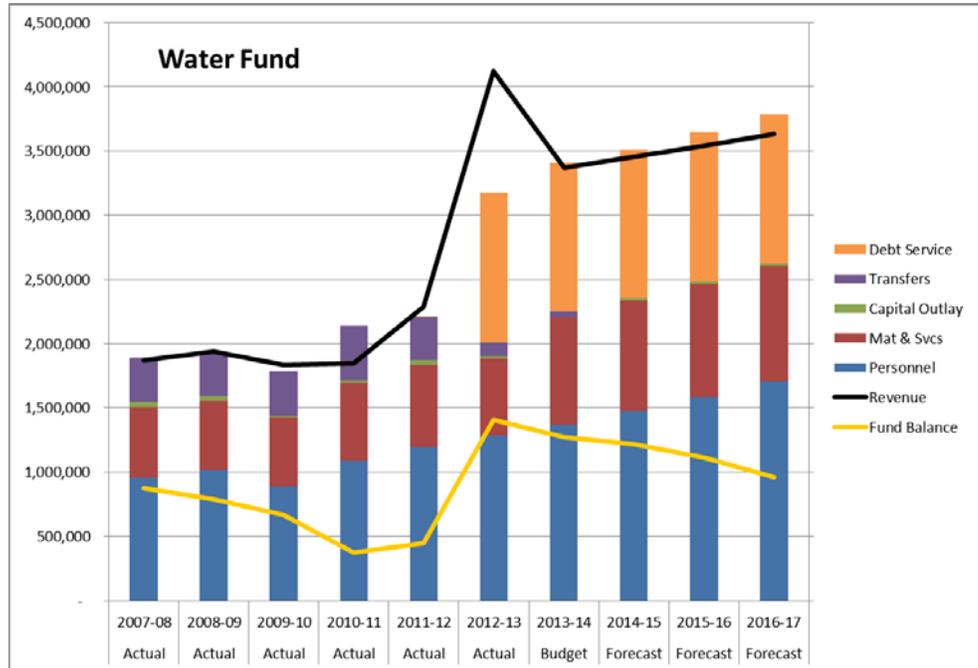
# Water Fund

## Variances from Status Quo Assumptions

- None.

## Operating Position

Revenues and treatment costs are driven by consumption – which due to increased conservation efforts by the City should continue to decline over the forecast period. The 2001 Water Master Plan authorized the City’s last rate increase – those increases ended in FY 2006. The 2001 Water Master Plan called for several treatment and raw water transmission line projects to be completed including the disinfection project (completed in FY 2006-07 and May 2011, respectively).



As the graph depicts, expenses will exceed revenues beginning in FY 2013-14. This may be a result of conservative estimates in increases in associated payroll and materials and services costs. An update to the rate study and Master Plan may reveal the need for a rate adjustment. Management is monitoring these cost progressions and is working on recommendations for any revenue short falls in ensuing fiscal years.

## Potential Impacts and Issues

As personnel, material and services costs conservation efforts continue to increase levels of service will become difficult to maintain. Management is recommending the 2001 Water Master Plan be updated as soon as possible to address the next phase in the City’s water system and continued efforts to maintain a high level of service.

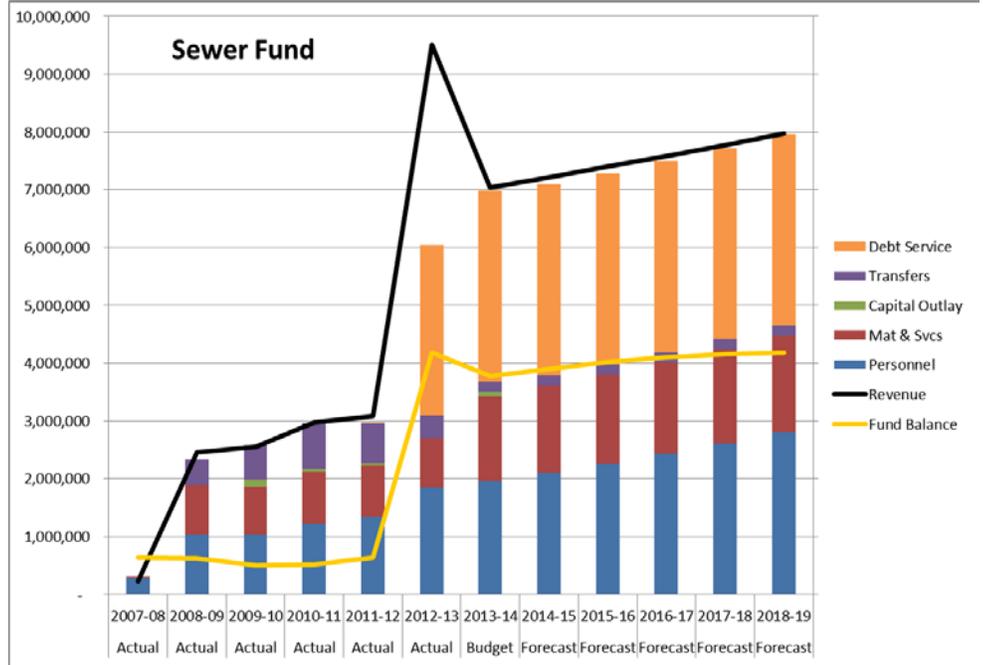
# Sewer Fund

## Variances from Status Quo Assumptions

- None

## Operating Position

In 2007 the City entered a Mutual Order Agreement with the Department of Environmental Quality that called for significant improvements to the City's wastewater treatment plant and system as part of the approval of the City's wastewater treatment permit. The City implemented those improvements beginning in FY 2008-09 as part of a 20 year plan – the total cost of those required improvements will total \$94 million. To date the City has issued



approximately \$19.5 million in loans for Phase I of the project. Phase II of the project began in FY 2011-12 – an additional \$23.5 million in loans/bonds have been issued to fund the second phase of the project.

To fund the on-going capital projects the City Council approved rate increase implemented in FY 2008-09 with the initial increases of 12.5%. The last increase was effective in FY 2013-14 at 9.5%.

## Potential Impacts and Issues

Adopted rates are providing adequate revenues to fund operations for the forecast period – management continues to monitor revenues and expenses closely to ensure rates remain adequate.

## Remaining Funds

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### Fund Consolidation

As done in the initial forecast the Finance Department continues to review the need for further consolidation of funds into 'like' operations/funds. Finance will make any recommendations for further consolidation as part of the FY 2014-15 Proposed Budget.

### Capital Construction Funds

Capital Construction Funds are not included in this forecast because their activity is limited by funds available. A more robust capital construction plan and reporting mechanisms are planned for development during the 2014-15 fiscal year.

### Remaining Funds

The remaining twenty-two funds have dedicated revenue sources, are for a specific purpose, have nominal activity and/or will be retired in FY 2014-15. These funds have not been included as part of the five year forecast.

## Major Assumptions – Revenues

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### Operating Revenues

The City received about \$28.5 million in operating revenues last fiscal year.

<b>Revenue Source</b>	<b>FY2013 Actual</b>
Charges for Goods & Services	11,272,549
Taxes	8,607,117
Intergovernmental	2,954,951
Miscellaneous Revenue	2,762,522
Franchise Fees	1,653,761
Licenses & Permits	621,091
Fines & Forfeits	587,607
Other Financing Sources	113,853
	<u>28,573,451</u>

### Revenue Assumptions

#### **Property Taxes – General Fund**

Taxes are based on assessed value which is determined by the County Assessor. Generally, assessed values grow by 3% per year as allowed by the State Constitution. There is no correlation between real market value and assessed value. In addition to the 3% growth, an estimate is provided for expected new development. The City must also allow for the effects of compression, which in the last two fiscal years has resulted in the loss of over \$3 million in tax revenue. The City's tax rate is permanently set at \$6.0534 per \$1,000 of assessed value, but is subject to limitation under ballot measures 5 and 50 limitations. However, as the economy improves, the City should begin to see improvement in tax revenues. As a result of these factors, the City estimates property tax growth to be 1% for the FY 2014-15 and up to 2% for the forecast horizon.

#### **Franchise Fees – General Fund**

These fees are assessments on the utility companies' gross receipts for using the City's right-of-way. Rates vary by type of utility – ranging from 3% to 8%. Franchise fees are assessed on telecommunication, cable television, natural gas, electric utilities, ambulance and garbage. These revenues are expected to grow at a slow rate (less than 3%) for the forecast period.

#### **Charges for Goods & Services - Utility User Charges**

Water: The forecast assumes a nominal 1% annual increase due to new development.

Sewer: As with water, the forecast assumes a 1% annual increase for growth. A rate increase of 9.5% per year through FY 2013-14 has been adopted by the City Council.

#### **Gas Taxes**

The increase to the State Gas Tax is reflected in the forecast period. The forecast estimates a growth of 3% per year.

**Building, Planning and Engineering Permits**

Permit revenues are based on identification of specific developments with assumptions based on which fiscal year the development is likely to begin.

**Other Resources**

**Bond Sales**

None planned.

**Transfers In – Operating Funds**

This category relates to services one department, e.g. the Engineering Department, charges another fund for services provided. These types of transfers are forecasted to remain stable over the forecast period.

## Major Assumptions – Expenditures

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### Personnel Services

Combined Personnel Services are assumed to increase by 3.0-5.0% per year. Wages are expected to increase via cost of living adjustments of 0% to 3% plus an average 3% merit increase. Benefit changes are related to retirement and health insurance. Recently approved retirement increases are reflected in FY 2013-14 and then a 5% per year increase for the remaining four year period. Insurance cost increases have been curtailed by the implementation of high deductible plans for the AFSCME bargaining unit and Unrepresented employees. Management will seek to include the high deductible plans when bargaining with the Woodburn Police Association in FY 2014-15.

### Material and Services

Impacts of inflation are assumed to remain minor over the five years remaining stable over the forecast period at 2.5%. Management has been aggressive in managing costs in this category to help offset growth in personnel services costs and has been successful in holding spending well under budgeted amounts. Certain costs which are not affected by inflation are excluded from these estimates, e.g. insurance and workers compensation premiums, and are adjusted according to inflation estimated by our insurance carrier – City County Insurance Services.

### Capital Equipment

The Public Works funds' maintain a replacement reserve for capital equipment replacement and is funded via transfers from the Water, Streets and Sewer funds. The General Services funds replace equipment on an as needed basis.

### Debt Service

Estimates are based on amortization schedules for outstanding debt issues.

### Other Uses

#### **Transfers Out**

This is the counter-part to transfers in category. Transfers out from operating funds are primarily for administrative services provided by the Information Services and Building Maintenance Funds. Transfers out from capital project funds are primarily for engineering services and project administration provided by departments within the Public Works Services fund.

# Glossary

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## **Capital Projects**

New Construction and major repairs to the City's fixed assets.

## **Operating Position**

Recurring Revenues and Recurring Expenditures.

## **Potential Impacts**

Refers to issues and challenges that are in addition to the status quo. The intent is to inform the reader of economic matters that might occur during the forecast period.

## **Recurring Expenditures**

The expense portion of Status Quo, predictable and on-going costs.

## **Recurring Revenues**

The resource portion of Status Quo, predictable and on-going revenues.

## **Reserve Balance**

Fiscal year-end balance of cash that is restricted either by legal or policy decision. Examples include debt service reserves and amounts accumulated for specific use in a future year. Designated contingency is the primary component of this balance.

## **Revenues**

Includes both Recurring Revenues and Transfers In.

## **Status Quo**

The current level of services

## **Transfers In**

Internal Charges by General Fund for services provided to other funds

## **Contingency**

The portion of a fund's balance that is not restricted for a specific purpose and is available for emergency appropriation via council action



# Agenda Item

February 24, 2014

TO: Honorable Mayor and City Council through City Administrator  
FROM: Jim Row, Community Services Director  
SUBJECT: **Fiesta Mexicana Agreement**

## **RECOMMENDATION:**

It is recommended that the City Council authorize the City Administrator to enter into the attached Agreement for Services with the Woodburn Area Chamber of Commerce related to the operation of the Fiesta Mexicana.

## **BACKGROUND:**

In cooperation with community members, the Woodburn Area Chamber of Commerce originated the Fiesta Mexicana in 1964 as a means of expressing gratitude to migrant farm workers. The success of the event led to the creation of the Latin American Club, which organized the event for many decades following. When the Club lost the ability to organize the event in 2010, the City stepped in and, with the support of the Chamber, ensured that the event continued. After realizing that the Fiesta Mexicana was consistent with its goals of diversifying its operations, improving overall economic sustainability, and increasing community programming and tourism, the Chamber submitted a proposal to the City in which they would be designated as the sponsor of the Fiesta.

A three year agreement was executed, and with limited logistical support from the City, the Chamber operated the Fiesta from 2011-2013.

## **DISCUSSION:**

After successfully operating the Fiesta Mexicana for the past three years, the Chamber Board informed the City of its desire to continue as the event's lead sponsor. However, in order to provide a financial cushion during years in which attendance and/ or sponsorship revenue is low, the Chamber requested the ability to spend up to \$25,000 of their annual Tourism Occupancy Tax (TOT)

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distribution on Fiesta related expenses, if needed. Staff reviewed and consented to this request, as expenditures of this nature were deemed to be consistent with the condition that the Chamber's allocation of TOT funds be used to support and promote local tourism.

As the Chamber has demonstrated the ability to operate the event in a responsible, community oriented manner, many of the conditions imposed through the first agreement have been removed from the new version. Highlights of the proposed agreement include:

- The agreement will remain in effect until terminated by either party with at least 180 days written notice.
- The City agrees to provide a suitable park location and to waive the Special Event Park Use permit fee. Although the fee is waived, the Chamber must still abide by Woodburn's Park Regulations Ordinance and Special Event Policies.
- The City retains the authority to determine the Fiesta Mexicana event opening and closing times and the time period when music is allowed.
- The City agrees to provide limited logistical support during the Fiesta Mexicana's planning phase, event set-up, event operations and site clean-up.
- The Chamber agrees to develop a Public Safety Plan that utilizes private security. The Public Safety Plan will be coordinated with the Woodburn Police Department and be submitted to the Chief of Police through the Community Services Director for review. Under the agreement, the Public Safety Plan will be approved by the Chief of Police prior to the start of the Fiesta Mexicana event.
- Chamber agrees to implement all public safety recommendations provided by the Woodburn Police Department prior to, or during, the Fiesta Mexicana.
- The City agrees to provide a base level of police support through the duration of the Fiesta Mexicana event as deemed appropriate by the Woodburn Police Chief. The base level of police support will be provided at the expense of the City. However, if the City Administrator, or the Chief of Police, determines that the Fiesta Mexicana's potential need for police

services exceeds available City resources, then the City shall provide a notice to the Chamber. Should the City provide this notice, the Chamber agrees to reimburse City for actual police costs as outlined in the notice.

- The Chamber agrees to provide a line item financial summary of event revenues and expenses within 60 days following the Fiesta Mexicana.

**FINANCIAL IMPACT:**

Under the proposed agreement, the City is waiving any park use fee requirements while maintaining a base level of City involvement, including the presence of law enforcement, as conditioned in the proposed agreement. The City will not be required to allocate Fiesta Mexicana resources as a direct budgetary expense. However, in a manner consistent with the City's involvement in other community activities it supports, staff time and other "base levels" of Fiesta support will be treated as indirect costs associated with the services provided for the benefit of the community.

Attachments:

Agreement for Services

**Agreement for Services between City of Woodburn (“City”) and  
Woodburn Area Chamber of Commerce (“Chamber”)**

This Agreement for Services (Agreement) is made and entered into by and between the City, an Oregon municipal corporation, and the Chamber, an Oregon non-profit corporation, 124 West Lincoln Street, Woodburn, Oregon.

**WITNESSETH:**

**WHEREAS**, the City acknowledges and supports the historical contributions that Mexican immigrants have made to the Woodburn community and wishes to honor and preserve the annual special event “Fiesta Mexicana” as a community tradition; and

**WHEREAS**, the City and the Chamber recognize the Fiesta Mexicana’s contribution to the Woodburn community and the region; and

**WHEREAS**, the Chamber originated the Fiesta Mexicana in 1964 as a means of expressing gratitude to migrant farm workers; and

**WHEREAS**, the Chamber assumed the role of lead organizer for the Fiesta Mexicana for the benefit of the Woodburn community from 2011-2013; and

**WHEREAS**, the Chamber evaluated the success of its involvement over the past three years, and determined that the Fiesta Mexicana should be organized by Woodburn Area Tourism, the Chamber’s tourism promotion program.

**WHEREAS**, the City recognizes the importance of the Chamber continuing the Fiesta Mexicana and desires to provide its support through the terms and conditions of this agreement; and

**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 continue until terminated as set forth herein.

**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 180 calendar days.

**Section 3. City Responsibilities.** The City agrees to the following:

- A. To provide a suitable park location for the annual Fiesta Mexicana.
- B. To waive any Special Event Park Use permit fees.

- C. To provide picnic tables, canopies and tents, trash cans, electrical, water and sewer services at no cost, based on availability.
- D. To provide on-call maintenance support for City owned property and equipment for the duration of the Mexican Fiesta event. Refuse collection services shall be at the expense of the Chamber.
- E. To assist in the promotion the Fiesta Mexicana, in the City's sole discretion, depending on the availability of resources.
- F. To provide a base level of police support through the duration of the Fiesta Mexicana event as deemed appropriate by the Woodburn Police Chief. The base level of police support will be provided at the expense of the City. If the City Administrator, or the Chief of Police, determines that the Fiesta Mexicana's potential need for police services exceeds available City resources, then the City shall provide a notice to the Chamber not less than 60 days prior to the event containing a cost estimate for additional police services. Should the City provide this notice, the Chamber agrees to reimburse City for actual police costs as outlined in the notice.

**Section 5. Responsibilities of Chamber.** The Chamber agrees to the following:

- A. To sponsor and conduct an annual family-oriented Fiesta Mexicana event consistent with the values and expectations of the community.
- B. To abide by the City's Park Regulations Ordinance and Special Event Policies, unless waived by the City.
- C. To allow City to regulate Fiesta Mexicana event opening and closing times and the time period when music is allowed.
- D. To develop and provide a Public Safety Plan that utilizes private security. The Public Safety Plan will be coordinated with the Woodburn Police Department and be submitted to the Chief of Police through the Community Services Director not less than 90 days before the Fiesta Mexicana event. The Public Safety Plan will be approved by the Chief of Police prior to the start of the Fiesta Mexicana event.
- E. To implement all public safety recommendations provided by the Woodburn Police Department prior to, and/or during, the Fiesta Mexicana.
- F. To reimburse the City for event related consumable supplies, including but not limited to, diesel fuel and trash can liners.

G. To provide a line item financial summary of event revenues and expenses within 60 days following the Fiesta Mexicana.

IN WITNESS WHEREOF, the Chamber and City have caused this Agreement to be executed.

WOODBURN AREA CHAMBER OF COMMERCE

\_\_\_\_\_  
\_\_\_\_\_, Executive Director

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Date

CITY OF WOODBURN

\_\_\_\_\_  
Scott Derickson, City Administrator

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Date