

COUNCIL MEETING MINUTES SEPTEMBER 24, 2012

0:00 **DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, SEPTEMBER 24, 2012**

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

0:00 **ROLL CALL**

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

Staff Present: City Administrator Derickson, City Attorney Shields, Public Works Director Brown, Police Chief Russell, Police Captain Alexander, Human Resources Director Hereford, Economic and Development Director Hendryx, Community Services Director Row, Associate Planner Dolenc, Assistant Recorder Pierson

0:00 **COMMUNITY/GOVERNMENT REPORTS**

- A. Woodburn School District – Superintendent Bautista announced that Homecoming would be taking place on October 19. He noted that plans for the movement of the modules will be taking place on October 22 and thanked City staff for their assistance. He also let the City Council know that the stripes will be added to the track at the high school in 2-3 weeks.

0:02 **BUSINESS FROM THE PUBLIC**

Phillip Hand, owner of the complex at Cascade and Hwy 214, stated that he has three different issues in regards to the interchange project. The first is the undergrounding of utilities. He stated that at the meetings he attended and on the documents he received it said there was going to be undergrounding of utilities. He then found out from ODOT that that was not the case and that it was part of the plan but the City decided not to do it. The second item he has issue with is the planter strip and wants to know who is going to take care of it. He also does not like that the sidewalks are going to be up against his building. The third issue is the planned divider that will be going down 214. He stated that he would appreciate any input the City Council could give to ODOT on this. City Administrator Derickson explained that the undergrounding of utilities came in at about two million dollars and that the City's money and ODOT's money is unable to support this. He also noted that the Citizen Advisory Committee briefly touched on the issue but decided that that could happen at a future date.

Frank Lonergan asked if ODOT helped out in Wilsonville and City Administrator Derickson was not sure how they paid for it Wilsonville but Woodburn would have to develop a

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funding system to raise the money. Councilor Pugh stated that he thought that undergrounding was included in this plan as well and is disappointed to find out it wasn't. Director Brown stated that he believes that with the development of Fred Meyer in Wilsonville a lot of that work was funded directly as a condition of development. He also stated that by statute ODOT does not pay for the relocation of utilities but that it is a non-reimbursable expense to PGE. Director Brown also stated that the undergrounding was a desirable option but there was never a commitment by ODOT that they would include this as part of the project.

Mick DeSantis, 173 McLaughlin Dr. Woodburn, asked the City Council if the Advisory Committee recommended to them the option of not including undergrounding of utilities. Director Brown stated that the committee was striving to identify design enhancements for the gateway to Woodburn that were consistent and in the program budget. They could have gone outside of the budget but the City would be responsible for paying that. Councilor Pugh stated that he was on the Environmental Assessment Committee and that they had recommended the undergrounding of utilities. City Administrator Derickson stated that it would be better if they placed the undergrounding of utilities in after the interchange project was complete so that the project would not get delayed and it would allow the City time to generate the needed revenue. Councilor McCallum asked how long it might delay the interchange project if we wanted to add it now and City Administrator Derickson stated that he can't say how long it would take but there would definitely be a delay because of the complexity of it. Councilor Schmidt asked how much it costs PGE to move the above ground utilities. Director Brown stated that he would have to ask PGE for their estimate and that it is a non-reimbursable cost. Councilor Schmidt stated he can't see spending money now to move the utilities above ground only to pay \$2 million down the road to move them underground. He also asked how the undergrounding of utilities was paid for on Front Street and Director Brown answered that there were nine different funding sources for that project and cost about \$1.2 million per mile. Councilor Cox asked if it is the ODOT budget that is being used for aesthetic enhancements and was told by Director Brown that that was correct. Councilor Morris asked if we could just waive PGE's franchise fee for two years as payment for putting the utilities underground and City Administrator Derickson answered that you could but then you would have a hole in your General Fund and would have to cut other services. Councilor Pugh asked how much is being spent on the addition of the widening of 214 and why can't they cut that back. Director Brown answered that the widening is going to cost the project \$21 Million in right-of-way acquisition. City Administrator Derickson stated that he believes certain requirements have changed over the years and that this leads into the planter strip question. Director Brown added that when he found out that the planter strips were a concern he asked ODOT if it would be possible to just have a curb sidewalk and stated that ODOT would not support that. He also stated that the caretaking of the planter strips was part of the overall landscaping service that was included in the Aesthetic Advisory Committee's recommendation. Councilor Lonergan asked if we could get it in writing from ODOT that we can't change the width of the sidewalk and Director Brown stated that he would get it in writing from them. Phil Hand wanted to clarify that he was not worried about the width of the sidewalk; he just didn't want the planter strip and didn't want

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it next to his building. Councilor Pugh stated that he does not except not having the utilities underground. Councilor McCallum added that he would like to see utilities underground as well especially for safety reasons but questioned whether we have the money to do that and how much of a time delay it will cause and he doesn't want to get the money from the General Fund to pay for it. Councilor Morris asked how far down 214 the interchange maintenance will cover and Director Brown stated it would cover from Willow to Broughten. Councilor Cox asked how much of an inconvenience the median will be and City Administrator Derickson answered that there is a concept and that the Fire Department, Woodburn Ambulance and Woodburn Police are all working on it. Councilor Cox added that he is more concerned about the citizens not being able to get where they need to go. Mayor Figley stated that she has concerns about the utility poles on Evergreen Rd. and asked if there would be any changes to them and Director Brown answered that the intersection will be bigger and the poles will be placed further back and that Country Club will also be widened. City Administrator Derickson added that this is an ODOT project and while we can recommend things we don't have control over this project. Councilor Morris asked if it will look the same or if it will look more modern and Director Brown answered that yes, it will look more modern and will complement the design theme of the interchange. Councilor Pugh would like to sit down and see if there isn't a way we could get these utilities underground and Director Brown said he would advocate on their behalf. City Administrator Derickson stated that he received a question about whether the City is being forced to build 50 electric charging stations for the transit center and answered that they are not required to do that.

Councilor Lonergan stated that since the Woodburn Fire Department and Woodburn Ambulance were in the audience tonight, he would like to hear from them to see if there is something we need to talk to ODOT about in regards to access off Cascade. Paul Iverson, with the Woodburn Fire District, answered that they have been working with ODOT on these issues.

Mick DeSantis added that he is upset that the City Council didn't know there was not going to be undergrounding. Councilor Pugh stated that those are decisions made by ODOT and that they don't communicate very well. Mr. DeSantis added that ODOT has said that it is the City who wants the sidewalks. He told the Council that they have an impact on these decisions. **Pugh/Schmidt**... have staff provide a written report on what the options are for getting the utilities underground, removing the planter strips, and options for the median and then, if needed, have staff put together a meeting with ODOT and PGE. The motion passed 5-1, with Councilor Cox voting no. Lucien Klein, 500 Marshall Street, wanted clarification on the motion. He would like to see all three issues raised on the agenda for the next council meeting and stated that he believes you have directed staff to come back with ideas on them. Mayor Figley answered that we will be moving forward with a discussion with ODOT and PGE on these issues although it may not be ready by the next Council meeting.

1:11

CONSENT AGENDA

- A. Woodburn City Council minutes of September 10, 2012
- B. Woodburn City Council Executive Session minutes of September 10, 2012
- C. Woodburn Planning Commission minutes of August 9, 2012

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D. Woodburn Recreation and Park Board minutes of July 17, 2012

E. Crime Statistics through August 2012

McCallum/Pugh... approve the consent agenda as presented. Motion passed unanimously.

1:12

PUBLIC HEARING

KALUGIN ESTATES SUBDIVISION, LOCATED SOUTH OF HARDCASTLE AVENUE, BETWEEN DUNN COURT AND ORCHARD LANE

Mayor Figley declared the hearing open at 8:12 pm for the purpose of hearing public input on the Kalugin Estates Subdivision, located South of Hardcastle Avenue, between Dunn Court and Orchard Lane. Mayor Figley declared that she did drive by the property in question. Councilor McCallum declared that he spoke with some Councilors and staff but no decisions were made. Councilor Morris declared that he lived on Hardcastle and Councilor Cox declared that he also spoke with staff and fellow Council Members in regards to this issue. Don Dolenc, Associate Planner read the public hearings statement and provided a staff report.

Troy Plum, P.O. Box 374, Corvallis, provided background information on the land use application. Mayor Figley asked if there were proponents to the application and mentioned a letter from Planning Commission Chair Bandelow in support of the application was received and placed in the record. Charlie Piper, Planning Commission vice chair provided testimony in support of the application. Councilor McCallum asked if he knew the inventory of houses like this in Woodburn and Mr. Piper answered that he did not know and feels that is Mr. Kalugin's problem. Councilor Morris asked Mr. Kalugin if this will be a slow process or all at once and Lazar Kalugin, 11220 Portland Rd. NE, answered that he was planning on building two at a time. No members of the public wished to speak in opposition to the application. Mayor Figley declared the hearing closed at 8:52 pm. Councilor McCallum stated that he is concerned with the number of variances on this application and asked if any of the Councilors that were previously on the Planning Commission had ever come across something like this before. Councilor Loneragan answered that he didn't remember anything like this coming up while he was on the Planning Commission and added that he is also concerned with the number of variances on this application. Councilor Pugh stated that he sees that some good planning went into this and is a little worried about the size of the lots but that we need something like this here. Councilor Cox stated that he was on the Planning Commission for six years and never saw anything comparable to this. He added that he understands that this is a unique piece of property and a unique problem. He stated that he has not heard anything significant about why the variances are needed and that all he is really hearing is that it is not economically feasible to do it the way he was approved to do it a couple of years ago and that's not one of the reasons we grant a variance. He stated that he just cannot support this application. Councilor Pugh stated that there is a need here and that all properties shouldn't have this amount of variances but there is a need for these houses and he supports the application. Councilor Morris sees this as a positive thing; instead of a big vacant lot it will have affordable housing on it. He stated that he supports the application. Councilor Schmidt agreed that having these houses are better than the vacant lot that is there now. He added that there are too many rules and regulations. Councilor Morris asked what

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the conditions are that we would normally accept a variance under. Councilor Schmidt stated that he will vote yes. City Attorney Shields read the section of the WDO that addresses variances. **Schmidt/Pugh**...approve the Kalugin Estates Subdivision, located South of Hardcastle Avenue, Between Dunn Court and Orchard Lane and that staff come back with an Ordinance reflecting the decision. On roll call the vote was 3-3 with Councilors Lonergan, McCallum and Cox voting nay. Mayor Figley voted aye to break the tie and pass the motion.

2:23 **COUNCIL BILL NO. 2904- AN ORDINANCE GRANTING WOODBURN
AMBULANCE SERVICE, INC., A NON- EXCLUSIVE FRANCHISE TO OPERATE
AN AMBULANCE SERVICE IN THE CITY OF WOODBURN; DEFINING TERMS
AND CONDITIONS OF SAID FRANCHISE; REPEALING ORDINANCE 2324;
DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.**

McCallum introduced Council Bill 2904. Assistant Recorder Pierson read the two readings of the bill by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2904 duly passed.

2:25 **COUNCIL BILL NO. 2905- AN ORDINANCE AMENDING ORDINANCE 2307 (THE
WILLAMETTE BROADBAND, LLC/ WAVEDIVISION VII, LLC CABLE
TELEVISION FRANCHISE) TO EXTEND SAID FRANCHISE ORDINANCE
UNTIL DECEMBER 31, 2012 AND DECLARING AN EMERGENCY.**

McCallum introduced Council Bill No. 2905. Assistant Recorder Pierson read the two readings of the bill by title only since there were no objections from the Council. Councilor Pugh stated that he does not understand what the negotiations are and City Administrator answered that these are agreements that we need to work through and that the issues involved with the communications franchises are very specialized and technical. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2905 duly passed.

2:28 **COUNCIL BILL NO. 2906 -AN ORDINANCE AMENDING ORDINANCE 2291 (THE
DATA VISION COMMUNICATIONS/DATA VISION, LLC FRANCHISE) TO
EXTEND SAID FRANCHISE ORDINANCE UNTIL DECEMBER 31, 2012 AND
DECLARING AN EMERGENCY.**

McCallum introduced Council Bill 2906. Assistant Recorder Pierson read the two readings of the bill by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2906 duly passed.

2:29 **COUNCIL BILL NO. 2907- A RESOLUTION AUTHORIZING EXECUTION OF A
COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF
WOODBURN AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND
MUNICIPAL EMPLOYEES (AFSCME) LOCAL 642 FOR THE CONTRACT YEAR
BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2015**

McCallum introduced Council Bill 2907. Assistant Recorder Pierson read the bill by title

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only since there were no objections from the Council. Mayor Figley thanked the negotiation team on the City side and thanked the AFSCME employees for their dedication and the maturity they brought to the negotiations. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2907 duly passed.

- 2:31 **LEGION PARK GRANT AGREEMENT Lonergan/Morris...** Authorize the City Administrator to enter into the enclosed Local Government Grant Agreement with the Oregon Parks and Recreation Department. Councilor McCallum asked about the plans for Legion Park and Director Row answered that it is a recognized site for many play areas. Councilor Morris asked if it is going to be a play structure and Director Row answered that it is going to be very natural looking play area and archeologically themed. Councilor Lonergan asked what the total cost of the project is and Director Row answered that it is \$74,000 and a lot of that is contributed to staff time and volunteer labor. The motion passed unanimously.

- 2:39 **CITY ADMINISTRATOR'S REPORT**
The City Administrator had nothing to report.

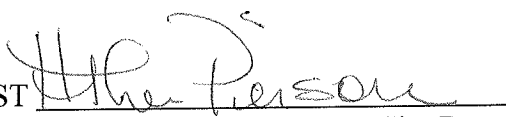
- 2:39 **MAYOR AND COUNCIL REPORTS**
Councilor Pugh asked what the status of the UGB case is and City Attorney Shields answered that it is in the Court of Appeals and there is no timeline in setting this case for argument.
Councilor McCallum thanked the Police Department for their great work.
Councilor Schmidt also wanted to thank the Police Department for their work..
Councilor Morris thanked the Police Department for their efforts and getting these crimes solved quickly.

- 2:42 **ADJOURNMENT**
McCallum / Lonergan... meeting be adjourned. The motion passed unanimously. The meeting adjourned at 9:42 p.m.

APPROVED


KATHRYN FIGLEY, MAYOR

ATTEST


Heather Pierson, Assistant City Recorder
City of Woodburn, Oregon