

COUNCIL MEETING MINUTES

JUNE 25, 2012

0:00 **DATE** COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, JUNE 25, 2012.

CONVENED The meeting convened at 7:01 p.m. with Mayor Figley presiding.

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, Economic & Community Development Director Hendryx Police Captain Garrett, Acting Finance Director Shearer, Assistant Recorder Pierson.

0:01 **ANNOUNCEMENTS**

- A.** In observance of Independence Day, City Hall offices, the Library and the Aquatic Center will be closed Wednesday, July 4, 2012.
- B.** “Woodburn Summer Nights” with the Wave Broadband 4th of July Celebration, including the Coastal Farm & Ranch Kids Zone, at Centennial Park from 6:00–11:00pm. The celebration will feature a variety of free family activities, food available for purchase, and a fireworks show at dark.
- C.** The filing period for Mayor and Council positions is now open. Positions to be voted upon at the November 6, 2012 general election are as follows:

Mayor:	At-Large position (2-year term)
Councilor -Ward I:	Precinct 815 (4 -year term)
Councilor -Ward II:	Precinct 825 (4 -year term)
Councilor -Ward VI:	Precinct 865 (4 -year term)

Candidate filing forms and instructions are available from the City Recorder and are posted on the City website.

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0:02 **COMMUNITY/GOVERNMENT REPORTS**

A. Woodburn School District – Superintendent Bautista provided an update on the School District budget.

0:07 **PROCLAMATION**

National Recreation and Parks Month

0:09 **PRESENTATION**

Councilor McCallum presented on behalf of the Woodburn Relay for life, the City of Woodburn 2012 Proud Platinum Sponsor Plaque and noted that the Mayor, City Councilors and Department Heads donated towards this sponsorship. Mayor Figley thanked all those that contributed.

0:10 **BUSINESS FROM THE PUBLIC**

Shantelle Naeve, 788 Ogle Street, wanted information on when her street would be treated this year and she was told it was not in the budget. Public Works Director Brown answered that they do have funds available and the dust abatement program is still in place. He also stated that it has not been done yet because of the wet weather.

0:13 **CONSENT AGENDA**

A. Accept Woodburn Planning Commission minutes of May 24, 2012,

B. Receive Crime Statistics through May 2012.

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

0:14 **PUBLIC HEARING**

A Public Hearing to Consider the 2011-2012 Supplemental Budget. Mayor Figley declared the hearing open at 7:15 pm for the purpose of hearing public input on the 2011-2012 Supplemental Budget. City Administrator Derickson provided a staff report on the proposal. No members of the public wished to speak in either support or opposition of the acceptance of State shared revenue. Mayor Figley declared the hearing closed at 7:17 pm.

0:16 **COUNCIL BILL NO. 2893- AN ORDINANCE ESTABLISHING A PUBLIC ART MURAL PROGRAM; CREATING THE WOODBURN PUBLIC ART MURAL COMMITTEE AND PROVIDING FOR A PROCESS FOR THE CITY'S CONSIDERATION OF PUBLIC ART MURALS**

McCallum introduced Council Bill 2893. Assistant City Recorder Pierson read the two readings of the bill since there were no objections. Director Hendryx provided a staff report on the proposal. Councilor McCallum asked what was involved in the fee process and Director Hendryx answered that it is like any other detailed application they have and the fee covers for staff time, notice requirements, developing findings, and documentation for

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approvals and denials. Councilor Lonergan asked if at the Public Hearing the council will have the final say on the art. City Attorney Shields answered, the ordinance delegates that authority to a Public Art Mural Committee.

San Juana Acosta, 615 N. Elliot rd., Newberg, stated that she feels that murals are inspirational and get people involved in their community.

Maria Andrade, 1274 5th St, said that she has been in art since 5th grade and thinks having murals outside the buildings is a great way to express culture and history.

Julizza Ramirez, 1029 N. 1st St., said she believes that murals would make the City prettier and attract tourism.

Dahlia Ortiz, 1051 Wilson St., thanked the Council for considering this ordinance. She stated she would like to see the fee go down once the City is in better financial standing, and she would like the murals to be long standing and not have a minimum time frame to be up.

Larry Kleinman, 1790 Landau Dr., praised the efforts of the Council for considering this ordinance. Mr. Kleinman stated that he had 3 concerns about the ordinance, the first was in Section 7, #10, he feels it should read "...accessible or visible to the public...", he stated the ordinance is not clear on who chooses the artist and he would like to see more flexibility in terms of the easement. Councilor Lonergan asked if Mr. Kleinman had any concerns with the fee and Mr. Kleinman answered he felt it was high and might deter those who can't afford it from putting up a mural.

Councilor Cox stated a few concerns about the ordinance, the first being that the fee seems to high and inconsistent with the goals of the ordinance. He stated that the fee should be included in the master fee schedule and lowered to \$200, even if it means the City has to subsidize it. He stated that he would also like the residency requirement for the expert removed and that Sections 7 and 8 need some tweaking. He would like to see the ordinance held over until the next meeting so that staff can address the items of concern and improve this ordinance.

Councilor Lonergan said he was okay with setting this off. He also stated that he thought \$200 was too low and would like to see a graduated scale depending on the size of the mural. He agrees with some of the changes that have been mentioned.

Mayor Figley stated that she has no problem setting it off if there is some tweaking that needs to be done and that she has an issue with having all five members of the committee being residents of Woodburn. Mayor Figley thought that graduating it by square footage is a good idea. Councilor Morris stated that regardless of the size of the mural, the staff time it takes to review the application is still going to be the same. Councilor McCallum added that there should be some flexibility in who can be on the committee. He also thanked staff for giving them what they asked for. He has no problem with the 7 year minimum and no problem with renewal. He was also concerned because students at the high school who may want to have murals would be unable to because of cost.

Mayor Figley said she would want clarification on the 7 year limit as well.

City Attorney Shields said we could roll it over for a longer period. He will try to get a draft circulating and have it on the Council agenda in a month. Councilor McCallum asked if the draft could be placed on the website.

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City Administrator Derickson wanted to see if there was a consensus on how they are going to address the fee. Councilor McCallum asked if they could do some kind of graduated fee. City Administrator Derickson noted that they will work on the easement issue in the ordinance and asked if there was consensus on allowing a non-resident to be on the committee. Councilors agreed that they would like to allow a non-resident to be on the committee. Councilor Morris stated that he thinks murals should not be subsidized by the City. Councilor McCallum stated that maybe they should add it to the master fee schedule like Councilor Cox suggested and start at \$1,148 and adjust it as needed. Councilor Schmidt liked the idea of adding it to the master fee schedule and that the fee should start out higher and then it can be adjusted if needed.

Mr. Kleinman made the suggestion that perhaps schools and non-profits could have a different rate since it is more intended as a public good and not being used by a for profit business. He also stated that he thinks there should be one fee per property. Council directed staff to circulate a revised ordinance with the requested changes before the first council meeting in August.

1:18 **COUNCIL BILL NO. 2894 -AN ORDINANCE AMENDING ORDINANCE 2307
(THE WILLAMETTE BROADBAND, LLC/ WAVEDIVISION VII, LLC CABLE
TELEVISION FRANCHISE) TO EXTEND SAID FRANCHISE ORDINANCE
UNTIL SEPTEMBER 30, 2012 AND DECLARING AN EMERGENCY.**

McCallum introduced Council Bill 2894. Assistant City Recorder Pierson read the two readings of the bill since there were no objections. On a roll call vote for final passage, the motion passed unanimously. Mayor Figley declared Council Bill 2894 duly passed.

1:20 **COUNCIL BILL NO. 2895- AN ORDINANCE AMENDING ORDINANCE 2318
(THE DATA VISION COMMUNICATIONS/DATA VISION, LLC FRANCHISE) TO
EXTEND SAID FRANCHISE ORDINANCE UNTIL SEPTEMBER 30, 2012 AND
DECLARING AN EMERGENCY.**

McCallum introduced Council Bill 2895. Assistant City Recorder Pierson read the two readings of the bill since there were no objections. On a roll call vote for final passage, the motion passed unanimously. Mayor Figley declared Council Bill 2895 duly passed.

1:21 **COUNCIL BILL NO. 2896 - A RESOLUTION APPROVING TRANSFERS OF FY
2011-2012 APPROPRIATIONS AND APPROVING A SUPPLEMENTAL BUDGET.**

McCallum introduced Council Bill No 2896. Assistant City Recorder Pierson read the bill by title only since there were no objections from the Council. Councilor Cox asked if the transit budget increase is due to grants we have not been paid for or grants that have not be awarded. Director Shearer answered that the grants have been approved the funds just have not been received, it is a timing difference. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2896 duly passed.

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1:24

ALLIED WASTE 2012 FOOD WASTE PROGRAM AND RATE PROPOSAL

City Administrator Derickson provided a staff report for the proposal. Councilor Lonergan recused himself due to a conflict of interest. Carol Dion, General Manager of Allied Waste in Marion County gave an overview of the food waste program and rate proposal. Councilor Pugh asked if participation in the food waste program is a choice and Carol Dion answered that customers will be charged for it regardless of whether they participate or not. Councilor McCallum asked where in Marion County this program is currently. Carol Dion answered that it was currently in Salem and Keizer. Councilor McCallum asked what effect food waste going into the garbage disposal has on our sewers and Director Brown stated that it does not negatively affect the treatment plant. Councilor Morris asked if the commercial businesses are the ones asking for it, can you make a separate proposal for just commercial. Carol Dion answered that they could put together a rate proposal for commercial businesses. Councilor Pugh stated that he is not in favor of this proposal but would like to see food waste recycling available to those businesses that would like to use it. Councilor Cox asked how significant it will be in terms of the waste stream to put the food waste in with other recyclables and that he is not thrilled with the food waste program. Carol Dion answered that they are plowing new ground and don't have the statistics yet. Mayor Figley stated that she would like to see a proposal for businesses so they can consider that. Carol Dion stated that they will bring the proposal back with costs for businesses and do a survey to make sure that businesses are interested at the rates they are proposing. Shantelle Naeve, 788 Ogle Street, said that she thought the City Council should really consider this proposal.

1:58

ACCEPTANCE OF A PUBLIC UTILITY EASEMENT ON THE WESTERLY PORTION OF 770 N. PACIFIC HWY, WOODBURN OR 97071 (TAX LOT 051W17BA02000)

Cox/Lonergan ... accept public utility easement n the Westerly Portion of 770 N. PACIFIC Hwy, Woodburn OR 97071 (**Tax Lot 051W17BA02000**) The motion passed unanimously.

CITY ADMINISTRATOR'S REPORT

The City Administrator had nothing to report

1:59

MAYOR AND COUNCIL REPORTS

Councilor McCallum thanked everyone for their participation in the Relay for Life. Councilor Schmidt asked who paid for repairs to the Hermiston Park Pathway. City Administrator answered that the City probably paid for it. Councilor Morris wished everybody a safe 4th of July.

ADJOURNMENT

2:01

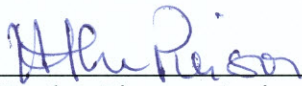
McCallum/Lonergan... meeting be adjourned. The motion passed unanimously. The meeting adjourned at p.m.

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APPROVED


KATHRYN FIGLEY, MAYOR

ATTEST


Heather Pierson, Assistant City Recorder
City of Woodburn, Oregon