

COUNCIL MEETING MINUTES OCTOBER 10, 2011

0:00 **DATE** COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, OCTOBER 10, 2011.

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

ROLL CALL

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

Staff Present: City Administrator Derickson, City Attorney Shields, Community Services Director Row, Public Works Director Brown, Police Chief Russell, Police Captain Garrett, Recreation Services Manager Spence, Community Relations Officer Stowers, Recorder Shearer.

0:00 **ANNOUNCEMENTS**
Grand Reopening of the Woodburn Aquatic Center on Wednesday October 12th at 4pm.

0:01 **COMMUNITY/GOVERNMENT REPORTS**
A. Woodburn Area Chamber of Commerce – Don Judson, Executive Director, provided an update on upcoming Chamber events. Don also announced that the Chamber will be relocating their offices. In addition, Don, provided a report on the 2011 Fiesta Mexicana.
B. Woodburn Downtown Unidos – Erubio Valladares, President, provided a video overview of the Mexican Independence Day event.

0:22 **PROCLAMATION**
Mayor Figley read proclamation: “Keeping the Lights on After School”

0:26 **PRESENTATIONS**
A. **Street Trees** – Public Works Director Brown provided an informational overview of the City’s treatment of street trees and notified Council that four large black walnut trees will need to be removed soon. He discussed the City process for evaluating trees for removal and ensuring appropriate replacements. He provided a copy of Ordinance 2424 which is the primary policy for trees. He also discussed the kinds of tree situations where removal is appropriate, either due to the health of the tree or because of damage to infrastructure. Public works staff has the expertise to evaluate trees without the need for a certified arborist, however staff could pursue certification if necessary. Director Brown also described the financial obligations and dilemmas that face property owners

COUNCIL MEETING MINUTES OCTOBER 10, 2011

when street tree issues arise. He also talked about the options to save trees that are damaging right of way (such as sidewalks).

Councilor McCallum asked if there were lessons to be learned from the Ironwood Street Tree Local Improvement District (LID) project. Director Brown stated that there were ways to prevent or mitigate street tree damage to infrastructure, but that the Ironwood LID was possible due to the presence of a Homeowner's Association that facilitated the formation of the LID. Director Brown stated that many Woodburn neighborhoods do not have the financial means to take on as a large project as Ironwood.

Director Brown gave an overview of suggestions made by Durrell Crays regarding preserving the Downtown canopy including the use of fees and requiring certified arborist reports. Mr. Crays is also concerned about replacement tree replanting compliance and the size of the replacement trees required. Administrator Derickson discussed the need to establish a funding source if the City wished to pursue a more involved Street Tree program.

Councilor Pugh would like the City to pursue alternatives to tree removal when infrastructure is damaged. Director Brown discussed a few examples of how that has been and could be accomplished.

Councilor Cox appreciates the report and agrees with the objectives of the program. He also acknowledges the burden that is placed on property owners when dealing with this issue. He does believe the City needs to take more responsibility and wants to take some of the financial burden from the low to moderate income property owners. Director Brown stated that the City spends approximately \$15,000 on urban forestry issues, but this varies year to year. Councilor Cox feels that trees are a community asset, not just a private property asset and does not believe an LID is the answer due to the year to year variability. He feels it should be absorbed by the City budget.

Councilor Pugh commented on street trees in the Montebello neighborhood. There was discussion among Council and Director Brown regarding the street trees in the Montebello neighborhood. Director Brown discussed the process staff has established for the Montebello neighborhood. Councilors discussed the narrow planting strips utilized in that neighborhood that were not appropriate for street trees.

Councilor Schmidt discussed the cost differences between different tree sizes, and the rate of growth that can be expected from replacement trees of different sizes. Councilor McCallum commended staff for being proactive in addressing the street tree issue and for being creative in working within the financial limitations of the City and property owners. He encouraged staff to look for alternative funding mechanisms.

COUNCIL MEETING MINUTES OCTOBER 10, 2011

City Administrator Derickson discussed what would be involved in developing a more robust urban forestry program and committed to investigating such a program for the next budget cycle. Councilor Cox agrees, but doesn't necessarily agree with pursuing a Tree City USA designation or with the need for arborist certifications. Councilor Lonergan suggests that establishing a list of approved arborists may accomplish the City's goals.

Durrell Crays provided Council with a written statement that includes several policy suggestions (appended to official packet). He also stated that he concurred with the assessment that the four large black walnut trees needed removal. He emphasizes the need to preserve the existing canopy and to accelerate the replenishment of the canopy when trees need to be preserved. His emphasis is within the Neighborhood Conservation Overlay District (NCOD), but feels his suggestions could be extended to other areas of the City if desired.

Councilor Morris commented on the cost to maintain large trees. He also expressed the need to establish City wide standards, not just within the NCOD. Councilor Lonergan also commented on the damage done to trees by PGE through their pruning efforts to protect their overhead lines.

- 1:19 **B. Ward Redistricting** – Lesley Hegewald, GIS Analyst with the Mid-Willamette Council of Governments (COG), provided a presentation (appended to the official packet) on her work to develop new Ward boundaries reflecting data from the 2010 census. The City contracted for the COG's assistance with this mandated project. The criterion for the ward boundaries is set by the Oregon Secretary of State. Only those census blocks within the City limits were utilized. Three alternatives were developed – minimal change, most balanced population, and major roads used as boundaries. All are compliant with the Secretary of State's criteria. The bulk of the City's growth has occurred in the current Ward #1.

Ms. Hegewald outlined the timeline necessary to comply with County election requirements, which requires that new boundaries be submitted by November 1st. City Administrator Derickson went on to state that the plan was for Council to tentatively select an alternative tonight, and formally adopt that selection at the next Council meeting.

Council discussed the options briefly and generally felt that alternatives 1 and 2 were acceptable, while discarding alternative 3. **Cox/McCallum**... approve alternative 2 for ward redistricting authorize the Council of Governments to proceed with that alternative for County election purposes, and direct staff to return to the October 24 with legislation for adoption. The motion passed unanimously.

COUNCIL MEETING MINUTES OCTOBER 10, 2011

1:31

BUSINESS FROM THE PUBLIC

1. Gary LaPoint of 850 Lawson Ave, spoke regarding a presentation he made to the Woodburn Area Chamber of Commerce regarding street maintenance funding. He does not feel the existing City gas tax is fair to the gas stations in the area and has an alternative proposal based upon fees established in the City of Wilsonville (appended to official packet).

Councilor Cox asked if Mr. LaPoint would still support his proposal if it did not include the repeal of the existing City gas tax. Mr. LaPoint stated he wouldn't like it, but he would support it. Councilor Pugh attributes much of the problem to the poor economy but doesn't support this proposal. He welcomes discussion about the issue, though.

2. Dagmar Kinne, of 586 Grant St had additional comments regarding trees. She had experience with an arborist to remove a tree and repair of a sidewalk damaged by a tree. It was expensive. She feels that the large trees need to be preserved and the costs of maintaining them are part of the price we pay to have them. She is also in favor of creativity in dealing with infrastructure damage by trees. She would also like a tree database with photos.

1:50

CONSENT AGENDA

- A. Approve Woodburn City Council minutes of September 26, 2011,
- B. Accept Woodburn Recreation and Park Board minutes of September 13, 2011, and McCallum/Cox.... adopt the consent agenda as presented. The motion passed unanimously.

1:51

COUNCIL BILL NO. 2876 – AN ORDINANCE AMENDING ORDINANCE 2338 (THE NUISANCE ORDINANCE) TO CLARIFY THE CITY'S TREATMENT OF WILD NATURAL AREAS

Councilor McCallum introduced Council Bill 2876. Recorder Shearer read the two readings of the bill by title only since there were no objections from the Council. Councilor Schmidt had questions regarding the standards applied by Public Works while mowing. Public Works Director Brown and City Administrator Derickson clarified that those are set by policy, not the ordinance. That policy can be influenced by state and federal clean water and wildlife standards. A draft of a map that outlines these areas has been prepared. Councilor Cox added that this ordinance provides the City Administrator the flexibility to respond to changing requirements without the need for an Ordinance every time. The ordinance allows staff to address these requirements administratively. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2876 duly passed.

COUNCIL MEETING MINUTES OCTOBER 10, 2011

2:02 **COUNCIL BILL NO. 2877 – AN ORDINANCE AMENDING ORDINANCE 2284
(THE TELECOMMUNICATIONS ORDINANCE) AND DECLARING AN
EMERGENCY**

Councilor McCallum introduced Council Bill 2877. Recorder Shearer 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. 2877 duly passed.

2:03 **APPRAISAL OF PROPERTY POTENTIALLY DONATED TO THE CITY**

Community Services Director Row provided an overview of the opportunity to partner with Immanuel Lutheran Church for public use of their property. **Cox/Lonergan...** authorize staff to obtain the appraisal as recommended by the staff report. The motion passed unanimously.

2:18 **CITY ADMINISTRATOR'S REPORT**

- City Administrator had nothing to report.

2:18 **MAYOR AND COUNCIL REPORTS**

- Councilor Morris recently attended the League of Oregon Cities meeting. He found some of the sessions very useful.
- Councilor Morris reported on a project by the City of Eugene to reexamine their road program in light of limited funding.

2:23 **EXECUTIVE SESSION**

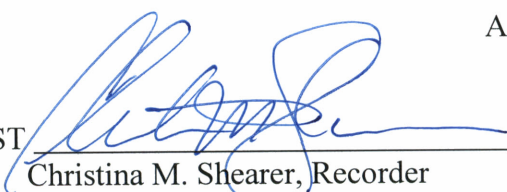
Mayor Figley entertained a motion to adjourn into executive session under the authority of ORS 192.660(2)(i). For the record, City Attorney Shields waived his right to an open hearing for his evaluation. **Lonergan/Cox...** adjourn to executive session under the statutory authority cited by the Mayor. The motion passed unanimously.

The Council adjourned to executive session at 9:30 pm and reconvened at 9:48 pm. Mayor Figley stated that no action was taken by the Council while in executive session.

2:23 **ADJOURNMENT**

Schmidt/McCallum... meeting be adjourned. The motion passed unanimously. The meeting adjourned at 9:50 p.m.

ATTEST


Christina M. Shearer, Recorder
City of Woodburn, Oregon

APPROVED


KATHRYN FIGLEY, MAYOR