

CITY OF WOODBURN

CITY COUNCIL AGENDA

AUGUST 11, 2008 – 7:00 P.M.

KATHRYN FIGLEY, MAYOR
WALTER NICHOLS, COUNCILOR WARD 1
RICHARD BJELLAND, COUNCILOR WARD II
PETER MCCALLUM, COUNCILOR WARD III
JAMES COX, COUNCILOR WARD IV
FRANK LONERGAN, COUNCILOR WARD V
ELIDA SIFUENTEZ, COUNCILOR WARD VI

CITY HALL COUNCIL CHAMBERS – 270 MONTGOMERY STREET

1. CALL TO ORDER AND FLAG SALUTE
2. ROLL CALL
3. ANNOUNCEMENTS AND APPOINTMENTS

Announcements:

- A. Music in the Park continues with Second Wind Jazz Ensemble performing on August 12 and Felicidades on August 19th. Both performances begin at 7 pm.
- B. The City Council meeting scheduled for August 25 is cancelled subject to Council approval (item 10-G)

Filing period for Mayor and Council positions will conclude on Tuesday, August 26, 2008, at 5:00 p.m.. Candidates are required to file a prospective nomination petition with the City Recorder prior to obtaining signatures on the nomination signature sheet. A completed nomination petition is then filed with the City Recorder along with the nomination signature sheets certified by Marion County Elections. Individuals interested in filing for office are encouraged to begin this process no later than August 20th in order to get all of the necessary documents filed by the August 26th deadline. Filing information and forms can be obtained at the City Recorder's office, City Hall, during regular business hours.

4. PROCLAMATIONS/PRESENTATIONS

Proclamations:

- A. None.

Presentations:

- B. Certificate of Achievement to Joshua Fox.

Habr  interpretes disponibles para aqu llas personas que no hablan Ingl s, previo acuerdo. Comun quese al (503) 980-2485.

5. **COMMITTEE REPORTS**

- A. Chamber of Commerce
- B. Woodburn School District

6. **COMMUNICATIONS**

None.

7. **BUSINESS FROM THE PUBLIC** – *This allows the public to introduce items for Council consideration not already scheduled on the agenda.*

8. **CONSENT AGENDA** – *Items listed on the consent agenda are considered routine and may be enacted by one motion. Any item may be removed for discussion at the request of a Council Member..*

- A. **Woodburn City Council minutes of July 14, 2008** 1
Recommended Action: Approve the minutes.
- B. **Special Council Meeting minutes of July 16, 2008 regular and executive session** 9
Recommended Action: Approve the minutes.
- C. **Special Council Meeting minutes of July 17, 2008 regular and executive session** 11
Recommended Action: Approve the minutes.
- D. **Recreation and Parks Minutes of July 22, 2008** 14
Recommended Action: Accept the minutes.
- E. **Building Activity for July 2008** 18
Recommended Action: Receive the report.
- F. **Planning Project Tracking Sheet dated August 5, 2008** 19
Recommended Action: Receive the report.
- G. **Planning Commission Minutes for July 10, 2008** 22
Recommended Action: Accept the minutes.
- H. **Planning Commission Minutes for July 24, 2008** 31
Recommended Action: Accept the minutes.
- I. **Crime Statistics for July 2008** 35

Recommended Action: Receive the report.

- J. **Code Enforcement Statistics for June 2008** 40
Recommended Action: Receive the report.
- K. **Community Services Statistics for June 2008** 41
Recommended Action: Receive the report.

9. **TABLED BUSINESS**

None.

10. **PUBLIC HEARINGS**

- A. **Public Hearing to Consider Sale of Surplus City Owned Property from Tax Lot 3400** 42
Recommended Action: Conduct a public hearing and direct staff to return a resolution reflecting the Council's decision to sell City owned property from Tax Lot 3400.
- B. **Appeal of cases DR 2008-01 and EXCP 2008-03, located at the northeast corner of Evergreen Road and Highway 214.** 44
Recommended Action: The Planning Division recommends that the council deny the appeal in cases DR 2008-01 and EXCP 2008-03 and uphold the decision of the Planning Commission.
- C. **Public Hearing Legislative Amendment 2007-03 (file LA 07-03; Woodburn Development Ordinance (WDO))** 221
Recommended Action: Conduct a public hearing on LA 07-03 to consider text amendments to the Woodburn Development Ordinance.

11. **GENERAL BUSINESS** – *Members of the public wishing to comment on items of general business must complete and submit a speaker's card to the City Recorder prior to commencing this portion of the Council's agenda. Comment time may be limited by Mayoral prerogative.*

- A. **Council Bill 2735 – A Resolution Approving An Adjusted Rate Schedule And Fuel Recovery Fee Surcharge For United Disposal Service, Inc; Setting An Effective Date; And Repealing Resolutions 1833 And 1843.** 262

Recommended Action: It is recommended the City Council consider the resolution.

- B. Protest of Contract Award for Design and Installation of Wastewater Facultative Sludge Lagoon Dredge to Kerr Contractors, Inc. 284**
Recommended Action: After allowing all interested parties an opportunity to address the Council, pass a motion denying the bid protest for the reasons contained in the attached letter dated July 29, 2008 to R & G Excavating.
- C. Award of Contract for Design and Installation of Wastewater Facultative Sludge Lagoon Dredge to Kerr Contractors, Inc. 296**
Recommended Action: Award design/build contract to Kerr Contractors, Inc. for the purchase and installation of the Facultative Sludge Lagoon Dredge.
- D. Council Bill 2736 - Ordinance amending Ordinance 2057 (the Transient Occupancy Tax Ordinance); Adopting guidelines to implement said ordinance; and declaring an emergency. 298**
Recommended Action: Adopt the attached ordinance making a "housekeeping amendment" to Ordinance 2057 (the Transient Occupancy Tax Ordinance) in order to conform to the previous policy determinations made by the City Council.
- E. Council Bill 2737 - Resolution entering into a Special Transportation Agreement with Salem Transit District to receive \$24,920 in Special Transportation Funds for elderly and disabled transportation. 306**
Recommended Action: Approve the attached resolution entering into a special Transportation Agreement with Salem Area Transit District to receive \$24,920 in Special Transportation Funds for elderly and disabled transportation.
- F. Oregon Department of Transportation, Transportation and Growth Management Program Grant for Woodburn Downtown Plan Update. 310**
Recommended Action: Authorize the Interim City Administrator to sign the Intergovernmental Agreement between the State of Oregon and the City of Woodburn to provide funding for the City of Woodburn Downtown Development Plan update.
- G. Acceptance of Bancroft Bond Application 352**
Recommended Action: By motion, and under the authority of

ORS 223.210, Council accept the Bancroft Bond application submitted by the property owner within the Tout Street Local Improvement District which was filed after the initial 10-day filing period.

- H. Cancellation of August 25, 2008 Meeting** **354**
Recommended Action: It is recommended that the Council cancel the August 25, 2008 meeting.
- I. Award of Contract for Design and Installation of the Aquatic Center HVAC System Replacement and Energy Upgrades to Enertia Energy, Inc.** **355**
Recommended Action: Award design/build contract to Enertia Energy, Inc. for the design and installation of a replacement HVAC System for the Aquatic Center.
- J. Liquor License Change of Ownership Full On-Premises Sales** **357**
Recommended Action: The Woodburn City Council recommend a change of ownership application for El Dorado.

12. PLANNING COMMISSION OR ADMINISTRATIVE LAND USE ACTIONS – *These are Planning Commission or Administrative Land Use actions that may be called up by the City Council.*

- A. Planning Commission's Approval of Variance 2008-05, located at 1495 Cooley Court, tax lot 051W08DD06400.** **363**
Recommended Action: No action is recommended. This item is placed before the Council for information purposes in compliance with the Woodburn Development Ordinance. The Council may call up this item for review if it desires.
- B. Council Bill - 2738 Resolution calling for a Public Hearing on the Annexation of Certain Property Located at 2400 North Pacific Hwy and Identified on Marion County Tax Assessor's Maps as tax lot 051W08A05000.** **364**
Recommended Action: The Planning Division recommends that the Council pass the attached resolution electing to dispense with submitting the question of the proposed annexation to the electors of the city, and fix a day for a public hearing before the Council.

13. CITY ADMINISTRATOR'S REPORT

14. MAYOR AND COUNCIL REPORTS

15. EXECUTIVE SESSION

- A. To conduct deliberations with persons designated by the governing body to carry on labor negotiations pursuant to ORS 192.660(2)(d).
- B. To consider records that are exempt by law from public inspection pursuant to ORS 192.660 (2)(f).
- C. 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).

16. ADJOURNMENT