

**COUNCIL MEETING MINUTES
MARCH 28, 2022**

DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, MARCH 28, 2022

CONVENED The meeting convened at 7:01 p.m. with Council President Carney presiding.

ROLL CALL

Mayor Swenson	Absent
Councilor Carney	Present
Councilor Cornwell	Present
Councilor Schaub	Present
Councilor Swanson	Present
Councilor Puente	Absent
Councilor Cabrales	Present -via video conferencing

Staff Present: City Administrator Derickson, City Attorney Shields, Assistant City Administrator Row, Police Chief Pilcher, Public Works Director Stultz, Community Services Director Cuomo, Senior Planner Cortes, Economic Development Director Johnk, Building Official Gitt, Public Affairs and Communications Coordinator Moore, City Recorder Pierson

BUSINESS FROM THE PUBLIC

Council President Carney stated that they will be taking any business from the public now instead of later due to having lengthy presentations on the agenda.

Ed Trompke an attorney representing Woodburn Eastside Apartments LLC., which is developing apartments in the City, stated that there was a request made by his client for a modification of a condition of approval of an apartment complex condition.

Councilor Carney asked if he was speaking in regards to an apartment project that has already been approved and Mr. Trompke answered yes.

Councilor Carney stated that he understands that this item is going to be an item for future consideration and recommended that he come back to provide testimony at that time.

Mr. Trompke stated that time is of the utmost importance to get this project built and referenced a letter he submitted that afternoon. He provided a copy of the letter to the City Recorder to be placed in the record.

Mr. Trompke asked if he is being told that this could be an ex-parte contact and that he should not speak.

City Attorney Shields stated that his concern is that if we get into the specifics of the case tonight, and since it is not on the agenda, it is unfair to others who may want to participate and would be an ex-parte contact.

Mr. Trompke stated that in terms of getting this set on the agenda to please consider that this is a request for something to get done on an expedited basis.

Jim Lowder, 1362 Daylily Street, Woodburn, introduced himself and let the Council know that he has filed to represent Woodburn and North Salem in House District 22.

**COUNCIL MEETING MINUTES
MARCH 28, 2022**

PROCLAMATION

Councilor President Carney read a proclamation declaring April as Child Abuse Prevention Month.

PRESENTATIONS

Marion County CAP Committee – Kyle Tarr, with Liberty House, provided a presentation on Child Abuse Prevention month and the work of the Child Abuse Prevention Committee. Alison Kelley with Liberty House thanked the City for the investment they have made with the Family Resource Center and encouraged people to sign up for the free trainings.

Transportation SDC Update – Assistant Administrator Row along with Doug Gabbard and Timothy Wood with FCS Group provided a presentation on the background of transportation system development charges and a summary of the calculations.

Legislative Amendment 21-01 Work Session: Work Session on Amendment to the Woodburn Development Ordinance (WDO) Relating to the Transportation System Plan (TSP) and Transportation Generally (LA 21-01) – Senior Planner Cortes provided a presentation on the proposed amendments to the WDO relating to the TSP and transportation generally. Councilor Swanson stated that she does not like the addition of more concrete and does not see the need for larger sidewalks. Councilor Cabrales stated that she is not in favor of making the parking spaces shorter. Councilor Schaub stated that she is okay with the spaces getting shorter as cars are getting smaller.

CONSENT AGENDA

- A. Woodburn City Council minutes of March 14, 2022,
- B. Liquor License Application for Tienda Mexicana Monte Alban,
- C. Crime Statistics through February 2022.

Swanson/Schaub... adopt the Consent Agenda. The motion passed unanimously.

COUNCIL BILL NO. 3176 – AN ORDINANCE AMENDING ORDINANCE 2415 (BUILDING OFFICIAL PROCEDURES) TO INCLUDE UPDATED CODE SECTIONS AND LANGUAGE FROM THE OREGON STRUCTURAL SPECIALTY CODE AND INCLUDE AUTHORIZATION FOR LOCAL REGULATION OF RESIDENTIAL AND COMMERCIAL BUILDING DEMOLITIONS, AND DECLARING AN EMERGENCY

Schaub introduced Council Bill No. 3176. City Recorder Pierson read the bill twice by title only since there were no objections from the Council. Building Official Gitt provided a staff report. On roll call vote for final passage, the bill passed unanimously. Council President Carney declared Council Bill No. 3176 duly passed.

COUNCIL BILL NO. 3177 – AN ORDINANCE AMENDING ORDINANCE 2433 (MASTER FEE SCHEDULE) TO MODIFY THE BUILDING DIVISION FEE FOR DEMOLITION PERMITS

Schaub introduced Council Bill No. 3177. City Recorder Pierson read the bill twice by title only since there were no objections from the Council. Building Official Gitt provided a staff report. On roll call vote for final passage, the bill passed unanimously. Council President Carney declared Council Bill No. 3177 duly passed.

COUNCIL BILL NO. 3178 – AN ORDINANCE AMENDING ORDINANCE 2578 TO COMPLY WITH THE REQUIREMENTS OF OREGON STATE LAW AND DECLARING AN EMERGENCY

Schaub introduced Council Bill No. 3178. City Recorder Pierson read the bill twice by title only

COUNCIL MEETING MINUTES

MARCH 28, 2022

since there were no objections from the Council. City Attorney Shields and Police Chief Pilcher provided a staff report. On roll call vote for final passage, the bill passed unanimously. Council President Carney declared Council Bill No. 3178 duly passed.

DISPOSAL/TRANSFER OF WCAT EQUIPMENT

Assistant City Administrator Row provided a staff report. **Schaub/Swanson...** authorize the transfer of WCAT Equipment to Clackamas Community College and authorize the City Administrator to sign. The motion passed unanimously.

AWARD OF CONSTRUCTION CONTRACT FOR THE WATER TOWER REPAINTING PROJECT TO T. BAILY INC.

Public Works Director Stultz provided a staff report. **Schaub/Cornwell...** award the construction contract for the Water Tower Repainting Project Improvements to the lowest responsible and responsive bidder, T. Baily Inc. in the amount of \$886,500.00. The motion passed unanimously.

COMMUNITY CENTER PROJECT TIMELINE & UPDATE

Assistant City Administrator Row provided a staff report. Councilor Cornwell stated that it sounds great but has concerns with school bonds also coming before the voters at the same time. Councilor Schaub concurred with Councilor Cornwell. Councilor Swanson stated that she does not agree with waiting it out and would like to see the time line pushed up, and added that she has concerns with the cost of construction going up even more. Councilor Carney stated that he is in favor of the proposed timeline.

CITY ADMINISTRATOR'S REPORT

City Administrator Derickson reported the following:

- Groundbreaking for the Legion Park Improvement Project will take place Friday, April 8, 2022, with the program starting at 8:00 a.m. The groundbreaking is being hosted in partnership with the Woodburn Chamber of Commerce Greeters.
- The City no longer has any ownership interest in the Metropolis building.
- Working on completing the Draft budget this week.
- The City is asking for a retraction on an article regarding the Amazon project.
- Family Resource Center is going to be repainted.

MAYOR AND COUNCIL REPORTS

Councilor Cornwell asked for an update on the Senior Estates dog park. Community Services Director Cuomo provided an update and stated that it is well received. Councilor Cornwell asked about the naming of parks in Smith Creek and Director Cuomo stated that they are hoping to build a committee this summer to go through the naming process. Councilor Cornwell stated that she would like to be a part of that committee.

Councilor Swanson stated that she appreciates the City clearing up the articles that are untrue regarding the Amazon project.

Councilor Schaub stated that she has heard many rumors in Senior Estates regarding the Amazon

COUNCIL MEETING MINUTES

MARCH 28, 2022

project and suggested a letter to News and Views to clear them up.

Councilor Carney stated that the Oregonian published his letter regarding the Amazon project.

ADJOURNMENT

Cornwell/Schaub...move to adjourn. The motion passed unanimously. Council President Carney adjourned the meeting at 10:09 p.m.

APPROVED _____
ERIC SWENSON, MAYOR

ATTEST _____
Heather Pierson, City Recorder
City of Woodburn, Oregon

CITY OF WOODBURN
Community Development Department

MEMORANDUM

270 Montgomery Street

Woodburn, Oregon 97071

(503) 982-5246

Date: April 1, 2021
To: Chris Kerr, Community Development Director
From: Melissa Gitt, Building Official
Subject: **Building Activity for March 2022**

	2020		2021		2022	
	No.	Dollar Amount	No.	Dollar Amount	No.	Dollar Amount
Single-Family Residential	3	\$740,714	36	\$9,228,919	40	\$12,677,455
Multi-Family Residential	0	\$0	2	\$5,682,430	3	\$3,150
Assisted Living Facilities	0	\$0	0	\$0	0	\$0
Residential Adds & Alts	4	\$69,816	15	\$129,975	6	\$67,324
Industrial	0	\$0	1	\$162,580	0	\$0
Commercial	6	\$8,917,078	7	\$6,346,110	2	\$176,050
Signs and Fences	0	\$0	0	\$0	0	\$0
Manufactured Homes	0	\$0	0	\$0	0	\$0
TOTALS	13	\$9,727,608	61	\$21,550,014	51	12,923,979
Fiscal Year to Date (July 1 – June 30)		\$24,746,259		\$51,429,998		\$527,357,975

Totals calculated from permit valuation

**Project Basie (Amazon) permit valuation is \$451,339,834



Agenda Item

April 11, 2022

TO: Honorable Mayor and City Council through City Administrator

FROM: Jamie Johnk, Economic Development Director
McKenzie Granum, Assistant City Attorney

SUBJECT: **Amazon Development – Transportation Infrastructure Grant Awards**

RECOMMENDATION:

- Adopt the Resolution authorizing acceptance of a Special Public Works Fund grant of \$500,000 for the Butteville Road Realignment Project and authorize the City Administrator to sign and execute necessary documents to that effect.
- Adopt the Resolution authorizing acceptance of an ODOT Immediate Opportunity Fund grant of \$1,000,000 for the Butteville Road-HWY 219 Roundabout Construction Project and authorize the City Administrator to sign and execute necessary documents to that effect.

BACKGROUND:

The City has been working with Business Oregon on a business development opportunity to attract Amazon’s new fulfillment center to Woodburn’s I-5 Logistics Center. Amazon’s new fulfillment center will provide more than 1,000 new year-round, stable jobs with a full benefits package (dental, medical, vision, 401k, etc.). These jobs will provide workers in the region the opportunity to earn reliable income and build the work experience necessary for future career endeavors.

Amazon’s planned development is located along Butteville Road and OR-219. This location currently has a failing intersection at Butteville and OR-219 and due to the sheer size of this proposed development, expanding the capacity of nearby OR-219 with a roundabout and the re-alignment of Butteville Road are essential improvements for transportation flow and business access for this project.

In order to ensure adequate roadway capacity and safety improvements are in place to facilitate this economic development opportunity, the City sought grant

Agenda Item Review: City Administrator City Attorney Finance

funding from both Business Oregon and ODOT to help complete the two essential transportation projects.

DISCUSSION:

Business Oregon SPWF Grant: Business Oregon manages a Special Public Works Fund program that provides grants to municipally incorporated entities for development projects, including transportation infrastructure projects, where there is firm business commitment to create or retain traded-sector jobs (up to \$5,000 per eligible job and not to exceed 85% of the project cost or \$500,000 per project).

The City of Woodburn applied for and was awarded a Special Public Works Fund Grant and now desires to accept the funding award of \$500,000, which will be directed toward the Butteville Road Realignment Project.

ODOT Immediate Opportunity Fund Grant: The Oregon Department of Transportation (ODOT) manages an Immediate Opportunity Fund (IOF) to support primary economic development in Oregon through the construction and improvement of streets and roads.

The City of Woodburn applied for and was awarded an ODOT Immediate Opportunity Fund Grant and now desires to accept the funding award of \$1,000,000, which will be directed toward the Butteville-219 Roundabout Project.

Amazon estimates the costs of the complete infrastructure improvements will total \$7,937,050. With the \$500,000 SPWF funds to Butteville Road and \$1,000,000 ODOT IOF funds to the OR-219 roundabout, Amazon will invest the remaining balance of \$6,437,050 to the infrastructure improvements.

City Grant Administration: Following acceptance of the grant award funding from Business Oregon and ODOT, the City will oversee the management of grant funds and coordinate administrative distributions toward the infrastructure projects identified in compliance with the terms and conditions of each grant award. Amazon and its developer/contractor will continue to manage and be responsible for completing both transportation improvement projects—the Butteville Road realignment and Roundabout.

It is expected that these two projects, along with the overall site development will be completed by early 2023.

FINANCIAL IMPACT:

The total fiscal impact of the Special Public Works Funds grant to the City of Woodburn is \$500,000.

The total fiscal impact of the Immediate Opportunity Fund grant to the City of Woodburn is \$1,000,000.

The City's costs associated with the grant applications and award are staff time.



March 28, 2022

Scott Derickson, City Administrator
City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

RE: Award for Special Public Works Fund, Butteville Road Realignment, Project Number L22011, 3/25/22

Dear Mr. Derickson:

Congratulations on your successful application for the above-referenced project. Enclosed please find a summary showing the funding amount and special terms and conditions of the award. The financing contract will contain the full terms and conditions of your award and will be sent to you for proper signatures. Please note that the legal obligations for funding and for reimbursement of project expenses are subject to execution of the contract.

The project must comply with all applicable state laws, regulations, and procurement requirements. As a reminder, you must provide copies of all solicitations at least 10 days before advertising, and all draft contracts at least 10 days before signing.

We encourage you to offer appropriate media opportunities to help build public awareness of your project's purposes and benefits. Please notify us of any event celebrating your project. As always, we are available to answer questions that may arise during the implementation of your project. If you need assistance, please contact me at 503-856-2483 or by email at Michelle.Bilberry@biz.oregon.gov.

Sincerely,

Michelle Bilberry

Michelle Bilberry, Regional Project Manager
Business Oregon

c: Jamie Johnk, Economic Development Director
Arthur Chaput, Regional Development Officer
Representative Teresa Alonso-Leon
Senator Peter Courtney

SUMMARY OF AWARD

Project Number: L22011

Date of Award: 3/25/22

Recipient: City of Woodburn

Project Name: Butteville Road Realignment

Source of Funding	Award Amount
SPWF – Grant, Public, Tax Exempt	\$500,000
Match	\$7,437,050
Total	\$7,937,050

Approved Project Description
<p>Recipient will ensure construction of the following improvements to address traffic impediments at the Woodburn I-5 Logistics Center industrial site in preparation of the new Amazon Fulfillment Center: reconstruct and widen the southern segment of Butteville Road to include a shoulder on the west side, a six-foot wide sidewalk on the east side, six-foot bike lanes on both sides and landscape strip.</p>

Note: The full terms and conditions will be contained in the contract; in addition to the standard contract terms and conditions, the following special or additional conditions have been placed on the award:

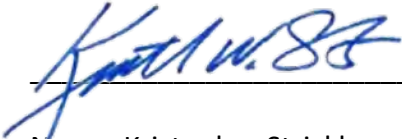
- A. **Job Creation and loan conversion to grant.** Grant repayment required if 1,000 (FTE) jobs are not created at a rate of \$500 per job shortfall. The awardee will have the option to repay through a loan with a term not to exceed seven years and an interest rate determined at the time of any required repayment.
 - a. Recipient is bound by the condition that Amazon’s new Fulfillment Center at Woodburn’s I-5 Logistics Center at its facility located in Woodburn, Oregon (“Facility”), creates at least 1000 full-time equivalent jobs (“FTEs”) and maintains those same FTEs for eight consecutive calendar quarters beginning no sooner than “Project Completion Date”, and ending no later than four years after Project Completion Date (the “Maintenance Period”). For purposes of this section, Recipient may designate any single set of eight consecutive calendar quarters occurring between these dates as the Maintenance Period.
- B. **First Source Hiring Agreement** will be required.
- C. **SPWF Funds** are restricted to municipally owned infrastructure.

DATE: February 25, 2022
TO: Kris Strickler, Director
FROM: Jeff Flowers, Statewide Investments Management Section
SUBJECT: Approval

Requested Action:

Approve new Immediate Opportunity Fund (IOF) project, Project Basie, to the City of Woodburn.

Approval Signature:

 2/28/2022

Name: Kristopher Strickler
Title: Director

COUNCIL BILL NO. 3179

RESOLUTION NO. 2186

A RESOLUTION AUTHORIZING ACCEPTANCE OF A SPECIAL PUBLIC WORKS FUND GRANT FOR THE BUTTEVILLE ROAD REALIGNMENT PROJECT; AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN AND EXECUTE ALL NECESSARY DOCUMENTS TO THAT EFFECT

WHEREAS, in 2021, the City approved the consolidated land use application for an Amazon e-commerce distribution center (DR 21-07, EXCP 21-03, PAR 21-01, PLA 21-01, RCWOD 21-03, & VAR 21-02), to be located in Woodburn along Butteville Road NE, South of OR Hwy 219; and

WHEREAS, an important component of the Amazon development proposal includes the realignment of a segment of Butteville Road adjacent to the facility ("Butteville Road Realignment Project"); and

WHEREAS, Business Oregon manages a Special Public Works Fund program that provides grants to municipally incorporated entities for development projects, including transportation infrastructure projects, where there is *firm business commitment* to create or retain traded-sector jobs (up to \$5,000 per eligible job and not to exceed 85% of the project cost or \$500,000 per project); and

WHEREAS, the City of Woodburn applied for and was awarded a Special Public Works Fund Grant and now desires to accept the funding award of \$500,000, which will be directed toward the Butteville Road Realignment Project;
NOW THEREFORE,

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:

Section 1. The City authorizes the acceptance of the Special Public Works Fund Grant award, in the amount of \$500,000 to be used for the Butteville Road Realignment Project (Project No. L22011).

Section 2. The City Administrator is authorized to execute any and all documents and agreements related to the Grant necessary to effectuate the award and future grant administration.

Approved as to form: _____
City Attorney Date
Approved: _____

Eric Swenson, Mayor

Passed by 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

COUNCIL BILL NO. 3180

RESOLUTION NO. 2187

A RESOLUTION AUTHORIZING ACCEPTANCE OF AN ODOT IMMEDIATE OPPORTUNITY FUND GRANT FOR THE BUTTEVILLE ROAD-HWY 219 ROUNDABOUT CONSTRUCTION PROJECT; AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN AND EXECUTE ALL NECESSARY DOCUMENTS TO THAT EFFECT

WHEREAS, in 2021, the City approved the consolidated land use application for an Amazon e-commerce distribution center (DR 21-07, EXCP 21-03, PAR 21-01, PLA 21-01, RCWOD 21-03, & VAR 21-02), to be located in Woodburn along Butteville Road NE, South of OR Hwy 219; and

WHEREAS, an important component of the Amazon development proposal includes the construction of a new roundabout interchange at the intersection of the realigned Butteville Road NE and OR Hwy 219 ("Butteville-219 Roundabout Project"); and

WHEREAS, the Oregon Department of Transportation (ODOT) manages an Immediate Opportunity Fund to support primary economic development in Oregon through the construction and improvement of streets and roads; and

WHEREAS, the City of Woodburn applied for and was awarded an ODOT Immediate Opportunity Fund Grant and now desires to accept the funding award of \$1,000,000, which will be directed toward the Butteville-219 Roundabout Project; **NOW THEREFORE**,

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:

Section 1. The City authorizes the acceptance of the ODOT Immediate Opportunity Fund Grant award, in the amount of \$1,000,000 to be used for the Butteville-219 Roundabout Project.

Section 2. The City Administrator is authorized to execute any and all documents and agreements related to the Grant necessary to effectuate the award and future grant administration.

Approved as to form: _____
City Attorney

Date

Approved: _____
Eric Swenson, Mayor

Passed by 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

April 11, 2022

TO: Honorable Mayor and City Council (acting in its capacity as the Local Contract Review Board) through City Administrator

FROM: Jesse Cuomo, Community Services Director

SUBJECT: **Award of Construction Contract for Library Chiller Replacement to Apex Mechanical, LLC**

RECOMMENDATION:

Award the construction contract for the Library Chiller Replacement to the lowest responsible and responsive bidder, Apex Mechanical, LLC. in the amount of \$180,000.00.

BACKGROUND:

This project is included in the approved FY 21/22 budget and includes replacing the Woodburn Library Chiller. Bids were publicly opened February 25, 2022. Two (2) responsible and responsive bids were received as follows:

1. Apex Mechanical LLC: \$180,000
2. DSL Builders LLC: \$183,000

The Engineer's Estimate for the project is: \$150,000 - \$200,000.

DISCUSSION:

In March of 2021, KFAA Engineering, sponsored by the Energy Trust of Oregon, completed a technical analysis study of the Woodburn Library's chiller. The study evaluated the advantages of upgrading the existing HVAC chiller system that is nearing the end of its useful life. In addition to recommending its replacement, the study identified ways to operate the chiller more efficiently through operational and controller changes to the system. These controller improvements will be completed as a separate project from the chiller replacement.

KFAA Engineering estimated the project would result in savings of 40,040 kWh and 292 therms annually, equating to approximately \$3,342.00 in annual savings. In addition, KFAA estimates non-energy cost benefits such as avoided maintenance

Agenda Item Review: City Administrator ___x___ City Attorney ___x___ Finance ___x___

at \$7,182.00. This project is eligible for an incentive of an estimated \$12,000.00 from the Energy Trust of Oregon upon completion of the project.

The anticipated lead-time on the chiller replacement equipment is six to nine months and installation of the chiller will be completed within thirty days of receiving the equipment.

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 is identified in the adopted fiscal year 2021/22 Budget and funded by the Capital Improvement Fund. Due to this project extending into fiscal year 2022/23 funds will be carried over and budgeted into fiscal year 2022/23, with an estimated incentive reimbursement from the Energy Trust of Oregon at \$12,000.00 at the completion of the project.