



22500 Salamo Road  
West Linn, Oregon 97068  
<http://westlinnoregon.gov>

# **WEST LINN CITY COUNCIL MEETING NOTES March 11, 2024**

## **[Pre-Meeting](#)**

**[\\*Interim Councilor Kevin Bonnington Swearing-In Ceremony\\*](#)**

## **[Call to Order \[6:00 pm/5 min\]](#)**

### **Council Present:**

Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Leo Groner, and Interim Councilor Kevin Bonnington.

### **Staff Present:**

City Manager John Williams, City Attorney Bill Monahan, City Recorder Kathy Mollusky, Police Chief Peter Mahuna, Public Works Director Erich Lais, and Finance Director Lauren Breithaupt.

## **[Approval of Agenda \[6:05 pm/5 min\]](#)**

Council President Mary Baumgardner moved to approve the agenda for the March 11, 2024, West Linn City Council Meeting. Councilor Leo Groner seconded the motion.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Leo Groner, and Interim Councilor Kevin Bonnington.**

**Nays: None.**

**The motion carried 5 - 0**

**[Amber Hambrick Distinguished Service Award Presentation \[6:10 pm/10 min\]](#)**

Police Chief Mahuna read the citation and presented to Amber Hambrick, Behavioral Health Specialist, a Distinguished Service Award from the West Linn Police Department (WLPD). He described and expressed appreciation for her important activities and duties with the WLPD.

Councilors expressed their appreciation for the important services being provided by Ms. Hambrick.

**[Oregon City Mayor Denyse McGriff gift presentation.](#)**

Mayor Denyse McGriff, Oregon City, presented to the City of West Linn the history of the symbolic carving received through a gift exchange with the Confederated Tribes of the Grand Ronde and the Cities of West Linn and Oregon City to celebrate the 100<sup>th</sup> anniversary of the Arch Bridge in October 2022. To her, the bridge represented the friendship and collaboration between the two cities. The carving presented to West Linn portrayed Coyote and the one given to Oregon City represented Meadowlark, both from the First People's Willamette Falls creation story. The Tribes asked that the panels be hung in the meeting Chambers of each city to ensure that the First People and their stories were remembered by those leading the communities now and into the future. She invited Council to visit the panel of Meadowlark hanging in Oregon's City's City Hall lobby. A plaque naming the artist and the story would be given to City Manager Williams when it became available.

The Councilors thanked Mayor McGriff for presenting the gift. Council President Baumgardner noted the carving would be a beautiful addition and believed the story was very meaningful. Interim Councilor Bonnington appreciated learning the history of the Falls, noting he was very familiar with the area's history, but not with that story.

**[Public Comment \[6:20 pm/10 min\]](#)**

There were none.

**[Mayor and Council Reports \[6:30 pm/15 min\]](#)**

**[Reports from Community Advisory Groups](#)**

Mayor Bialostosky relayed the information announced this afternoon by Governor Kotek regarding the cancellation of tolling on I-5 and I-205. The City of West Linn had fought very hard for that change. Council was working to learn whether the same applied to the I-205/Abernethy Bridge tolling. The announcement was mainly centered on the Regional

Mobility Pricing Project (RMPP) pertaining to the tolling on all lanes of I-205 and I-5 on the corridor. He noted the tolling issue was related to the Council's priorities.

Council President Baumgardner expressed appreciation for the Mayor's advocacy regarding the tolling issue, especially the financial aspects.

Mayor Bialostosky responded that everyone had worked hard on the tolling matter. The financials were all based on tolling at the Abernethy Bridge, and a main argument for tolling not being a big deal was that the costs would be spread across the region. Tolling on just the Abernethy Bridge made the financials worse.

Interim Councilor Bonnington noted many people deserved credit, but he could attest that Mayor Bialostosky had been eating and breathing the tolling issue and deserved a lot of appreciation for his hard work.

Mayor Bialostosky expressed his thanks and added that it had been a team effort. He noted that Interim Councilor Bonnington would need appointments to some Community Advisory Groups (CAGs).

Councilor Bryck reported on the Planning Commission meeting, noting it was a review of much of the information Council had considered in the work session at the beginning of March, including the Vision 43 and the Waterfront Project.

Council President Baumgardner reported that though it was not an advisory group, the Waterfront Working Group held the first open house for the waterfront visioning on Saturday afternoon. The meeting was well-attended and people were well-engaged. A lot of Staff were present and she thanked them for coming out on a Saturday, adding that having the community's voice represented in the visioning was important.

Councilor Groner also attended the Waterfront Working Group open house. It was well-attended and the crowd was very enthusiastic and had many good suggestions.

### **[Adopt 2024 Council Priorities](#)**

#### **[Council Priorities Information](#)**

Mayor Bialostosky thanked the City Manager and other Staff who worked on the Council Priorities document.

City Manager Williams noted the information presented was intended to document how Council would like to prioritize its time and how Council would like Staff to prioritize resources. At the January 24<sup>th</sup> retreat, Council discussed the current priorities and last year's priorities at length, did some editing to reflect current conditions, and added a couple priorities. Nine priorities were proposed with specific actions and strategies listed in each category, along with

proposed roles for CAGs that reported to Council. He noted the document needed to exactly reflect how and what Council wanted to do and how it wanted the CAGs to work. The entire Staff admin team had worked on the information and they had tried to capture Council's thoughts. He asked for any edits from Council, and suggested formal adoption of the priorities this evening or at a future meeting, if preferred.

Mayor Bialostosky noted that Interim Councilor Bonnington was new on the Council and could add on to the priorities based on his suggestions even if they were adopted tonight.

Interim Councilor Bonnington stated he had read the document and believed it looked good. He had nothing to add now.

Councilor Groner noted the first goal, opposing I-205 tolling, was well on its way to success.

Mayor Bialostosky was grateful to have the Council priorities compiled and believed they would be helpful to Council, Staff, and the CAGs.

Councilor Leo Groner moved to adopt the 2024 Council Priorities. Council President Mary Baumgardner seconded the motion.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Leo Groner, and Interim Councilor Kevin Bonnington.**

**Nays: None.**

**The motion carried 5 - 0**

#### **[Appoint Community Advisory Group Members](#)**

Mayor Bialostosky placed before Council appointing Nicholas Bertram to the Library Advisory Board and Jay Clingman to the Sustainability Advisory Board.

Council President Mary Baumgardner moved to approve the Mayor's appointments. Councilor Leo Groner seconded the motion.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Leo Groner, and Interim Councilor Kevin Bonnington.**

**Nays: None.**

**The motion carried 5 - 0**

#### **[National Drug and Alcohol Facts Week Proclamation \[6:45 pm/10 min\]](#) [Proclamation](#)**

Councilor Groner read the Proclamation, declaring the week of March 18-24, 2024, as National Drug and Alcohol Facts Weeks in the City of West Linn.

Natalie Swartley and Carson Hayter, seniors at West Linn High School and members of the Teen Advisory Board, spoke on the importance of Council's partnership and the focus on National Drug and Alcohol Facts Week to youth and the community.

Mayor Bialostosky noted Councilors and City Staff were invited to attend a lunch at the high school on Friday, where the proclamation would also be read.

Council President Baumgardner stated she would attend the lunch event. Interim Councilor Bonnington said he could not attend the lunch, but this issue had affected his life over and over, and he was impressed and appreciated the work being done by the students.

#### **[Consent Agenda \[6:55 pm/5 min\]](#)**

#### **Agenda Bill 2024-03-11-01: Meeting Notes for November 13, 2023, January 16 and February 6, 2024**

##### **[Draft Notes](#)**

Council President Mary Baumgardner moved to approve the Consent Agenda for the March 11, 2024, West Linn City Council Meeting which includes the November 13, 2023, January 16 and February 6, 2024 meeting notes. Councilor Leo Groner seconded the motion.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Leo Groner, and Interim Councilor Kevin Bonnington.**

**Nays: None.**

**The motion carried 5 - 0**

#### **[Business Meeting \[7:00 pm/30 min\]](#)**

#### **[Agenda Bill 2024-03-11-02: West Linn-Lake Oswego Tigard Intertie Intergovernmental Agreement](#)**

##### **[LOT Intertie Information](#)**

City Manager Williams noted the proposed IGA addressed the provision of emergency water service during the construction work on the Abernethy Bridge, which could impact the City's standard water service from the South Fork Water Board (SFWB).

Public Works Director Lais presented the Agenda Report, correcting the first line in the Background & Discussion section to read restated agreement. He explained the IGA would extend the two-week use limit of the LOT during the construction of the Abernethy Bridge estimated to be completed in 2025. He described a recent emergency where the 24-inch

service line from Oregon City had to be taken down resulting in West Linn being on Lake Oswego's water for close to two weeks. Details of the amended agreement were in the meeting packet.

In response to Council questions, staff replied as follows:

- The SFWB IGA was still a backup plan. Working with Water Environmental Services (WES) in Clackamas County was an option to utilize a future force main to be installed with an upgraded pump station in the Willamette area. The contract with ODOT's contractor described a "limited long-term" shut down of West Linn's water line for up to five months between October 1<sup>st</sup> and April 30<sup>th</sup>. Currently, the contractor's schedule indicated completion in December 2025. If that option was used, the temporary waterline would need to be installed and ready for use by October 1, 2024, at the earliest.
- Staff had not talked with South Fork about the financial impact; however, with a firmer schedule and knowledge of ODOT's contractor's plans; a meeting with the SFWB, Oregon City, and the County on future plans could move forward. A revenue loss was still expected to impact the SFWB during construction due to the removal of customers, and the timing was still uncertain due to the dynamic schedule and the difficulty in getting information from ODOT's contractor. Staff was working with the consultant team to obtain the most up-to-date information.
- SFWB was aware of and was a formal signatory to the agreement. The goal was to minimize the impact to the SFWB. The City also owns the SFWB, so it was in the City's best interest to keep the operation as solvent as possible. The problem was that the City was not in total control of the situation. Getting specific answers from ODOT on the schedule and whether using the force main would be possible had been very challenging. The City hoped to pin it down soon and would work in partnership with SFWB to do the best possible. Using the intertie would cause a definite financial impact.
- CEO Wyatt Parno knew the City's situation and that West Linn was considering the intertie as the alternative. He did not want to speak for CEO Parno as to whether he was fully supportive of the IGA. The City was just having a hard time understanding the options.

Mayor Bialostosky stated he was also not speaking for CEO Parno but based on conversations, the CEO was concerned about the potential financial impact to the SFWB. He believed CEO Parno understood if the City had to take this option, but that he would support all possible means of using the WES pipeline to minimize impacts to SWFB. Hundreds of thousands of dollars in revenue could be lost for SFWB in the five-month construction period. He believed the agreement could be approved as it gave the City the tools to use LOT water in an emergency.

- Staff confirmed the IGA would not preclude going ahead with the WES line and would expand the City's options. Section A of the agreement did not specify specific amounts of time, but just provided the mechanisms.

- The agreement created the opportunity for the City to use the water line during a period of time and stated the parties agreed to pay for all water provided through the intertie. That amount could be small or it could be the full amount needed during the construction project.

Mayor Bialostosky said he was happy to help in any way he could regarding the timeline, including leveraging his relationships or by sending a letter requesting more information. He wanted to make sure the City was informed and was advocating for using the WES line, and it was possible that detail could be left out of the high-level conversations and that ODOT did not know the impact of using the WES line as opposed to using the intertie. Last week, he asked CEO Parno to prepare a white paper, highlighting the impacts of a shutdown and of the City using the intertie, to share with ODOT and the contractors. He expected to receive the white paper soon.

Council President Mary Baumgardner moved to approve the amendment to the City's Intergovernmental Agreement for potable water services from the Lake Oswego Tigard Intertie. Councilor Leo Groner seconded the motion.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Leo Groner, and Interim Councilor Kevin Bonnington.**

**Nays: None.**

**The motion carried 5 - 0**

#### **[Agenda Bill 2024-03-11-03: ORDINANCE 1753, RELATING TO THE AMENDMENT OF THE WEST LINN MUNICIPAL CODE CHAPTERS 7.450 AND 7.467 TRANSIENT LODGING TAX](#)**

##### **[ORD 1753 Information](#)**

City Manager Williams stated this amendment was a small but necessary fix to correctly administer the Transient Lodging Tax (TLT) as Council had heard before from Finance Director Breithaupt.

Finance Director Breithaupt stated the Agenda Bill contained minor updates to the ORS language that the City Attorney's office had assisted in writing. It would help the State with the necessary task of collecting TLTs on the City's behalf and to turn the tax revenue over to the City.

City Manager Williams noted discussion during the pre-meeting covered the fact that only a small number of vacation rentals existed in West Linn for which the TLT would apply and, though the city did not currently have any hotels, the ordinance would apply to hotels built in the future. The main purpose was to ensure the City was collecting what was owed to it from the larger corporations that do vacation rentals. The City was aware that those corporations were operating in West Linn, but collecting the tax was difficult for the City to administer itself. The changes to the Code would make collection very simple by providing a direct connection

between the national corporation and the State of Oregon, and the City would receive the funds. Short-term rentals (STRs) do occasionally cause a significant amount of Staff work and costs. For example, a trend was to rent an STR for big parties, resulting in the WLPD getting called. The City believed the big firms should pay for some of the cost of those services. Questions were also received by Staff at the front counter and in the Planning Department. Staff recommended this change to ensure the City was being compensated.

Council President Mary Baumgardner moved to approve First Reading for Ordinance 1753 amending the West Linn Municipal Code Chapters 7.450 and 7.467 Transient Lodging Tax and set the matter for Second Reading. Councilor Leo Groner seconded the motion.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Leo Groner, and Interim Councilor Kevin Bonnington.**

**Nays: None.**

**The motion carried 5 - 0**

Council President Mary Baumgardner moved to approve Second Reading for Ordinance 1753 amending the West Linn Municipal Code Chapters 7.450 to 7.467 Transient Lodging Tax and adopt the ordinance. Councilor Leo Groner seconded the motion.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Leo Groner, and Interim Councilor Kevin Bonnington.**

**Nays: None.**

**The motion carried 5 - 0**

#### **[City Manager Report \[7:30 pm/5 min\]](#)**

City Manager Williams reported on the City Attorney recruitment, Waterfront Project, and various upcoming meetings with these key comments:

- Noting Council's recent direction to Staff to start work on recruiting a City Attorney recruitment, he updated that the consultant proposed starting on March 25<sup>th</sup> with a 30-day job posting, followed by an approximately one-week review of materials and selection of semi-finalists by the consultant and search committee. Next would be media searches, written questionnaires, online interviews, and the selection of finalists at the end of May. Final in-person interviews would be about the third week of June. Some of the steps could be in-person or via Zoom depending upon the location. The consultant would do most of the recruitment with help from Staff. He confirmed Council's agreement with the timeline.
- The Waterfront Open House had about 25 to 30 people in attendance when he was there. Three stations representing each waterfront district had Planning Staff available to answer questions and have discussions. He believed it was a great introduction for a lot of people, and many people also seemed quite familiar with the project. The Open

House was the beginning of the public engagement in the current phase of the project and Staff would take what was learned to steering committee meetings throughout the spring. More public events were to come. He thanked the Councilors for attending the Open House, and noted that the Waterfront Project was among the Council Priorities adopted earlier this evening.

- The Utility Advisory Board (UAB) would meet tomorrow night to work on the Water System Master Plan, which was also a Council priority. On Thursday, the Parks and Recreation Advisory Board (PRAB) would be discussing the Recreation Center, and the Economic Development Committee (EDC) would be discussing the waterfront plans. With these meetings, Council priorities were being channeled into the CAGs. The next event for the indoor Recreation Center would be an Open House on April 4<sup>th</sup> at the Adult Community Center (ACC), followed by another Open House on May 23<sup>rd</sup>. Staff would update Council and could receive direction on the Rec Center at the April 15<sup>th</sup> Council meeting.
- Council's April 1<sup>st</sup> meeting would include a work session with an update on the Cedar Oak Safe Routes to School project, so the Water Master Plan Update discussion might be pushed to a later date. A Council business meeting was planned for April 8<sup>th</sup>, and at a work session on April 15<sup>th</sup>, Council would discuss the Rec Center and possible Charter changes raised at last week's Council meeting. City Attorney Monahan would be present to support that discussion.

#### [City Attorney Report \[7:35 pm/5 min\]](#)

##### **Legal Projects Update**

##### [Project List](#)

City Attorney Monahan stated he would provide a quasi-judicial land use training specific to West Linn at the March 18<sup>th</sup> joint work session with Council and the Planning Commission.

- Staff had recently learned an appeal would come to Council probably in April regarding a property at 1919 and 1949 Willamette Falls Dr, a commercial project in the Historic District that had been through the Historic Review Board and Planning Commission. He cautioned Council on ex parte contacts and to declare any such contacts or site visits at the hearing. More information would be provided at the March 18<sup>th</sup> training.
- Also at the March 18<sup>th</sup> meeting, Planning Manager Darren Wyss would update Council on some priority projects from the Planning Commission and Staff for further direction.

City Attorney Monahan confirmed the Project Tracking List had been updated, and 11 attorneys were working on various projects important to the City. The Project List did not include litigation, which would be discussed with Council at upcoming Executive Sessions. Some projects on the list had not been active recently. For example, Item 4, Marine Board permanent sound limits was not initiated by the City. Members of the community had raised concerns about noise levels on the river. Staff had not heard back regarding any outcomes from the Marine Board, which was limited in its information because it was not directly involved. Staff welcomed any updates Council might have regarding items on the Project

Tracking List. He would provide City Recorder Mollusky with a copy of the PowerPoint materials he would use during the training on March 18<sup>th</sup> to be distributed to Council in advance.

Interim Councilor Bonnington thanked Council for their faith in him and for selecting him for the interim position. He was putting his work in real estate on hold for the next couple of weeks to dedicate his time to getting up to speed on Council matters.

The Councilors expressed their welcome.

Mayor Bialostosky said Interim Councilor Bonnington was entitled to meet with Department heads as part of his onboarding to ask questions specific to any projects or issues. Interim Councilor Bonnington replied he already had four meetings set up.

[Adjourn \[7:40 pm\]](#)

Notes approved 5-13-24.



22500 Salamo Road  
West Linn, Oregon 97068  
<http://westlinnoregon.gov>

## CITY COUNCIL AGENDA

Monday, March 11, 2024

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5:30 p.m. – Pre-Meeting – Bolton Room & Virtual\*

6:00 p.m. – Business Meeting – Council Chambers & Virtual\*

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Interim Councilor Kevin Bonnington Swearing-In Ceremony

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| 1. Call to Order   | [6:00 pm/5 min]  |
| 2. Approval of Agenda                                      | [6:05 pm/5 min]  |
| 3. Amber Hambrick Distinguished Service Award Presentation | [6:10 pm/10 min] |
| 4. Public Comment  | [6:20 pm/10 min] |

The purpose of Public Comment is to allow the community to present information or raise an issue regarding items that do not include a public hearing. All remarks should be addressed to the Council as a body. This is a time for Council to listen, they will not typically engage in discussion on topics not on the agenda. Time limit for each participant is three minutes, unless the Mayor decides to allocate more or less time. Designated representatives of Neighborhood Associations and Community Advisory Groups are granted five minutes.

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| 5. Mayor and Council Reports                         | [6:30 pm/15 min] |
| a. Reports from Community Advisory Groups            |                  |
| b. Adopt 2024 Council Priorities                     |                  |
| c. Appoint Community Advisory Group Members          |                  |
| 6. National Drug and Alcohol Facts Week Proclamation | [6:45 pm/10 min] |
| 7. Consent Agenda                                    | [6:55 pm/5 min]  |

The Consent Agenda allows Council to consider routine items that do not require a discussion. An item may only be discussed if it is removed from the Consent Agenda. Council makes one motion covering all items included on the Consent Agenda.

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| a. <u>Agenda Bill 2024-03-11-01</u> : Meeting Notes for November 13, 2023, January 16 and February 6, 2024 |
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8. Business Meeting

[7:00 pm/30 min]

Persons wishing to speak on agenda items shall complete the form provided in the foyer and hand them to staff prior to the item being called for discussion. A separate slip must be turned in for each item. The time limit for each participant is three minutes, unless the Mayor decides to allocate more or less time. Designated representatives of Neighborhood Associations and Community Advisory Groups are granted five minutes.

- a. Agenda Bill 2024-03-11-02: West Linn-Lake Oswego Tigard Intertie Intergovernmental Agreement
- b. Agenda Bill 2024-03-11-03: ORDINANCE 1753, RELATING TO THE AMENDMENT OF THE WEST LINN MUNICIPAL CODE CHAPTERS 7.450 AND 7.467 TRANSIENT LODGING TAX

9. City Manager Report

[7:30 pm/5 min]

10. City Attorney Report

[7:35 pm/5 min]

- a. Legal Projects Update

11. Adjourn

[7:40 pm]

**Agenda Bill**

Date Prepared: March 5, 2024  
For Meeting Date: March 11, 2024  
To: Mayor Rory Bialostosky and West Linn City Council  
From: John Williams, City Manager *JRW*  
Subject: Draft City Council 2024 Priorities

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**Purpose**

Consider adoption of Council 2024 Priorities.

**Question(s) for Council:**

Would Council like to formally adopt 2024 Priorities?

**Public Hearing Required:**

None required.

**Background & Discussion:**

At the January 24, 2024 retreat, Council discussed proposed priorities for 2024, and suggested which edits to the 2023 priorities, and additions. The attached document has been drafted by staff to reflect that discussion. Along with a variety of updates, larger changes are adding transportation safety and road maintenance to a combined “Transit and Transportation” category, and adding a new “Diversity, Equity, Inclusion, and Belonging” category.

The priorities are intended to be a statement of Council’s highest priorities for your own time, both in and out of formal meetings. We also use them for prioritizing staff time and budget work. They have proven to be very useful for those purposes since first created in early 2023.

The attached draft also includes proposed roles for your Community Advisory Groups. This reflects a continued effort to align your priorities with their work as much as possible.

**Budget Impact:**

No direct impact at this point – any needed budget decisions would be made subsequently.

**Sustainability Impact:**

The priorities include an “Environmental Protection and Sustainable City Operations” category, and sustainability is woven through many of the priorities (for example, the Waterfront and Vision43 Projects; transit, and more).

**Council Options:**

As this is entirely Council’s document, please make any changes or edits as desired to ensure it meets Council’s needs.

**Staff Recommendation:**

Staff recommends making any needed changes and then adopting the priorities. Staff will send the priorities to CAGs once adopted.

**Potential Motion:**

I move to adopt the 2024 Council Priorities (*as amended*).

**Attachments:**

1. Draft 2024 Council Priorities



# 2024 West Linn City Council Priorities

## Oppose I-205 Tolling

### Strategies

- Continued lobbying for West Linn's interests and mitigation of impacts from I-205 Tolling.

### Council Role

- Lobbying with state legislators, ODOT, and surrounding jurisdictions to ensure any tolling plans are more regionally equitable and less impactful to individual communities, and advocate for sufficient mitigation measures for diversion traffic.
- Work with surrounding cities to equitably poll our communities on tolling and impacts.
- Engage in Environmental Assessment process with assistance of legal and consultant teams.
- Connect with legislators and lobbyist to work towards recouping costs to the City.

### Community Advisory Group Role

- TAB advice to Council and participating in lobbying.  
*(Refer to end of document for list of Community Advisory Groups + acronyms)*

## Explore Feasibility of Indoor Recreation/Civic Center

### Strategies

- Continue to explore creation of a new indoor recreation and civic center to serve a wide variety of ages, community needs, and recreation interests.
- Community and stakeholder involvement at all stages to gauge community support.
- Ensure financially sustainable operations and phased construction model.

### Council Role

- Leadership role in community outreach.
- Work with our consultant to survey community interest in financing an indoor recreation center, including consideration of past plans/surveys/info. and financial factors.
- Continue to work with Indoor Recreation Center Task Force and stakeholders to assist with planning and advocate for a potential ballot measure.
- Consider ballot measure in 2024, pending survey and Task Force outcomes.
- Work with Lake Oswego on partnership opportunities with their new aquatic center.

### Community Advisory Group Role

- PRAB representation on Indoor Recreation Center Task Force; SAB role in advising on sustainability features of facility (future project phase); YAC general involvement.

## Police Review & Recommend Committee

### Strategies

- Evaluate the Police Review and Recommend Committee reports and recommendations on Police policy, complaints, investigations, and disciplinary processes.

### Council Role

- Work with staff and members on a regular basis to ensure the Committee functions well. Reconsider the role of the PSAB or consider removal of PSAB from the Municipal Code as this new group will perform a similar, but enhanced function.

### Community Advisory Group Role

- PRR to continue training and work.

## Define and Fund Drinking Water System Capital Needs

### Strategies

- Ensure continued maintenance and operation of the City's drinking water system at the highest possible level.

### Council Role

- Continue to advocate for funding of the Abernethy Bridge water transmission main as well as any other water mains affected by I-205 construction.
- Monitor progress and approve the Water Master Plan update.
- Receive updates on water main projects, including the Abernethy Bridge Project.

### Community Advisory Group Role

- UAB to review water system needs against funding resources following adoption of the Water Master Plan and recommend any needed funding changes to Council.

## West Linn Waterfront Vision

### Strategies

- Complete Waterfront Master Plan to move towards creation of a world class recreational, historical, environmental, and educational tourism destination.
- Renovate Historic City Hall building into Museum and Cultural Center.

### Council Role

- Intentional involvement with indigenous entities in Waterfront Planning and overall building of stronger relationships with area tribes.
- Oversight of public involvement and approval of Waterfront Master Plan.
- Fund Historic City Hall renovation.
- Work with property owner on future of Blue Heron Mill Pond site.
- Research potential return of Willamette Meteorite.

### **Community Advisory Group Role**

- Consultant team and staff to involve many CAGs during Waterfront Plan development (PC, HRB, SAB, TAB, ACC, EDC, YAC, PRAB)

## Vision 43 Project

### **Strategies**

- Adopt vision for the Highway 43 area to create an attractive and welcoming environment for residents, businesses, and visitors.

### **Council Role**

- Policy direction and liaison involvement with the Vision 43 project.
- Ensure extensive community involvement in the Vision 43 process and attend neighborhood association and other meetings to discuss the Highway 43 visioning plan.
- Consider Tax Increment Finance District as a funding source for revitalization in Hwy 43 area.

### **Community Advisory Group Role**

- Consultant and staff to involve EDC, PC, CCI, TAB, YAC, and SAB.

## Transit and Transportation

### **Strategies**

- Continue to advocate for transit improvements within West Linn as well as connections to area transit providers. Consider senior, teen, worker, tolling diversion, and last mile services.
- Seek grants and other funding opportunities for traffic safety and road maintenance.

### **Council Role**

- Lobby for TriMet services improvements and work to support implementation.
- Continue to lobby ODOT and Tri-Met for transit, particularly with impact of I-205 tolling.
- Advocate for traffic safety and road maintenance funding stabilization and enhancement, including lobbying ODOT/State Legislature for improvements to Highway 43.

### **Community Advisory Group Role**

- TAB involvement in lobbying, planning, advising on transit and transportation issues.

## Environmental Protection & Sustainable City Operations

### **Strategies**

- Develop a policy regarding the purchase of alternative fuel, electric, and hybrid vehicles including a cost/benefit analysis for future purchases (from Sustainable West Linn Plan).

### **Council Role**

- Meet with the Planning Commission regarding the Water Resource Area code and consider code amendments for the Planning Docket.
- Review past building sustainability certification policy and provide direction before design/construction of new buildings, such as Operations and Community Recreation facilities.

- Direct staff to review policies related to alternative fuel, electric, and hybrid vehicles including a cost/benefit analysis for future purchases.
- Consider a policy for increasing electric equipment use and reducing use of gas-powered equipment (including possible electric equipment incentive programs).

#### **Community Advisory Group Role**

- SAB advice on high-impact projects, potentially with consultant assistance
- SAB to recommend ways to reduce gas powered equipment use in West Linn (e.g. electric equipment incentives).

## Diversity, Equity, Inclusion, and Belonging

#### **Strategies**

- Prioritize diversity, equity, inclusion and belonging as the heart of our work as a city. Our core values of inclusivity, collaboration, and accountability steer our actions, interactions, decisions, and policymaking to build an engaged, welcoming workplace, community, and a cohesive city.
- Increase access and opportunities for the West Linn community to feel welcome, educated, and engaged with the City.
- Intentional and meaningful engagement and collaboration with tribal communities.

#### **Council Role**

- Improving accessibility to the community to participate in community advisory groups and neighborhood associations through education, outreach, feedback loops (e.g. reporting form, standardization of Councilor roles) and creative solutions.
- Work with staff to continue to provide extensive communication to the community on all of the Council's priorities.
- Provide and participate in educational opportunities with the Council and community.

#### **Community Advisory Group Role**

- All CAGs hold a role in improving DEIB throughout the organization and community and should be considering their recommendations and actions through an equity lens
- Participate in educational opportunities on DEIB topics.

*All priorities will involve extensive community engagement and involvement, including efforts to reach those not typically involved with city government. Priorities may also require evaluation of additional revenue resources by Council.*

<b>Community Advisory Groups</b> ACC = Arts and Culture Commission CCI = Committee for Community Involvement EDC = Economic Development Committee HRB = Historic Review Board PC = Planning Commission	PRAB = Parks and Recreation Advisory Board PRR = Police Review and Recommend Committee SAB = Sustainability Advisory Board TAB = Transportation Advisory Board UAB = Utility Advisory Board YAC = Youth Advisory Council
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# PROCLAMATION

West Linn, Oregon

**WHEREAS**, National Drug and Alcohol Facts Week® is sponsored by the National Institute on Drug Abuse (NIDA) and the National Institute on Alcohol Abuse and Alcoholism (NIAAA), to encourage teens to ask questions about drugs, drug abuse, alcohol, and alcoholism, and receive scientifically-based facts and answers in return; and

**WHEREAS**, it is an annual, week-long health observance that provides high school students across the United States with the opportunity to ask questions and get answers from the Nation's leading experts in the field of substance use/misuse/dependence and disorders via a web chat; and

**WHEREAS**, it is a celebration of the inquisitive minds of teens and encourages them to ask questions about substances, drug abuse/misuse, alcohol, and alcoholism and get scientifically based answers without judgment or biased comment; and

**WHEREAS**, it celebrates the efforts of national and community organizations working with teens to encourage science-based conversations about drugs, drug misuse/abuse, alcohol, and alcoholism; and

**WHEREAS**, National Drug and Alcohol Facts Week attempts to inform teens about the impact and risk of substance abuse.

**NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF WEST LINN** that March 18-24 is

## **National Drug and Alcohol Facts Week**

In the City of West Linn and we urge all community members to participate in the activities planned.

DATED THIS 11TH DAY OF MARCH 2024

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RORY BIALOSTOSKY, MAYOR

ATTEST:

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KATHY MOLLUSKY, CITY RECORDER



## **Agenda Bill 2024-03-11-01**

Date: February 14, 2024

To: Rory Bialostosky, Mayor  
Members, West Linn City Council

From: Kathy Mollusky, City Recorder *KM*

Through: John Williams, City Manager *JW*

Subject: Draft Meeting Notes

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**Purpose:** Approval of City Council Meeting Notes.

**Question(s) for Council:**

Does Council wish to approve the attached City Council Meeting Notes?

**Public Hearing Required:** None required.

**Background & Discussion:**

The attached City Council Meeting Notes are ready for Council approval.

**Budget Impact:** N/A

**Sustainability Impact:**

Council continues to present its meeting notes online, reducing paper waste.

**Council Goal/Priority:**

Guiding Principle #0: Core Services of West Linn City Government. Continue to record and document the proceedings of the West Linn City Council. Guiding Principle #3: Sustainability. Incorporate environmentally sustainable practices in City activities and decision making, including reducing waste generation and energy consumption.

**Council Options:**

1. Approve the Council Meeting Notes.
2. Revise and approve the Council Meeting Notes.

**Staff Recommendation:**

Approve Council Meeting Notes.

**Potential Motions:**

Approving the Consent Agenda will approve these notes.

**Attachments:**

1. November 13, 2023 Council Meeting Notes
2. January 16, 2024 Council Meeting Notes
3. February 6, 2024 Council Meeting Notes

22500 Salamo Road  
West Linn, Oregon 97068  
<http://westlinnoregon.gov>

# **WEST LINN CITY COUNCIL MEETING NOTES November 13, 2023**

## **[Pre-Meeting Worksession](#)**

## **[Call to Order and Pledge of Allegiance \[6:00 pm/5 min\]](#)**

### **Council Present:**

Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Lou Groner, Councilor Scott Erwin, and Councilor Carol Bryck.

### **Staff Present:**

City Manager John Williams and Assistant to the City Manager Dylan Digby.

## **[Approval of Agenda \[6:05 pm/5 min\]](#)**

Council President Mary Baumgardner moved to approve the agenda for the November 13, 2023, West Linn City Council Meeting. Councilor Lou Groner seconded the motion.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Lou Groner, Councilor Scott Erwin, and Councilor Carol Bryck.**

**Nays: None.**

**The motion carried 5 - 0**

### [Public Comment \[6:10 pm/10 min\]](#)

Alice Richmond talked about Thanksgiving, giving thanks, and the troubles in the news.

### [Mayor and Council Reports \[6:20 pm/10 min\]](#)

#### **Reports from Community Advisory Groups**

Councilor Bryck attended the Water Environmental Services Advisory Board meeting. They went over their capital plan and updated strategic plan.

Councilor Erwin went to the Parks and Recreation Advisory Board meeting. The community recreation center survey results were presented; approximately 2,000 residents participated in the survey. A main highlight was that 90 percent of participants support the recreation and community center idea so they will keep moving that forward.

Councilor Groner also attended the Parks and Recreation Advisory Board. He mentioned the 90 percent approval rate of the community center and statistically valid sampling of the survey. The City should keep moving on the community center with the support provided by the survey.

Mayor Bialostosky said the Regional Toll meeting was rescheduled due to scheduling conflicts.

### [Proclamations and Recognitions \[6:30 pm/5 min\]](#)

#### **Small Business Saturday**

##### [Small Business Saturday Proclamation](#)

Mayor Bialostosky read the Small Business Saturday proclamation.

Rebecca Hollenbeck, Historic Willamette Main Street, thanked the City for doing the proclamation and supporting local businesses. She spoke about the West Linn Chamber, Historic Main Street group, and the City giving away 200 mugs during Small Business Saturday. She thanked the City for their partnership.

Shatrine Krake, West Linn Chamber, thanked the City for supporting local businesses and the partnership with the City.

Councilor Baumgardner thanked Ms. Hollenbeck and Ms. Krake and asked about if businesses were still having staffing issues.

Ms. Hollenbeck stated it depends on the industry, but yes they are still having issues. She mentioned the tree lighting event Historic Willamette Main Street is having.

### [Consent Agenda \[6:35 pm/5 min\]](#)

#### **Agenda Bill 2023-12-13-01: Meeting Notes for October 9 and November 1, 2023**

##### [Draft Notes Information](#)

Council President Mary Baumgardner moved to approve the consent agenda for the October 9 and November 1, 2023, meeting minutes. Councilor Lou Groner seconded the motion.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Lou Groner, Councilor Scott Erwin, and Councilor Carol Bryck.**

**Nays: None.**

**The motion carried 5 - 0**

### [Business Meeting \[6:40 pm/30 min\]](#)

#### [I-205 Tolling and Public Polling Concepts](#)

City Manager Williams mentioned the joint meeting last week with the Oregon City Commission where this was a topic of interest. The concept of polling has been discussed and the City is reaching out to surrounding cities for support and financial assistance. The City is getting quotes from polling companies and would like some direction from Council on when they want to do the polling and how fast to move the project.

Mayor Bialostosky said to continue working on the project and that he spoke with the Mayor of Gladstone today. The Special Subcommittee on Transportation Planning meets at the end of February and one of the tentative topics is potential alternatives to tolling so the goal is to have some data for that meeting.

Councilor Groner asked about the timeline from the polling company to get results.

City Manager Williams presumed a month minimum or longer and that West Linn need financial support from other cities which Councilors could help get by discussing with surrounding communities' colleagues.

Council President Baumgardner said it should be something other cities are interested in and the survey could be asking about alternatives to tolling.

Mayor Bialostosky said some cities are interested and is hoping to get a couple more. He would like to have input from the public on alternatives and the current tolling plan.

### City Councilor Training Expenses

Council President Baumgardner presented her desire to enhance the City's tribal literacy and education through a specific training program. The City is culturally important to multiple tribes. There is a lot of complexity in working with tribes, thoughtfully and intentionally, to reduce further harm to a group that has endured untold harm over generations. She would like to have a Councilor that is a tribal liaison. Portland State University (PSU) has a non-credit training certificate program through the Institute for Tribal Studies. Council has a \$15K training budget per year. She requested \$6K over the next two years and will forgo other training to be a part of this training, she would cover the rest including travel costs.

Councilor Groner heartily approves and asked Councilor Baumgardner to share learned information with the Council, staff, and public.

City Manager Williams discussed that there is a \$15K training budget. Council Rules touch on this funding. From this discussion it sounds like \$3K per Councilor, per fiscal year is implied by Council and Council's training budget could be tracked this way.

Councilor Carol Bryck moved to approve to allocate \$3,000 each for the next two fiscal years (\$6,000 total) towards Council Baumgardner's training in tribal relations at PSU. Councilor Lou Groner seconded the motion.

**Ayes: Mayor Rory Bialostosky, Councilor Lou Groner, Councilor Scott Erwin, and Councilor Carol Bryck.**

**Nays: None.**

**The motion carried 4 - 0**

### City Manager Report [7:10 pm/5 min]

City Manager Williams went over Council's upcoming schedule and topics. The November 20<sup>th</sup> meeting will be cancelled due to Thanksgiving week. The Local Contract Review Board rules need to be updated and those are being worked on. The December 11<sup>th</sup> meeting will include certification of the election, the 10<sup>th</sup> and Salamo Project update, a contract award for pavement patching, Historic City Hall construction contract, rent burdened communities hearing required by the State, and the community recreation center polling. He asked Council if they had any ideas for groups or individuals to invite to broaden the voices for the rent burdened communities hearing.

Mayor Bialostosky will reach out to Representative Walters to invite her.

Councilor Baumgardner discussed the perception of wealth in West Linn, the reality of many people's situations and the large impact tolling would have on many people.

Councilor Groner asked about what assistance the City offers.

City Manager Williams said that the City does have some utility assistance programs, but don't offer assistance with rent. He discussed the need to hear from those that are rent burdened or deal with rent burdened communities to look at various housing types the City could be offering. One of the City's main roles is zoning related.

Councilor Bryck mentioned that when Metro Councilor Christine Lewis was here, she discussed a Metro housing voucher program and that it would be good to gather that information to share with West Linn residents. January brings a discussion of Council priorities at a Council Retreat, perhaps a State of the City address, Robert Moore Award, and citizen advisory group trainings.

City Manager Williams mentioned upcoming neighborhood association meetings and several upcoming Library events of interest to the community. The City is working on a summary report of 2018 GO Bond projects that is graphics based and easy to understand so the City will have some clear accountability on how that funding was spent.

Mayor Bialostosky mentioned a need to schedule an executive session for the City Manager's evaluation before December.

[Adjourn \[7:15 pm\]](#)

Draft Notes.



CITY OF  
**West Linn**

22500 Salamo Road  
West Linn, Oregon 97068  
<http://westlinnoregon.gov>

# **WEST LINN CITY COUNCIL MEETING NOTES January 16, 2024**

## **Pre-Meeting**

### **Call to Order and Pledge of Allegiance [6:00 pm/5 min]**

#### **Council Present:**

Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Scott Erwin, and Councilor Lou Groner.

#### **Staff Present:**

City Manager John Williams, Public Works Director Erich Lais, Management Analyst Morgan Coffie, Parks & Recreation Director Megan Big John, Finance Director Lauren Breithaupt, City Recorder Kathy Mollusky, and City Attorney Bill Monahan.

### **Approval of Agenda [6:05 pm/5 min]**

Council President Mary Baumgardner moved to approve the agenda for the January 16, 2024, West Linn City Council Meeting. Councilor Lou Groner seconded the motion.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Scott Erwin, and Councilor Lou Groner.**

**Nays: None.**

**The motion carried 5 - 0**

**[Public Comment \[6:10 pm/10 min\]](#)**

There were none.

**[Consider Resolution Censuring Council Member for Violations of City Workplace Policy](#)**

[Res 2024-01 Information](#)

[Complaint](#)

[Investigative Report](#)

[Defense Statement](#)

Mayor Bialostosky read his statement, noting he and City Council did not take this action lightly. He provided background information on the complaints. The matter had not been made public to this point because of confidentiality rules, and the City hired an outside investigator to investigate the filed complaint. The investigation sustained two violations of the City's Workplace Harassment Policy and two violations of the City's policy prohibiting retaliation against potential complainants. He read relevant portions from Ordinance 1704 related to reprimanding a member of City Council when an investigation confirmed violations of the Workplace Harassment Policy had occurred, and stated the Council would take action to follow through on the charges. The resolution under consideration was drafted by the City Attorney following an Executive Session and was included on the meeting Agenda. Following the final decision, the investigation report and related documents would be made public.

Councilor Carol Bryck moved to adopt Resolution 2024-01, Censuring Councilor Erwin for violation of the City's Workplace Harassment Policy. Councilor Lou Groner seconded the motion.

Councilor Erwin read his prepared statement, noting he was willing to make apologies, have difficult conversations, listen, learn, and continue to grow. He wanted to show the community that the City Council could resolve tough issues in a supportive and understanding manner. He believed the complaint stemmed from two brief interactions with two different people involving two different issues that occurred three months apart. After the second interaction, he felt uncomfortable and intimidated, and as a result, got defensive and did not respond well. He made his concern known to City leaders and no action was taken on his behalf to resolve the raised issues before the complaint was filed. He had not filed a formal complaint because he knew it would be a time-consuming and expensive process that would not fix the underlying issue.

- He did not believe the resolution was appropriate under the circumstances. Ordinance 1704 mandated a sufficient and appropriate remedy to reprimand the member and deter future conduct violating the policy. The resolution under consideration was the

most punitive action the City Council could take and should be reserved for the worst violations when criminal prosecution or severe civil penalties were certain.

- He asked Council to carefully consider the resolution and what it said about how interpersonal issues were resolved. When problems arose, they needed to be talked about with each person having the opportunity to be heard in a comfortable setting, be understood, and strive for the healing of all who were involved. It was a mistake to take a hard line and not explore restorative resolutions and forgiveness.

Council President Baumgardner read her prepared statement, noting she was the person on City Council most consistently targeted by the harassment and retaliation outlined in and proven by the investigation and subsequent report. She believed this was a wholly unprovoked and manufactured situation. She had never attempted to provoke, incite, intimidate, or disparage Councilor Erwin, but the reverse had been found to be true and confirmed by the report. Officially, she had lost confidence in Councilor Erwin's ability to serve the city and City Council. She supported the resolution, which was appropriate and included steps to inhibit his ability to serve. Neither she nor Council took these steps lightly. The entire matter was very unfortunate and could have been avoided if steps had been taken, mostly by Councilor Erwin who chose not to but instead chose to continue to blame her and suggest that she had incited or created the situation, which was absolutely false.

Councilor Groner believed as elected officials, Councilors owed the community and each other a standard of civility, mutual respect, and professionalism. He supported the resolution, believing the lapses of those standards could not be ignored.

Councilor Bryck stated that while she appreciated Councilor Erwin's offer to apologize, it seemed too far down the road for that. As public officials, Councilors need to realize that anything they said or did could be on the front of the newspaper so they should behave how they wanted to be seen and be their best selves all the time for the citizens of the community.

Mayor Bialostosky repeated his statement that the City had no tolerance for workplace harassment or retaliation, and he believed that throughout this difficult process, Council needed to hold themselves accountable to the same standards that Staff and others were expected to follow. He supported the resolution because the actions that occurred had harmed the City, public trust, and Council's ability to function.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, and Councilor Lou Groner.**

**Nays: None.**

**The motion carried 4 - 0**

**[Mayor and Council Reports \[6:25 pm/30 min\]](#)**

**Election of Council President**

Councilor Lou Groner moved to Re-elect Councilor Baumgardner as City Council President. Councilor Carol Bryck seconded the motion.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Scott Erwin, and Councilor Lou Groner.**

**Nays: None.**

**The motion carried 5 - 0**

#### **Reports from Community Advisory Groups**

Councilor Bryck reported she attended the Water & Environmental Services Advisory Group meeting last week, and exciting things were planned for the upcoming year. After doing virtual meetings for the last few years, the Group planned to hold some in-person meetings this year.

Councilor Erwin reported the Arts & Culture Commission was seeking Council's input on whether to place an art piece by Historic City Hall or in Old Town. The Parks & Recreation Board held a meeting last week, discussing what items were within the Board's purview, as they were very busy dealing with Parks & Recreation activities. The Board wanted to make sure it had a clear line of sight regarding matters it reviewed, such as the item under consideration later tonight.

#### **Complete City Manager Evaluation**

Mayor Bialostosky noted Council had considered input from both the public and City Staff and had held one Executive Session to review goals for the City Manager to focus on in 2024, which he then reviewed.

City Manager Williams believed the goal list was great with a lot of challenging items but much of the work was already being done. The items were extremely important and exciting. He considered it an honor to do this job and was excited to work on these topics. He appreciated the community and Staff input for the evaluation and looked forward to the next year.

City Council members expressed their appreciation for the City Manager's efforts and congratulated him for his excellent work.

Mayor Rory Bialostosky moved to Award the City Manager a three percent merit increase retroactive to September 15, 2023, and establish the following goals for the City Manager in 2024: support Council priority work, strengthen City organization, enhance external communications, stay future-focused, and advance Diversity, Equity, Inclusion, and Belonging. Councilor Lou Groner seconded the motion.

Mayor Bialostosky noted the three percent merit increase language came from the City Manager's contract, allowing up to a three percent merit increase after completion of the annual review.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Scott Erwin, and Councilor Lou Groner.**

**Nays: None.**

**The motion carried 5 - 0**

**[Audit Report \[6:55 pm/10 min\]](#)**

**[Audit Report Information](#)**

Finance Director Breithaupt noted the City had a successful audit this year with a clean opinion issued.

Tonya Moffitt, CPA Merina+Co, reported that on January 2, 2024, the firm had issued a clean, or unmodified, opinion on the City's June 30, 2023, audited financial statements covering the period of July 1, 2022, to June 30, 2023. The City received close to \$7 million in Federal funding, over the \$750,000 threshold for a single audit. The audit did not reveal any compliance issues. She noted it was hard to not have compliance issues because there were so many checkboxes to complete, especially for events like the ice storm where money was received after the fact. The audit report included the Independent Auditor's Report on Compliance and on Internal Control over Financial Reporting Based on an Audit of Financial Statements Performed in Accordance with Oregon State Regulations (OSR) (Page 150 of the Agenda packet, Page 129 of the Audit Statement).

**[Consent Agenda \[7:05 pm/5 min\]](#)**

**[Agenda Bill 2024-01-16-01: Electronic Health Record Database Intergovernmental Agreement](#)**  
**[Electronic Heath IGA Information](#)**

Council President Mary Baumgardner moved to approve the Consent Agenda for the January 17, 2024, West Linn City Council Meeting. Councilor Lou Groner seconded the motion.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Scott Erwin, and Councilor Lou Groner.**

**Nays: None.**

**The motion carried 5 - 0**

## Business Meeting [7:10 pm/30 min]

### Agenda Bill 2024-01-16-02: Acceptance of offer to buy Vacant Property at 3955 Cedaroak Dr Cedaroak Property Information

City Manager Williams noted this issue went back to decisions made around 2008, if not earlier. Tonight's decision went back two years when the Council declared this lot surplus property and directed Staff to move forward with the sale. An offer was now under consideration.

Public Works Director Lais presented the Staff report, noting the City had not participated in any stream restoration or stormwater projects on the property. Due to land use restrictions because of a stream on the site, the City was unlikely to receive additional or higher offers. Staff recommended the Council approve the sale.

Council President Baumgardner noted in July 2021, when the City Council was first presented with the request to declare this a surplus property, no background information was provided. She voted in an uninformed way, and being fairly new to the Council, did not do her own research. After the unanimous vote to declare it surplus property, the Council received information related to prior legal matters that were very relevant and would have changed her vote. This information was also not included in the information presented tonight, but she believed it should be highlighted because even though the vote was not on whether to declare it surplus property, it did inform her own personal view on whether it should be sold.

- From reviewing past meetings, particularly the August 2, 2021 meeting as mentioned by Public Works Director Lais, she had learned the property had a creek on it that had been illegally excavated and redirected by the previous owner, and the City embarked on a remedy including a plan to restore the creek to its previous direction themselves. After threats from the owner to sue the City, Staff decided to purchase the property as a restoration project property using environmental funds.
- The restoration project of redirecting the creek was never completed. She was concerned that the creek was never repaired, but the property could be sold in its current state with the creek redirected. The harm done to an important creek that was two converging creeks feeding into the Willamette River was a significant consideration when Council was given the task to declare it surplus property.
- She read a letter from Lisa Clifton from the August 2, 2021 meeting into the record, noting she continued to have the same concerns regarding the overlaying Water Resource (WRA) and Habitat Conservation Areas. She asked what options were available at this point since she did not believe the process was rigorous at the time.

Councilor Bryck commented that she walked by the property frequently, and the creek actually meandered through the property and did not run along the edge as previously reported. Requirements to allow some development would encroach on the streambed. Streams moved and shifted over time, and any structure near the streambed could be damaged by the shifts,

causing significant impacts to residents both upstream and downstream, as Trillium Creek ran from Rosemont Road to the Willamette River. While the City was not currently using the property, she saw it as a stormwater filter because water would run down into the creek, through the streambed and plants, and eventually into the Willamette River.

The City Council continued to discuss potential environmental damage and the sustainability impact section of the Staff report. Council President Baumgardner believed it was important to make informed decisions and asked what, if anything, had changed since the City decided it was necessary to purchase this property that would not set up a situation for a future takings challenge.

City Attorney Monahan explained since the City had owned the property for over 15 years, he was not familiar with what the conditions were that led to the potential litigation. If the property was sold, the new owner would use Planning Staff's memorandum in creating a development plan. He explained that a taking challenge could occur if the City denied or modified a development proposal to the extent that the property owner felt the City was unreasonable, particularly if City Standards did not allow for development of some or all the property. The taking could occur if no development took place or reductions limiting the marketability or use of the property plan were made to the plan. He believed Council was correct to consider whether a new buyer would want to use the property for something other than open space and if the application of City Standards could create an issue where the owner could allege a taking.

Mayor Bialostosky asked if the buyer was aware of regulations creating a risk that the new owner may not be able to develop the property.

City Attorney Monahan replied the City was not placing land use restrictions on the purchase, and no plan had been submitted to and approved by the Planning Department limiting use of the Moderate Value Habitat Conservation Area, so an element of risk did exist.

Management Analyst Morgan Coffie added the sales agreement contained a due diligence period for the applicant to submit a proposal for review and have it substantially approved prior to closing the sale.

City Manager Williams asked that if City Council decided to not sell the property, they give clear direction about what Staff should do with it. If restoration needed to be completed on the property prior to reselling it, the City would need to look at the cost and work it into the Capital Plan.

Council President Baumgardner noted that when the City initially purchased the property, a plan was in place and asked what happened to that plan. She asked under what legal process the purchase occurred, why the City did not follow through, and how the City needed to proceed with the property if the purchase was in truth to restore a creek from excavation damage. She agreed with concerns about the City getting into the business of purchasing

properties for open spaces, but they needed to acknowledge the environmental impacts of the decisions, and if a past undertaking was not a good idea, she wanted to know that as well.

Councilor Groner suggested postponing the decision until the next meeting so they could get clarity on some of the issues.

City Manager Williams replied that Council was in the driver's seat as owners of the property and noted that it had been difficult to find a buyer for reasons Council had already discussed.

Management Analyst Coffie was unsure whether the buyer would agree to another extension or not.

City Manager Williams offered to research the 2008 decision, but he was not certain that a specific plan was actually in place and believed that the property may have been purchased to do restoration work or prevent other activities.

Councilor Erwin commented he would like a compromise where the City Council sold the property and the buyer promised to be a good steward of that land. He was unsure if the City could ask the buyer what was planned for the property.

Councilor Bryck believed this could lead to problems with future owners, as the buyer could follow all of the rules in developing the property, but a future owner could further develop it without permits. A buyer who was all about sustainability, the environment, and the WRA could end up selling the property to someone who did not have the knowledge, awareness, or concern of the issues.

Council President Baumgardner asked if the Planning Commission could review any plans for this property.

Public Works Director Lais explained that Staff had previously asked the Planning Commission what was buildable on the site, and in the end, everyone believed it was a waste of time to run it through Land Use if the plan was to ultimately sell the property. He did not realize the stream had been modified from its original location, but if that was true, it brought up different issues, including whether the intent of the restoration was to return the creek to its natural state.

The Council reached consensus to delay the decision regarding the sale of the property until they had more information.

Mayor Bialostosky asked how much it would cost to take this through Land Use and formulate a plan.

City Manager Williams replied that a specific plan had to be taken through Land Use, not a general concept. He understood the biggest issue was the question of whether the City should

have or intended to do restoration on the property. Staff could research that, keeping in mind the City had lost Staff who could have the answers. Regarding Land Use, he agreed with Management Analyst Coffie to let someone purchase the property and use the due diligence process to take a development proposal to Land Use.

Councilor Erwin suggested revising Chapter 28 of the Code to make it more aligned with the City's conservation perspective, so Council could be more comfortable with this type of transaction.

City Attorney Monahan advised that if the City decided not to sell the property to this buyer after undergoing review to determine the original restoration intent, Council should determine what restrictions to place on the property before putting it back on the market. The Planning Department could review the restrictions to determine if the property could still be developed, helping the City avoid the risk of a potential taking challenge.

Council President Baumgardner asked if the adjacent property owners had ever been approached about purchasing this lot, even if it was together as a common area.

Management Analyst Coffie replied they had not been approached to purchase it as a common area, but one owner had been in contact with them a year or two ago. When the property was put on the market again, the individual declined to make an offer.

#### [Agenda Bill 2024-01-16-03: Phase Two Recreation Center Feasibility Study](#) [Rec Study Information](#)

City Manager Williams explained that this Agenda item was to propose a Phase II work plan for the indoor community recreation center. If approved, the contract would be above his signing limit and needed Council authorization.

Parks and Recreation Director Big John presented the Staff report, explaining that the report from MIG included the scope and estimated cost of Phase II and highlighting the community engagement component.

Ryan Mottau, MIG Director of Engagement, noted MIG was excited to add in components the City had been asking for, such as drawings, polling, and increased outreach.

Parks and Recreation Director Big John added having the renderings and operational analysis together before starting community outreach was, unfortunately, not going to happen but case studies showing operational plans were available if the community still wanted to get behind the recreation center. The end goal was to have the package available for everybody to advocate for the center as they moved forward into the election season.

Parks and Recreation Director Big John and Mr. Mottau addressed Council concerns and questions as follows:

- The second community-wide questionnaire would differ from the first one because it was specifically responding to the outpouring of interest in the project.
- They had received over 600 requests from the “Contact Us” form, and they would receive between 200 and 300 responses to the polls.
- The poll and community questionnaire would use the same questions, but the poll would provide a managed sample for randomness and allow them to make assumptions representing the entire voter population.
- The community-wide survey would be available for anybody to respond to, giving people an opportunity to have their voice heard.
- The results would not necessarily be lumped together but could be used side-by-side to understand or explore if slightly different results were seen between the groups.

Mayor Bialostosky asked that MIG do whatever it could to increase the size of the statistically valid poll to ensure that those who may not necessarily support the project were included, as the open poll may skew towards those who did support the project.

Mr. Mattou explained the size of the community would make it hard to get a sample size larger than 250 respondents. The polling partners would ensure the poll had the randomness needed to represent the entire community.

- The project’s deliverables would include options for what both the City Council and the community needed to do for the project to fund itself and avoid creating a financial boondoggle.
- At this point, focus group use had not been specified. Youth were an important audience in the design process and would be actively solicited in community workshops to help build out the design, but they wanted flexibility to ensure other demographics had a chance to respond as well. This would be a multi-generational recreational community center, requiring a holistic look at the system.
- Direct mailings had been included in the line item for communication. Having an in-house communication and graphics team provided flexibility on what they could do in public information campaigns. Once the team determined the best reach, they could produce a variety of materials for distribution through Staff effort or direct mail.

Council President Mary Baumgardner moved to approve Agenda Bill 2024-01-16-03, moving forward on Phase II of the Community Recreation Center and authorizing the City Manager to sign the contract with MIG, Inc. Councilor Scott Erwin seconded the motion.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Scott Erwin, and Councilor Lou Groner.**

**Nays: None.**

**The motion carried 5 - 0**

#### [City Manager Report \[7:40 pm/5 min\]](#)

City Manager Williams reported on tonight's storm, noting Staff was trying to decide what to do as a City tomorrow. Keeping the roads clear was a challenge, especially with thin ice and no fluffy snow to plow. The City had a small streets crew and six vehicles able to do the work. De-icer helped only when the roads were dry, and the City tried to use it in advance of an event. After that, it was less useful, so the focus was on closing the steepest roads and trying to keep other routes open. He anticipated a late start for public facilities tomorrow morning, no earlier than 10:00 AM. If the streets were drivable, they would reopen. Otherwise, they would stay closed as long as needed. West Linn–Wilsonville and Lake Oswego schools would close for the entire day.

- Earlier today, a tiny piece of ice clogged a tiny copper line near the Horton Reservoir, causing the gauges to misread and the reservoir to not refill. The City ran out of water in the Horton Water Pressure Zone. The City issued a boil water alert for drinking or cooking, but most other uses were safe. Instructions were available on the website. Samples were being tested to confirm no leakages occurred, and the notice would be rescinded as soon as possible.
- He reminded residents to stay off the roads for another 12-plus hours as the roads were icy, and he appreciated Council's willingness to hold tonight's meeting virtually.
- A CAG and Neighborhood Association (NA) training was scheduled for January 22. The Council Retreat to work on priorities for the year would be held January 24 at 10:00 AM, and the draft agenda would be sent out tomorrow. The next work session was scheduled for February 5, and the regular business meeting was on February 12. Also in February, the City Council would hold joint meetings with the Sustainability Advisory Board and Planning Commission and hear a report from Police Review and Recommend.

#### [City Attorney Report \[7:45 pm/5 min\]](#)

City Attorney Monahan reported that a revised project list had been submitted to the Council in January. Many projects were now completed, reducing the list quite a bit. He would chair the Citizen Advisory Group training next Monday, and City Recorder Mollusky had prepared documentation for submission to the group, including discussion about Zoom/WebEx bombing and how to handle it, and the adopted changes to Council rules.

#### [Adjourn to Work Session \[7:50 pm/5 min\]](#)

Draft Notes.

#### [Call to Order Work Session \[7:55 pm/5 min\]](#)

#### [Historic Tugboat Storage/Display Request \[8:00 pm/30 min\]](#)

#### [Historic Tugboat Information](#)

Adjourn [8:30 pm]

Draft



CITY OF  
**West Linn**

22500 Salamo Road  
West Linn, Oregon 97068  
<http://westlinnoregon.gov>

# **WEST LINN CITY COUNCIL MEETING NOTES February 6, 2024**

## **[Call to Order \[7:30 pm/5 min\]](#)**

### **Council Present:**

Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, and Councilor Leo Groner.

### **Staff Present:**

City Manager John Williams and City Recorder Kathy Mollusky.

## **[Approval of Agenda \[7:35 pm/5 min\]](#)**

Council President Mary Baumgardner moved to approve the agenda for the February 6 Special Meeting. Councilor Leo Groner seconded the motion.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, and Councilor Leo Groner.**

**Nays: None.**

**The motion carried 4 - 0**

### [Public Comments \[7:40 pm/10 min\]](#)

There were none.

### [Release of Investigative Report \[7:50 pm/10 min\]](#)

Mayor Rory Bialostosky moved to waive any applicable public records exemptions and release Jill Goldsmith's February 1, 2024 final investigation report, executive summary, and exhibits regarding the Farley matter. Council President Mary Baumgardner seconded the motion.

Councilor Groner cautioned that there is very graphic information in the report and advised to not allow young people to read it.

Council President Baumgardner supports the people who have been waiting so long for this and expressed that Council is here to help as much as they can. She invited anyone who wants to talk, either one-on-one or in a group setting, to call her. Council concurred.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, and Councilor Leo Groner.**

**Nays: None.**

**The motion carried 4 - 0**

City Manager Williams stated staff has created a webpage that will be live before 9:00 pm tonight. It will have the report and all the exhibits on it. Staff will create a link on this meeting page and has printed copies to hand out. He confirmed it will also be sent to the Police Review & Recommend Committee.

[Link to Report](#)

### [Adjourn \[8:00 pm\]](#)

Draft Notes

**Agenda Bill 2024-03-11-02**

Date Prepared: February 26, 2024

For Meeting Date: March 11, 2024

To: Rory Bialostosky, Mayor  
West Linn City Council

Through: John Williams, City Manager *JRW*

From: Erich Lais, PE – City Engineer/Public Works Director

Subject: West Linn – LOT Intergovernmental Agreement Amendment

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**Purpose:**

Receive Council approval for proposed amendment to the City's existing intergovernmental agreement (IGA) with the Lake Oswego Tigard Intertie (LOT) for potable water delivery services.

**Question(s) for Council:**

Does Council wish to continue the partnership between South Fork Water Board and LOT for non-emergency drinking water during the construction of Abernethy Bridge?

**Public Hearing Required:**

None Required.

**Background & Discussion:**

The City of West Linn entered into a reinstated agreement with Lake Oswego, South Fork Water Board, and the City of Tigard on or around November 18, 2013 for an emergency water intertie system. The IGA existing IGA dictates conditions as to which the City may access water under non-emergency circumstances. These circumstances limit the use of the intertie for non-emergency purposes for time periods of "less than two weeks".

Due to the pending construction of the Abernethy Bridge and relocation/reconstruction of the City's water distribution main from the South Fork Water Board which is the City's source of potable water, the City of West Linn will need to access water from LOT for periods longer than what is allowed under the current agreement (less than two weeks). The proposed amendment will change the existing limitations on non-emergency water use through the duration of the Abernethy Bridge construction project which is estimated to be completed in 2025. Details of the IGA amendment are attached to this report.

**Budget Impact:**

No budget impact because the rate paid to LOT is proposed to be the same as the rate West Linn currently pays South Fork Water Board. This rate is slightly higher than the normal emergency rate we pay LOT. Expenditures to be charged from the wholesale water budget within the Water Fund.

**Sustainability Impact:**

NA

**Council Options:**

LOT is our only alternative source for potable water, so staff does not see any viable options other than the proposed agreement.

**Staff Recommendation:**

Approve the amendment in order for the City to secure access to non-emergency water via the LOT Intertie throughout the duration of the required improvements to the Abernethy Bridge and the City's water distribution main from South Fork Water Board.

**Potential Motion:**

I move to approve the amendment to the City's Intergovernmental Agreement for potable water services from the Lake Oswego Tigard Intertie.

**Attachments:**

1. Lake Oswego Tigard Intertie Intergovernmental Agreement Amendment

TO: Wyatt Parno, South Fork Water Board  
Steve Rymer, City of Tigard  
John Williams, City of West Linn  
Martha Bennett, City of Lake Oswego

From: Erich Lais, PE, Public Works Director and City Engineer  
West Linn

Subject: **Memorandum of Request for Non-Emergency Supply of Water to West Linn the Lake Oswego-Tigard Water Treatment Plant for Duration of the Abernathy Bridge Replacement Project; and Approvals**

Date: 2-12-24

During the I-205 improvements on the Abernathy Bridge over the Willamette River, West Linn's drinking water supply will need to be provided by the Lake Oswego-Tigard Water Treatment Plant. This is provided for in the Intergovernmental Cooperative Agreement (IGA) between the South Fork Water Board and the cities of Lake Oswego, Tigard, and West Linn that was amended and restated in 2013 (see attachment).

**A. West Linn Request for Water under IGA / Approvals**

For the reason described above, West Linn (by execution below) requests the delivery of water from the Lake Oswego / Tigard Water Treatment Plant to the intertie pump station under Section 3.c, Use of Water Intertie c of the IGA:

***"Non-Emergency conditions Greater Than Two Weeks. Prolonged use of the intertie for more than two weeks during scheduled maintenance and repair must be approved by the Executive Officer of each Party."***

By execution below, the respective executive directors / city managers of the South Fork Water Board and the cities of Lake Oswego and Tigard approve the request, for the duration West Linn's need during the I-205 Abernathy Bridge project, which is currently expected to be completed by 2025, subject to early termination in the event of emergency water need by Lake Oswego and/or Tigard, in which event written notice shall be given as reasonably possible under the circumstances.

**B. Cost of Water Delivered**

Section 8, Cost of Water to Be Supplied, of the IGA s establishes the rate that West Linn will be charged:

**The Parties agree to pay for all water provided through the intertie at a rate that is the greater of:**

- a. The rate being paid by West Linn to South Fork Water Board; or
- b. The cost to Lake Oswego and Tigard to produce and deliver water to the inlet side of the intertie pump station, which in the first year of operation of the expanded treatment plant is estimated to be \$0.95 per 100 cubic feet.

The rate currently being paid by West Linn to South Fork Water Board is \$1.1530 per 100 cubic feet. Therefore, the City of Lake Oswego will bill West Linn \$1.1530 per 100 cubic feet, which is the greater of the two rates noted.

It is so Requested and Approved in accordance with the provisions of the IGA.

**REQUESTOR**

**City of West Linn**

Approved as to Form

By: \_\_\_\_\_  
John Williams, City Manager  
Date: \_\_\_\_\_, 2024

By: \_\_\_\_\_

**APPROVALS**

**South Fork Water Board**

Approved as to Form

By: \_\_\_\_\_  
Wyatt Parno, CEO SFWB  
Date: \_\_\_\_\_, 2024

By: \_\_\_\_\_

**City of Tigard**

Approved as to Form

By: \_\_\_\_\_  
Steve Rymer, City Manager  
Date: \_\_\_\_\_, 2024

By: \_\_\_\_\_

**City of Lake Oswego**

Approved as to Form

By: \_\_\_\_\_  
Martha Bennett, City Manager  
Date: \_\_\_\_\_, 2024

By: \_\_\_\_\_



## **Agenda Bill 2024-03-11-03**

Date: January 30, 2024

To: Rory Bialostosky, Mayor  
Members, West Linn City Council

From: Lauren Breithaupt, Finance Director *LB*

Through: John Williams, City Manager *JRW*

Subject: Municipal Code Revisions for Chapters 7.450 and 7.467 on Transient Lodging Tax (TLT)

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### **Purpose**

The purpose of this report is to consider updating the City of West Linn's Municipal Code in regards to Transient Lodging Tax. The current municipal code was updated in January 2021, to include short-term vacation rentals. This update is to include State of Oregon ("State") required language for the State to be able to administer the program.

### **Question(s) for Council:**

Should the City Council approve the changes to the Municipal Code Chapters 7.450 – 7.492?

### **Public Hearing Required:**

None

### **Background & Discussion:**

The City made changes to the Municipal Code sections regarding Transient Lodging Tax in March 2021. The City does not have any hotels or motels within City limits, however, there are a few short-term rental properties (such as Airbnb and VRBO). The changes made allow the City to collect Transient Lodging Tax revenues on these vacation rental properties.

The State of Oregon can administer the program for the City, provided the City has certain language in the Municipal Code. The City Attorney reviewed the State's requirements and has made the applicable updates.

### **Budget Impact:**

The exact budget impact depends on total vacation rentals within West Linn and the percentage tax the City decides to tax. Assuming the City continues with a four percent tax and there are 20 vacation rentals, charging \$100/night for 50 days of the year, the City would collect \$4,000 in revenue. A portion of the funds may be required to be dedicated to tourism.

### **Sustainability Impact:**

Not applicable.

### **Council Options:**

1. Approve the proposed changes to the municipal code.

2. Reject the changes to the municipal code.
3. Request additional information or revisions.

**Staff Recommendation:**

Staff recommends the approval of the proposed changes.

**Potential Motion:**

Move to approve the changes to the Municipal Code Chapters 7.450 – 7.492 on Transient Lodging Tax (TLT)

**Attachments:**

1. Ordinance 1753

## ORDINANCE 1753

### AN ORDINANCE RELATING TO THE AMENDMENT OF THE WEST LINN MUNICIPAL CODE CHAPTERS 7.450 TO 7.467 TRANSIENT LODGING TAX

Annotated to show <del>deletions</del> and <u>additions</u> to the code sections being modified. Deletions are <del><b>bold lined through</b></del> and additions are <b><u>bold underlined</u></b> .
---

**WHEREAS**, Chapter II, Section 4, of the West Linn City Charter provides:

Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers;

**WHEREAS**, the City Council held a Work Session on January 9, 2021 to discuss the Transient Lodging Tax and identified the need to update the City's Municipal Code to include short-term vacation rentals; and

**WHEREAS**, the City hired Merina & Company to propose changes to the Municipal Code in regards to Transient Lodging Tax; and

**WHEREAS**, City Council held a meeting on March 8, 2021 passing Ordinance 1725 amending West Linn Municipal Code Sections 7.450 [Definitions] through 7.4888 [Appeals]; and

**WHEREAS**, the Code needs to be updated to include State of Oregon required language in order for the State to be able to administer the program.

**NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:**

**SECTION 1. Amendments.** West Linn Municipal Code Sections 7.450 [Definitions] and 7.467 [Penalties and Interest] are amended to read as follows:

7.450 Definitions. "Tax Administrator" means the Finance Director of the City of West Linn, or its designee, which may include the Oregon Department of Revenue. **If the City utilizes the Oregon Department of Revenue as its Tax Administrator, it will comply with ORS 305.620 in that it will follow the rules adopted by the Department of Revenue regarding the administration, collection, enforcement, and distribution of transient lodging taxes.**

7.467. Penalties and Interest.

(1) ~~**Original Delinquency. Any operator who has not been granted an extension of time for remittance of tax due, and who fails to remit any tax imposed by this chapter prior to delinquency, shall pay a penalty of 10 percent of the tax due in addition to the amount of the tax. Interest shall be added to the overall tax amount due at the same rate established under**~~

ORS 305.220 for each month, or fraction of a month, from the time the return to the tax administrator was originally required to be filed to the time of payment.

~~(2) — Continued Delinquency. Any operator who has not been granted an extension of time for the remittance of tax due, and who failed to pay any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent, shall pay a second delinquency penalty of 15 percent of the amount of the tax due, plus the amount of the tax due plus the 10 percent penalty first imposed. If a transient lodging tax collector fails to file a return or pay the tax as required, a penalty shall be imposed in the same manner and amount provided under ORS 314.400~~

~~(3) — Fraud. If the Tax Administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, or intent to evade the provisions thereof, a penalty of 25 percent of the amount of the tax due shall be added thereto, in addition to the penalties stated in subsections (1) and (2) of this section.~~

~~(4) — Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent per month or fraction thereof without proration for portions of a month on the amount of the tax due, exclusive of penalties, for the date on which the remittance first became delinquent until paid.~~

**SECTION 2. Severability.** The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

**SECTION 3. Savings.** Notwithstanding this amendment, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions of the ordinance were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

**SECTION 4. Codification.** Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder or the designee is authorized to correct any cross-references and any typographical errors.

**SECTION X. Effective Date.** This ordinance shall take effect on the 30<sup>th</sup> day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 11th day of March, 2024, and duly PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
RORY BIALOSTOSKY, MAYOR

ATTEST:

\_\_\_\_\_  
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY



CITY OF  
**West Linn**

## Public Comment Form

I wish to speak during Public Comments (comments are limited to three minutes). Topic listed will be reflected in the meeting minutes.

Please specify topic (required): National Drug & Alcohol Fact week

I wish to wait and speak on the agenda item listed below (comments are limited to three minutes).

Please specify agenda item (required):

Please print:

Name: Nataue Swartley

Phonetic spelling, if difficult to pronounce: SW - ORC - lee

Address (Optional): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email (Optional): \_\_\_\_\_ Phone (Optional): \_\_\_\_\_

**Please submit this form to the City Recorder along with copies of any material to be handed out to the Council.**

This form is subject to public records laws. If requested, it may be disclosed to another party unless exempt from disclosure under Oregon Public Records Law.



CITY OF  
**West Linn**

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Please specify agenda item (required):

Please print:

Name: carson Hayer

Phonetic spelling, if difficult to pronounce: \_\_\_\_\_

Address (Optional): \_\_\_\_\_

City: West Linn State: OR Zip: 97068

Email (Optional): \_\_\_\_\_ Phone (Optional): \_\_\_\_\_

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