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

WEST LINN
CITY COUNCIL MEETING
NOTES
April 8, 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 Leo Groner, and Interim Councilor Kevin Bonnington.

Staff Present:
City Manager John Williams, City Attorney Bill Monahan, and City Recorder Kathy Mollusky.

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

Council President Mary Baumgardner moved to approve the agenda for the April 8, 2024, West Linn City Council Meeting with the following two changes: Move Agenda Items 4b. Appoint Community Advisory Group, and 7a. Agenda Bill 2024-04-08-02: Resolution 2024-02, to transition city operations to electric appliances and landscaping equipment to the April 15, 2024 City Council Special Meeting agenda. Interim Councilor Kevin Bonnington 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

Public Comment [6:10 pm/10 min]

Ole Olsen, West Linn, spoke to the incorporation of the City of West Linn. Mayor Bialostosky said Council would investigate the matter to make sure the City was properly incorporated.

Steve Woodward, West Linn, described his inability to find a record of the incorporation of the City of West Linn.

Paul Hansen, West Linn, spoke to his concerns about the Cedaroak Drive student sidewalk. Mayor Bialostosky stated Council would make sure his concerns got to the City's Engineering Staff.

Sandy Carter, West Linn, spoke to the preservation of the city's river heritage and to the preservation of the tugboat *Lady B*.

Alice Richmond noted the hearing equipment in Chambers did not work. Mayor Bialostosky said the equipment would be tested.

Mayor and Council Reports [6:20 pm/30 min]

Reports from Community Advisory Groups

Council President Baumgardner reported on the Transportation Advisory Board's April 3rd meeting. Discussions had included sidewalk infill priorities and General Capital Project updates. She also reported that the Parks and Recreation Advisory Board, Parks Department Staff, and the Recreation Center consultant hosted an Open House on April 4th at the Adult Community Center (ACC) asking for engagement, outreach, and input from the community about the Rec Center proposal. Another Open House would be held on May 23rd.

Councilor Groner reported on the Arts and Culture Commission meeting on April 3rd. A call would be made for an artist's draft of art for a bike kiosk.

Councilor Bryck reported on the Planning Commission meeting on April 3rd where much of the same information Council looked at in the April 1st work session was reviewed.

Interim Councilor Bonnington had attended the Committee for Community Involvement meeting on March 26th where the people who would be joining the Housing Production Strategy Working Group were discussed as well as solutions for outreach for the proposed

Community Center.

Mayor Bialostosky attended the Clackamas County Coordinating Committee (C4) meeting where TriMet gave a presentation on its funding. He was pleased to see in the presentation Line 76 stopping in Willamette going from Oregon City to Tualatin and the line going up Salamo Rd to Lake Oswego. He believed Line 35 would receive enhanced service and increased frequency on Hwy 43. Today he attended the local official meeting of the Department of Land Conservation and Development Advisory Committee on which he has served for a couple of years. There he discussed and shared his concerns about the planned roll-out of the Housing Accountability and Production Office. He will continue to advocate for local government involvement in that process.

Appoint Community Advisory Group Member

This item was moved to the April 14, 2024 City Council Special Meeting Agenda.

Discussion of boat trailer parking time limits

Mayor Bialostosky noted the time limit for boat trailer parking on City streets was currently four hours and a request was received to discuss increasing that limit. A meeting was held on the topic with the Police Chief last year and was discussed at a City Council work session.

Public Comment

John Rodenburg, West Linn, spoke to the difficulty of preparing a boat for use within the current ordinance's four-hour limit to avoid a citation.

Mayor Bialostosky stated a couple of emails had been received requesting no change to the time limit, as well as an email from Kathie Halicki, President, Willamette Neighborhood Association which endorsed a change from four hours to 24 to 48 hours for boat parking only.

Councilor Bryck expressed three concerns about extending the time limit: It might increase the number of times boats were parked on the streets, nothing restricted boat owners from parking in front of someone else's house, and parking boats on the city's narrow streets could cause risks for driver navigation, especially for delivery trucks, and for getting in and out of neighborhood driveways with boats parked across the street, particularly for larger vehicles. The existing law allowed an exception to the time limit if permission was requested. She recommended automating that process so a list could be consulted of those who had been granted a time extension if a complaint was called in.

Council President Baumgardner wanted to be welcoming to boat owners from outside the city but also acknowledged the possibility of complaint calls generated about boats being parked for several days in front of community members' homes located near the boat ramps. She appreciated Councilor Bryck's suggestion for making an extension request easier and automated and would like to look into that if a decision was not made to extend the time limit. She would like to hear more input from Council before she made a decision.

Councilor Groner suggested requesting permission from a neighbor be required in order to park a boat trailer in front of their house. He was okay with a 24-hour time limit as long as the neighbors' driveways were not blocked.

Interim Councilor Bonnington had looked at requirements of neighboring cities. Lake Oswego allowed boat trailer parking for 24 hours once every seven days, but also stated the trailer needed to be parked within 100 ft of the owner's residence. Oregon City did not appear to allow on-street boat parking at all.

Mayor Bialostosky believed a four-hour boat trailer parking limit was a bit restrictive, but he was mindful that not a lot of public input had been received. He suggested seeking more public involvement from neighborhood associations or conducting a survey of more community members. He was concerned about the arbitrariness of an owner leaving a boat on the street Friday evening for departure in the morning being subject to citation. He liked the idea of requiring parking within 100 ft of the owner's home and was concerned about boats being left where they did not belong.

Councilor Bryck believed it was important to make a decision soon. She was interested in getting more comments from the broader community including non-boat owners regarding their opinions on modifying the ordinance.

City Manager Williams confirmed he did not recall the matter being elevated to Council in the past.

Council President Baumgardner suggested contacting Police Chief Mahuna to determine the frequency of problems regarding boat parking.

City Manager Williams believed the raising of the issue now was driven by a small number of complaints. The City did not go out looking for trailer parking.

Council President Baumgardner was not against making a decision tonight. She suggested adding some language regarding parking boats within a certain proximity of the owner's residence, the length of time allowed, and safety considerations. She would like to have the new language available to community members before Council made a decision.

Interim Councilor Bonnington agreed with having the language available before asking for additional community input. Lake Oswego also required a boat to be owned by a resident or a guest of the resident of the property adjacent to where it was parked. He suggested reaching out to the City of Lake Oswego within the next week or two for input on how the ordinance had worked for them.

Council agreed to have a draft ordinance prepared for community input to include a 24-hour

boat trailer parking limit and requiring a boat to be parked near its owner's residence, and to direct Staff to research best practices for safely parking a boat on the street.

Discussion of Lady B Tugboat

Public Comment

Troy Bowers, West Linn, spoke to the historical significance of the tugboat *Lady B.* He asked Council to find short-term storage, a suitable display site, and to direct Staff to finalize agreements to coordinate the rescue of the tugboat by the April 30th deadline.

Mr. Bowers answered questions from Council as follows:

Two grants totaling $25,000 would get the *Lady B* on-site, stored, and secured until a permanent site was found. Additional fundraising would be done to situate the tugboat at a permanent site without a financial burden to the City.

If a permanent space could not be found within 10 years, the Advocates for Willamette Falls Heritage (AWFH) would pay for disposal and scrapping of the tugboat.

The *Lady B* had worked the rivers and the ideal location would be adjacent to the river, preferably near the locks, but constraints there made that unlikely. The primary site considered was Bernert Landing. The island near the Cedaroak Boat Ramp would also be appropriate, but a process would be necessary with the Parks Department for the right location. He believed the appropriate homework had been done to kickstart that possibility.

Councilor Bryck understood the historical significance of the tugboat, but pointed out the City did not typically own boats or other artifacts for the community. Mr. Bowers explained that the AWFH's office was currently at the McLean House, but placing an artifact there the size and scale of the *Lady B* was not really an option. They would like the City to own the tugboat and have it in a park where it could be seen and be accessible.

Mr. Bowers provided further answers to Council as follows:

The boat's hull was covered with marine paint, and it had been sitting outside and was still in really good shape. Maintenance costs would be low, and he did not believe the cost of repairing vandalism like spray painting would be any greater than for other park equipment and facilities.

If the Council helped the AWFH get to 'yes,' the Board would be willing to put money aside for maintenance. When care of the *Lady B* passed to others in the future, it would be helpful to have money available.

Council President Baumgardner stated she did not need to be convinced of the historical

significance of the tugboat, but she knew the upkeep costs of historic items was not insignificant as she had recently been the director of a historic house museum. She noted Astoria had covered some historic boats with structures and asked if any research had been done to determine if the same requirements would be needed for the *Lady B* and if the related costs were known. Mr. Bowers replied that the boats in Astoria that did not have covers were of a similar steel construction to the *Lady B,* and the maintenance cost was very low.

Council President Baumgardner asked if he knew of a specific dollar figure. Mayor Bialostosky noted Jim Edwards, AFWH, replied from the audience that the cost would be next to zero.

City Manager Williams confirmed the City's insurance provider said there would be no extra cost to insure the *Lady B* and the City would be covered for liability. The insurance provider would not cover the tugboat's replacement value if it were damaged or destroyed. Based on the basic information provided by the City, insurance would cover liability, storage, and display. He believed the insurance cost could be removed from the equation. Referring to his Staff Report from January, he noted four of the six members of the Parks and Recreation Advisory Board (PRAB) had concerns about locating the *Lady B* in Willamette Park and about future maintenance costs, but the PRAB had not made a formal recommendation. He believed the Parks Department Staff also did not have a strong recommendation but did have some concerns about how the tugboat would fit into a busy park. Maintenance costs would arise for edging and related items, though they would not be huge. His notes from January indicated Staff loved the idea but was less than enthusiastic about taking it on. Finding a good location for the tugboat had been problematic. He confirmed the Wilderness Park parking lot was still under consideration and was probably the best spot identified so far. AWFH had suggested an out-of-the-way spot in Willamette Park, but Staff did not like that location for a 40 ft boat. Not much room existed anywhere for a boat of that size.

Interim Councilor Bonnington emphasized that the *Lady B* could no longer be considered a boat as he could think of no scenario where it would go back into the water. That consideration shifted the perspective as maintenance of boat engines or making the tugboat seaworthy would not be concerns. He was concerned about the condition of the boat because it had been left outdoors and he had not seen it in person. However, if it had survived this long under the circumstances it was probably rugged. He agreed Willamette Park's parking lot was not a good option for storage.

Mayor Bialostosky had the same concerns as Councilor Bryck about the City's owning artifacts, but also wanted to find a solution and not send the tugboat to the scrapyard as it was part of the history of the West Linn area.

City Manager Williams clarified the auxiliary area off Clark St in Wilderness Park was under consideration for storage of the tugboat should Council give its go-ahead tonight.

City Attorney Monahan referred to a citizen-initiated provision in Chapter 11 of the Charter which read, "Only facilities directly necessary for the Park's use shall be considered

authorized." A use that is not authorized can only be allowed on park land if the voters of West Linn approve that location. The Willamette Park's Master Plan would need to be consulted to determine the authorized uses and would need to have language stating that historic resources displayed for recreational use of the public were accepted at the park. For writing such a justification, he believed a location closer to the river made more sense than park land not on the river. Otherwise, consideration of the Master Plan and involvement with the Parks Department and the PRAB was necessary.

Councilor Groner noted Willamette Park currently had historic remnants of a paper mill which struck him as an historical use in park land and he asked how locating the *Lady B* there would be significantly different. City Attorney Monahan replied that his point made sense and perhaps some reference in the City's Master Plan and in the description of the park acknowledged that.

City Attorney Monahan clarified that his references to the Master Plan and Charter referred to both the storage and permanent siting of the tugboat. Language in the Charter stated, "The City shall not engage in the lease, sale, exchange, or non-authorized use of City-owned park or open space without first receiving voter approval." He believed that was broad enough to include any use other than a specifically park-related use and was intended to be something short of a long-term use. The Charter further stated, "The non-authorized use for a City-owned park shall be the siting or construction of facilities that are not directly required for the park's use," which was why he was trying to link it to a Master Plan that stated the City's intent was the long-term display of something of historic value. "Directly required" was important language.

Council President Baumgardner noted items were stored at the Bolton Fire Station and asked if a similar property or the Bolton Fire Station itself could be used. City Manager Williams pointed out that spaced was tight and he was having a hard time visualizing storing the tugboat there.

Mr. Bowers suggested using the crane at the Bolton Fire Station to lower the *Lady B* there onto its stanchions. Some of the money set aside could help undo that decision if a permanent location cannot be found.

Councilor Bryck suggested cutting a portion of the tugboat off such as the cab and the prow to provide a smaller item for storage. Interpretative signs could provide historical information as it would be presented as an historical item and not a functioning boat.

Council tabled this agenda item to allow input from the Parks Department based on the information read from the Charter by City Attorney Monahan.

Council President Baumgardner noted the PRAB met on Thursday at 5:30 pm.

Interim Councilor Bonnington stated Chapter 11 of the Charter was very long and he could see

many ways the parking lot could be construed as different from the open space of the park. He agreed more research was needed.

Mr. Edwards agreed with Council's suggestion to delay a decision to allow for more research.

Vietnamese American Remembrance Day Proclamation [6:50 pm/5 min]

Proclamation

Council President Baumgardner read the Proclamation, declaring April 30, 2024, as Vietnamese American Remembrance Day in the City of West Linn.

Thao Tu, President, Vietnamese Community of Oregon, presented a Certificate of Appreciation to Mayor Bialostosky.

Consent Agenda [6:55 pm/5 min]

Agenda Bill 2024-04-08-01: Meeting Notes for February 12, 20, and March 4, 2024

Draft Notes Information

Council President Mary Baumgardner moved to approve the Consent Agenda for the April 8, 2024, West Linn City Council Meeting which includes the February 12, 20 and March 4, 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 2024-04-08-02: RESOLUTION 2024-02, TO TRANSITION CITY OPERATIONS TO ELECTRIC APPLIANCES AND LANDSCAPING EQUIPMENT

RES 2024-02 Information

This item was moved to the April 14, 2024 City Council Special Meeting Agenda.

City Manager Report [7:30 pm/5 min]

City Manager Williams reported on the National Historic designation for the McLean House, the Historic City Hall renovation, Fields Park, and the City Attorney recruitment.

Staff were making sure the pros and cons of a National Historic designation for the McLean House were understood. The submission of an application would need Council approval at an upcoming meeting.

The Historic City Hall renovation had some complications, including the discovery of more asbestos which had stopped the work for assessment and remediation. Staff would keep Council apprised of the cost impact when more was known. Work on the renovation would proceed.

He had talked with Assistant City Engineer Erich Lais today who had been in contact with the West Linn Baseball Association. The next tournament would be May 11th, so the City had some opportunity to find a better solution before the next heavy use of Fields Park. Assistant City Engineer Lais had proposed to the Association hiring traffic control for the tournament and had priced out a golf cart and driver to be used for people having difficulty getting from one site to the other. The City was waiting to hear a response from the Association.

In a bit of civil disobedience, the Association moved some of the fencing last weekend. A lot more equipment and material will be moved in this week which should make it obvious why the fencing was required.

Assistant City Engineer Lais was still talking with the contractor about whether any part of the lot could be used for parking, and the use of the roundabout at the bottom would be very nice.

The first review of the City Attorney applications would take place on April 28th. Deputy City Manager Elissa Preston and the consultant would keep Council updated.

The main purpose of Council's Special Meeting next week would be for a land use hearing for the property on Willamette Falls Drive. A work session was also scheduled for Tualatin Valley Fire & Rescue's (TVF&R) State of the District presentation.

Parks and Recreation Director Megan Big John would update on the Open House on May 23rd and would be seeking some direction from Council at the work session.

City Attorney Monahan would present some special Charter items.

Also added to the agenda was further consideration of the *Lady B.*

Council meetings in May would include the Traffic Safety Committee, the Calaroga Pump Station, and possibly work sessions on the Water Master Plan before it goes to the Planning Commission and Council for adoption.

City Attorney Report [7:35 pm/5 min]

City Attorney Monahan updated on a Supreme Court case, *Lindke v. Freed*. During COVID-19, a city manager posted on his personal public Facebook page about the controversy on his city's handling of the pandemic and chose to delete a comment from a citizen. The Supreme Court decided that though this individual was a public official, he had the right to restrict or remove

comments on his personal social media page. It recommended the best practice for a public official was to indicate if a page was the personal page of an individual to avoid giving the public the impression that anything said there was government related. Also, the Court said the city manager would have to have received the authority to speak for the government and must have also purported to be acting as a government official on public postings.

Interim Councilor Bonnington said he had already indicated his social media page was personal and had included a clarifying statement in his personal email signature. City Attorney Monahan confirmed that action also made sense.

Adjourn to West Linn Redevelopment Agency Board Meeting [7:40 pm]

Notes approved 5-13-24.

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

CITY COUNCIL AGENDA

Monday, April 8, 2024

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

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

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1. Call to Order and Pledge of Allegiance [6:00 pm/5 min]
2. Approval of Agenda [6:05 pm/5 min]
3. Public Comment [6:10 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.

4. Mayor and Council Reports [6:20 pm/30 min]
   a. Reports from Community Advisory Groups
   b. Appoint Community Advisory Group Member
   c. Discussion of boat trailer parking time limits
   d. Discussion of Lady B Tugboat
5. Vietnamese American Remembrance Day Proclamation [6:50 pm/5 min]
6. 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.

   a. Agenda Bill 2024-04-08-01: Meeting Notes for February 12, 20, and March 4, 2024
7. 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 2024-04-08-02: RESOLUTION 2024-02, TO TRANSITION CITY OPERATIONS TO ELECTRIC APPLIANCES AND LANDSCAPING EQUIPMENT

8. City Manager Report [7:30 pm/5 min]
9. City Attorney Report [7:35 pm/5 min]
10. Adjourn to West Linn Redevelopment Agency Board Meeting [7:40 pm]

PROCLAMATION

West Linn, Oregon

WHEREAS, Vietnamese refugees have proudly resided in the city of West Linn, State of Oregon since the conclusion of the Vietnam War on April 30, 1975; and

WHEREAS, Vietnamese Americans have put forth their full toiling energy building the city of West Linn, State of Oregon in a multitude of prominent areas including industry, economy, culture, education, and military service; and

WHEREAS, Vietnamese Americans have counted on the State of Oregon, USA as being their second heart, mind, and family homeland; and

WHEREAS, Every year Vietnamese-Americans observe Remembrance Day on April 30th to solemnly honor the 58,000 American soldiers, and more than 300,000 South Vietnamese soldiers who sacrificed their lives in the line of duty for freedom and democracy in South Vietnam from 1955 to 1975.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF WEST LINN, that April 30, 2024 is:

VIETNAMESE-AMERICAN REMEMBRANCE DAY

And we encourage all to join in the recognition of this cultural heritage celebration.

DATED THIS 8TH DAY OF APRIL, 2024

_____

RORY BIALOSTOSKY, MAYOR

ATTEST:

_____

KATHY MOLLUSKY, CITY RECORDER

City of West Linn

Agenda Bill 2024-04-08-01

Date: March 20, 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

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. February 12, 2024 Council Meeting Notes
2. February 20, 2024 Council Meeting Notes
3. March 4, 2024 Council Meeting Notes

22500 Salamo Road
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WEST LINN
CITY COUNCIL MEETING
NOTES
February 12, 2024

DRAFT

Pre-Meeting

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

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

Staff Present:
City Manager John Williams, City Attorney Bill Monahan, City Recorder Kathy Mollusky, Planning Manager Darren Wyss, Public Works Director Erich Lais, Management Analyst Morgan Coffie, Associate Planner John Floyd, and Associate Planner Chris Myers.

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

Council President Baumgardner moved to approve the agenda for the February 12, 2024, West Linn City Council Meeting. Councilor Leo Groner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Baumgardner, Councilor Carol Bryck, and Councilor Leo Groner.
Nays: None.
The motion carried 4 - 0

Public Comment [6:10 pm/20 min]

Alice Richmond re: Councilors ignoring community members and censuring Councilor Erwin.

Tony Bracco re: The Oregon Department of Transportation's (ODOT) plan for Highway 43 and the Robinwood Neighborhood Association Plan.

Mayor and Council Reports [6:30 pm/15 min]

Reports from Community Advisory Groups

Councilor Groner reported that the Arts Advisory Council was proposing an art kiosk on Willamette Falls Drive and had discussed constraints in the scheduling for the kiosk.

Councilor Bryck reported that she, President Baumgardner, and Councilor Groner attended Career Day at Rosemount Ridge Middle School. They talked to all of the 8th graders, giving out West Linn City pens and sunglasses. One student was excited about the pathway down Salamo Road.

Council President Baumgardner reported she was currently in Washington, D.C., to represent the City at the Native Congress of American Indians.

Declare Council Vacancy

Council President Baumgardner moved to Declare the position held by Councilor Erwin be declared vacant, as provided by the City Charter Section 30. Councilor Leo Groner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Baumgardner, Councilor Carol Bryck, and Councilor Leo Groner.
Nays: None.
The motion carried 4 - 0

Mayor Bialostosky stated the filing deadline would be Tuesday, March 12, 2024 at 5:00 pm. The information would be available on the City website and through a press release.

City Attorney Monahan added that the Charter required the City to fill the vacancy at the next available May or November election if at least one year remained in the term. Because the City still had time to work with the County Elections Office, the option of waiting until November was not available. The Charter also required the remaining City Council members to fill the vacancy by appointment for an interim period until the election was held and certified.

DRAFT

Council reached consensus to accept applications before making the appointment to fill the vacancy, with applications due February 29 and the appointment being made at a Special Meeting on March 4.

Council Liaison Appointments

Mayor Bialostosky reported the liaison roles for the Arts and Culture Commission, Historic Review Board, Parks and Recreation, and Planning Commission were now open and asked Council members to let him know their first and second choices for appointment so a final decision could be made a next week's Special Meeting. A Supplemental Environmental Assessment related to I-205 tolling was being conducted by ODOT to follow up on the previous assessment, which had received legal comments from the City of West Linn, Clackamas County, and several other area cities. The new assessment would determine what intersections would receive mitigation, impacts, and what traffic flow looked like. County Staff appreciated West Linn's transportation consultant using ODOT's traffic model to analyze the inputs, as he was the only consultant to do that. He asked the City Council whether to pursue a cost estimate for legal services and one consultant to review the model after the new assessment.

Councilor Bryck expressed frustration that ODOT was supposed to do this work to move forward with their plan, but now the City was being asked to do that as well to make sure it was done right, requiring double the effort because ODOT did not look at the actual community impacts in the first assessment.

Mayor Bialostosky replied that the City's consultants found serious concerns with the modeling regarding diversion, leading in part to a pause in the project.

Councilor Groner believed the City should be on the front end of the environmental assessment, asking questions and looking at the scope, rather than just having the results dumped at the end of the assessment.

City Manager Williams replied that Staff had been invited to several informational meetings with ODOT to learn about the assessment's scope.

Council President Baumgardner believed ODOT was relying on the fact that none of them were traffic engineers or transportation specialists who could accurately predict where the problems would lie. ODOT would push past Council because they would ask the right questions. She believed the City did need to hire professionals to formulate a proper response to ODOT but wanted to have a cost estimate.

Council reached consensus for Mayor Bialostosky and City Manager Williams to meet with Legal Counsel Jordan Ramis and the traffic modeling consultant to get cost estimates for their services and bring the estimates back to Council for discussion.

DRAFT

Consent Agenda [6:45 pm/5 min]

Agenda Bill 2024-02-12-01: Meeting Notes for December 11 and 18, 2023
Draft Notes Information

Council President Baumgardner moved to the Consent Agenda for the February 12, 2024, West Linn City Council Meeting which includes the December 11 and 18, 2023, meeting notes. Councilor Leo Groner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Baumgardner, Councilor Carol Bryck, and Councilor Leo Groner.
Nays: None.
The motion carried 4 - 0

Business Meeting [6:50 pm/90 min]

Agenda Bill 2024-02-12-02: Public Hearing: ORDINANCE 1752, VACATING A PORTION OF THE UPPER MIDHILL DRIVE RIGHT-OF-WAY WITHIN THE CITY OF WEST LINN
ORD 1752 Information
Mayor Bialostosky reviewed the conduct of hearing format for the quasi-judicial hearing and called the public hearing to order.

City Attorney Monahan covered preliminary legal matters, with no Councilors declaring bias, conflicts of interest, or ex parte contacts. No audience members challenged the City Council's jurisdiction or impartiality.

Planning Manager Darren Wyss provided the Staff report, noting this tract, labeled as Tract B of the Upper Midhill Estate subdivision, was omitted from the original right-of-way vacation about 20 years ago. Staff recommended vacating Tract B right-of-way and placing public utility and public access easements over the entire proposed vacation to allow access to stormwater and sewer lines. No public comments or objections to the vacation had been received.
Presentation

Mayor Bialostosky confirmed there were no public comments or rebuttal from Staff and closed the public hearing.

Council President Baumgardner moved to approve First Reading for Ordinance 1752 vacating a portion of the Upper Midhill Drive right-of-way within the City of West Linn, and set the matter for Second Reading. Councilor Leo Groner seconded the motion.

DRAFT

Mayor Bialostosky read Ordinance 1752 in full as required, since the Ordinance was not posted within seven days of the first reading.

Ayes: Mayor Rory Bialostosky, Council President Baumgardner, Councilor Carol Bryck, and Councilor Leo Groner.
Nays: None.
The motion carried 4 - 0

Council President Baumgardner moved to approve Second Reading for Ordinance 1752 vacating a portion of the Upper Midhill Drive right-of-way within the City of West Linn, and adopt the ordinance. Councilor Leo Groner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Baumgardner, Councilor Carol Bryck, and Councilor Leo Groner.
Nays: None.
The motion carried 4 - 0

Agenda Bill 2024-02-12-03: Public Hearing: Sale of surplus property located at 3955 Cedaroak Drive
3955 Cedaroak Information
Public Comment - Teri Cummings

Public Comment
Tony Bracco noted that a previous City Manager believed City acquisition of the property was the only way to protect the stream corridor from development. The site was fragile and suffering from previous disturbances created by unpermitted relocations, which needed to be remedied by the City. In 2021 when the sale of the property was first proposed, the information not presented to the City Council could have been available if the City had approached neighborhood residents first. The neighbors believe the City should designate this as a green space for stormwater filtration.

Ralph Tahran, Architect and buyer's representative, noted his work history included experience in environmentally sensitive areas. He believed development could meet the limitation of 5,000 square feet of disturbed space, and Schott's Environmental Group had confirmed one to two houses could be built within that limitation. He encouraged the City Council to accept the purchase offer.

City Manager Williams noted the history of the property, reasons the City purchased it, the work done, and the existing conditions were included in the packet.

Public Works Director Lais and Management Analyst Coffie provided the Staff report,

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highlighting that restoration of the creek had been completed between 2003 and 2004 in response to a legal filing and finding of a nuisance confirmed by a municipal judge. Although the written Staff report indicated detailed minutes of the August 18, 2008, discussion could not be located, City Recorder Mollusky had found the minutes, and they were included in the summary.

Mr. Tahran assured Council that the stream would not be disturbed by construction on the site.

Mr. Bracco clarified that his earlier comments and those at previous meetings on this matter represented those of the Robinwood Neighborhood Association (NA) as well.

Council President Baumgardner was concerned that the basis for the City's purchase was to prevent a taking challenge from the property owner. She asked if it was true that the restoration was not the reason for the purchase because the restoration had already occurred.

Management Analyst Coffie replied that official records indicated restoration had been completed between 2003 and 2004. Summary minutes from the August 18, 2008, Special Meeting stated Staff recommended approval of the property purchase to fully protect the stream corridor from development. Prior to that, a Water Resource Area permit had been approved by the Planning Director, triggering opposition from about 33 residents. In response to the appeal, the City introduced an agenda bill to acquire the property to ensure development did not occur and to protect the stream corridor.

Councilor Bryck believed the intent was to not have development that impacted the stream corridor.

City Attorney Monahan explained that under then-existing regulations and neighbors' expectations, stopping development would have constituted a taking. Staff analysis of current applicable regulations indicated development of a single-family home, or two middle housing units could be completed without disturbing the stream corridor, so a second taking challenge was unlikely unless the neighboring property owners aggressively applied standards exceeding current regulations.

Council President Baumgardner believed the City should not sell the property to prevent another taking challenge and assign it a protected status.

Councilor Bryck agreed, concerned about unpermitted actions by future property owners and future shifts of the stream bed.

Mayor Bialostosky was concerned that the City had purchased the property to prevent development and believed existing Codes would protect the creek. He supported selling the property because it was not included in any Master Plan and was surplus property.

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Councilor Groner was torn because the City needed housing and could use the money from the sale, but the stream also needed to be protected. He ultimately opposed the sale.

Councilor Carol Bryck moved to approve withdraw of the sale of the property located at 3955 Cedaroak Drive. Councilor Leo Groner seconded the motion.

President Baumgardner commented that she respected the potential buyer and his representative. She also appreciated Staff researching the property history. She believed it was the City Council's responsibility to make the best decision given the facts presented.

Ayes: Council President Baumgardner, Councilor Carol Bryck, and Councilor Leo Groner.
Nays: Mayor Rory Bialostosky.
The motion carried 3 - 1

Mayor Bialostosky requested a future Council discussion on what to do with the property.

City Manager Williams noted the City would have to consider what long-term ownership meant for the City, including planning and costs incurred with continued ownership. Staff would meet as well as confer with neighbors before making recommendations to Council.

Agenda Bill 2024-02-12-04: Updates to the West Linn Waterfront Working Group
Waterfront Working Group Information
City Manager Williams noted Staff was very excited to be working on the updates and appointments to the working groups for the Waterfront and VISION43, both of which were City Council priorities that Council had allocated Staff time and resources toward, as well as the Councilors' own time. The public participation element, which Staff would discuss for both Items c and d, was critical for project success.

Senior Planner Floyd presented the background and Staff's recommendations for slight modifications to the Waterfront Working Group membership, noting Council had made the initial assignments to the Waterfront Working Group in August 2023. He explained working groups were forums to inform changes made to the Comprehensive Plan or legislative regulations and were intended to have a broader constituency to inform the process from different standpoints. The recommended changes to the Working Group's membership were as follows:

- Swap City Council liaison roles with Council President Baumgardner becoming primary and Councilor Groner as alternate.
- Replace Bob McCarthy with Patrick Hogan as the Bolton Neighborhood Association representative.
- Replace Kevin Johnson with Kyle Anderson to represent Belgravia as a primary property owner.

- Officially appoint Jon George as representative of the Confederated Tribes of Grande Ronde.
- Appoint Caroline Nielsen as the Youth Advisory Council (YAC) representative.
- Add an additional position for Willamette Riverkeepers and appoint Travis Williams.
- One future change would include appointing a replacement for Andrew Mason, as he was stepping away from his position at Willamette Falls Trust.

He updated on the Waterfront Working Group, noting two meetings had been held since August 2023 to refine the vision plan based on prior input. The next meeting was scheduled for March 7. The new website and new vision plan, reflecting input from the working group and many stakeholders, should be released to the public this week. In-person outreach to different groups had started. He had met with Historic Willamette last week and would meet with the Willamette Neighborhood Association later this week. He would also reach out to individual Council members about attending upcoming events over the next few months.

Mayor Rory Bialostosky moved to Revise the West Linn Waterfront Working Group as recommended by staff. Council President Baumgardner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Baumgardner, Councilor Carol Bryck, and Councilor Leo Groner.
Nays: None.
The motion carried 4 - 0

Agenda Bill 2024-02-12-05: VISION43 Working Group Appointment
VISION43 Working Group Information
Mayor Bialostosky noted VISION43 was a better name than the Highway 43 Land Use and Neighborhood Connectivity Plan.

Associate Planner Myers presented the Staff report, reviewing the VISION43 Working Group's noting the VISION43 Working Group's purpose was to provide input and serve as a filter for information and data gathered from the community to relay to the consultant team and City staff throughout the project, as well as help discuss issues and revise documents as they came through. The Working Group would likely hold five to six meetings over the next nine months to discuss zoning changes, Code amendments, design standards, bicycle/pedestrian connections, infrastructure improvements, and financing options. Working Group would be comprised of 13 members as follows:

- Nine community members, including one City Councilor, one Planning Commissioner, and seven community members at-large, with one representative from both the Robinwood and Bolton Neighborhood Associations.
- Four business representatives, including three business owners and a representative from a major real estate firm.

- Rather than appointing a YAC representative, he was meeting with YAC regularly to report any progress and receive feedback.

The budget included funding for four listening sessions each with the Robinwood and Bolton Neighborhood Associations as well as two listening sessions with the Neighborhood Association President's Group. Staff was also talking and scheduling listening sessions with other interested neighborhood associations as requested.

He updated on the work related to VISION43, noting the interactive, project-specific website was ready to go live at any time and he planned to do more than 30 engagement sessions over a nine-month period. Outreach would include meetings at the Adult Community Center, living room sessions with community members, and intercept surveys. Based on YAC's recommendations, a high school AP art class would hold an art competition reimagining Highway 43.

The first outreach event in ten days involved conducting intercept surveys and distributing cards with a QR code and website link at a meeting about real estate and housing at the Adult Community Center. Two other outreach events were scheduled for the following week.

Councilor Bryck confirmed she would be the Council liaison for VISION43, adding she looked forward to getting started.

Council President Baumgardner moved to approve Appoint the working group membership, purpose, and goals as recommended by the CCI. Councilor Leo Groner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Baumgardner, Councilor Carol Bryck, and Councilor Leo Groner.
Nays: None.
The motion carried 4 - 0

City Manager Report [8:20 pm/5 min]

City Manager Williams announced that the February 20, 2024 meeting would change from a work session to a special meeting to consider an amendment to an intergovernmental agreement (IGA) with the West Linn-Wilsonville School District regarding the increased cost of construction on Willamette Falls Drive. Several other items scheduled for future meetings could be moved to February 20th since it was now a Special Meeting with decision-making authority. The March 4, 2024 work session would also be changed to a special meeting to consider the Interim City Councilor decision, with several other items also being added to the agenda.

- Engagement activities for Phase II of the Recreation Center Project were being designed and would include surrounding neighborhoods to consider neighborhood impacts. The

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poll was being designed by the research firm. Parks and Recreation Director Big John would present the timeline and engagement opportunities to Council soon, and the City website was being updated.

- The toll polling was underway. Fieldwork was completed, and high-level results would be available very soon.
- Legislative bills were being reviewed by Staff for West Linn interest and impact. Councilors could be contacted for testimony opportunities. Bills that did not receive action this week would be dead for this legislative session. Councilors should contact Lobbyist Doug Riggs with any questions or comments.
- Revisions to Council priorities were being drafted and would be presented for adoption at one of the March meetings.

City Attorney Report [8:25 pm/5 min]

City Attorney Monahan reported Legal Services was updating the project list to make it more user friendly and might suggest providing an update on major projects at a work session. He would provide training on quasi-judicial hearings at a joint City Council and Planning Commission meeting, possibly on March 18. Planning Director Wyss would also present a project update and ask for City Council input on prioritization at that meeting.

Council President Baumgardner asked if the work sessions would be moved back to the afternoons.

Mayor Bialostosky replied that one would be in the evening to accommodate Sustainability Advisory Board members, but the other meeting would be in the afternoon unless Council decided otherwise.

Adjourn [8:30 pm]

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WEST LINN
CITY COUNCIL MEETING
NOTES
February 20, 2024

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Call to Order [6:00 pm/5 min]

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

Staff Present:
City Manager John Williams, City Recorder Kathy Mollusky, Public Works Director Erich Lais, and City Attorney David Bowser.

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

Council President Mary Baumgardner moved to approve the agenda for the February 20, 2024, West Linn City Council Meeting. Councilor Carol Bryck seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, and Councilor Lou Groner.
Nays: None.
The motion carried 4 - 0

Public Comment [6:10 pm/10 min]

Public Comment - Daniel Hayes
Public Comment - Alexa Leland
Public Comment - Ashley Benfit
Public Comment - Carrie Pellett
Public Comment - Karen Sessions
Public Comment - Kelsey Badger
Public Comment - Shannon Brogden
Public Comment - Charlotte Wilson
Public Comment - Karen Spearrin
Public Comment - Ashley McMullin
Public Comment - Roger Straus
Public Comment - Teri Cummings
Public Comment - Karie Oakes
Public Comment - Kathy Selvaggio
Public Comment - Ed & Roberta Schwarz

Vince Miles, West Linn, Vice President, Bolton Neighborhood Association (NA) spoke about Dan Hayes' letter regarding the traffic on Jolie Point Road.

Jean Keller, West Linn, talked about Mr. Hayes' letter regarding Jolie Pointe Road.

Teri Cummings, West Linn, spoke about the David Farley case.

David Farmer, West Linn, spoke about the Dr. David Farley investigation.

Kathy Selvaggio, West Linn, spoke about the Dr. Farley case, submitting into the record an editorial she had co-written with Ms. Cummings and Martha Boyce, published in the *West Linn Tidings*.

Lisa Pratt, Wilsonville, requested genuine police reform within the West Linn Police Department, beginning with Police Chief Mahuna being fired.

Natalie Ramona spoke about Jill Goldsmith's investigation report, noting it validated her experiences regarding the Dr. Farley investigation.

Joshua Wilson, Wilsonville, spoke about Chief Mahuna's dereliction of duties to his officers and the public.

Dan Hayes discussed his letter to Council about Jolie Pointe Road.

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Mayor Bialostosky replied that Staff would review the letter and follow up with Mr. Hayes.

Chandler Leland spoke about her and her sisters' experiences with both Dr. Farley and the Police Department.

Karie Oakes, West Linn, asked for Chief Mahuna's resignation.

Shannon Brogden, West Linn, had a letter read on her behalf about her experiences with Police Officer Christensen, Police Chief, Mahuna, and DA Wentworth in the Dr. Farley investigation.

Jeff Wilson, Canby, spoke about his daughter's abuse by Dr. Farley.

Katie Medley, Wilsonville, spoke about her sexual assault by David Farley and her experiences with the Police Department and DA's Office.

Nicole Snow, Provo, Utah, stated Jill Goldsmith's report validated her traumatic experiences with the Police Department and DA Wentworth. She demanded Chief Mahuna's resignation.

Mayor Bialostosky apologized for what the survivors had been through, assuring Council took the comments seriously.

City Council and the City Manager expected the Police Review and Recommend Committee to thoroughly review what happened and recommend actions the City should take.

Council President Baumgardner clarified the Police Review and Recommend Committee would meet this Thursday to discuss the matter. She apologized for the situation and understood what was being said regarding the successive, repeated trauma, noting when someone was trusted to help and what happened did not feel like that, it was additionally harmful. She believed no one should have to experience this, from the initial unwanted, harmful contact to the dismissive treatment of the cases. She promised to do what she could to effect significant change.

Mayor and Council Reports [6:20 pm/15 min]

Reports from Community Advisory Groups

There were none.

Council Liaison Appointments

Mayor Bialostosky placed before Council the following liaison appointments:

- Councilor Bryck to the Planning Commission.
- Mayor Bialostosky to the Historic Review Board.

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- Council President Baumgardner to the Parks and Recreation Advisory Board.
- Councilor Groner to the Arts and Culture Commission.

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

Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, and Councilor Lou Groner.
Nays: None.
The motion carried 4 - 0

Business Meeting [6:35 pm/30 min]

Agenda Bill 2024-02-20-02: Amend the West Linn-Wilsonville School District Intergovernmental Agreement regarding cost sharing for the Willamette Falls Drive Road Improvement Project
IGA Amendment Information
Presentation
Public Comment - WL-Wilsonville IGA - Teri Cummings

Public Comment
Teri Cummings, West Linn, requested Council not approve the amendment until a work session was held and asked which GO Bond projects would not be completed if funds were diverted to the Willamette Falls Drive project.

Karie Oakes, West Linn, noted the IGA amendment was noticed less than five days ago and over a long weekend. She requested no Council action be taken and that a work session be held.

City Manager Williams explained the IGA amendment required a special meeting because the contractors needed to move onto other work, and if they did, the City would lose the contract and future costs for the project would be far more expensive.

- As mentioned in the Staff report, a land use hearing on the application was not being held tonight. City Council had approved the environmental permits for the project and created conditions related to the scope of changes which had been met. The conditions were to remove on-street parking on Willamette Falls Drive, evaluate the design of the built environment and retaining walls, and about cut-and-fill and providing a cut-and-fill report.
- The timeline was urgent as the City was in a position where the costs of the project were now known, and the project needed to move forward. If the City did not fulfill its side of the project, the entire project, including the conditions of approval placed on

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the School District, would not work. Some costs had already been incurred due to the timeline.

Public Works Director Lais presented the Staff report, noting the plans for the subject revision were approved just a couple weeks ago, so the costs were not known until recently. The project was bid in 2022 dollars and Staff knew the price would increase with the appeals from last summer and no construction for two summers. The School District had been crunching its numbers, so the information being presented had only recently become available. He reviewed the project's background and timeline, as well as the revisions shown on the plan sheets and several renderings. The major project costs from the original IGA and the redesign were also presented.

Key comments and responses to Councilor questions were as follows:

- Staff, engineers, and consultants re-evaluated the best fit for the large retaining wall. The retaining wall design was driven by the need to balance the cut-and-fill area and the floodplain. The revised plans for the Willamette Falls Drive improvements were approved in February 2024.
- The grade elevations were now shown as contour lines on the plan sheets, and re-grading would occur regardless of what wall was installed.
- Staff confirmed the road was shifting to the south because a larger retaining wall was not constructed on the school's property.
- The revised plan split one retaining wall into two types of retaining walls. He clarified the slide showed the wall sections on two plan sheets. The upper half was the proposed wall on the far left near driveway into parking lot, and would be a keystone, modular block wall similar to the school's existing wall.
- The bottom half showed the section of wall continuing on from the upper right side which would be a soil-nail wall. The soil-nail wall was a better choice environmentally because it minimized the depth of excavation required given the wall's height; balanced the cut-and-fill so the floodplain would not be raised; and the tiered structure allowed for a gentler contour to be blended into the hillside.
- Pacific Habitat was the consultant who helped with the land use investigation and was involved in the design concept. The revised plan was reviewed by a team of contractors and design consultants to determine what would work in the confined area. He confirmed Pacific Habitat was an environmental consultant but would not consult on the engineering of a wall.
- The main condition Council changed was to eliminate the on-street parking close to the roundabout. Most of the redesign was in the roundabout area where the parking spaces were removed, resulting in the slope changing a little bit. The stormwater facilities and cut-and-fill areas had to be changed from the original because of the environmental work as part of the Waterway Access Permit (WAP) permit. The road location was not expected to change much on the east side of the driveway, but changes were made to the retaining wall design because the pond, or stormwater facility, was required.

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- Although the pathway in the park was close by, the sidewalk on the south side was included in the Willamette Drive Concept Plan which showed bike and pedestrian improvements on both sides of the road; the same that would be required of a private developer. Additionally, the existing path in the park was not ADA compliant.

Council President Baumgardner noted the Willamette Falls Drive Concept Plan approved in July 2021 had sidewalks on both sides, but the revised plan did not include sidewalks on both sides because some sections had constrained areas. Planning Manager Wyss had stated that requirement was flexible, which was why some Willamette Neighborhood Association (WNA) members had been asking for a long time for this particular plan to be reviewed specifically with respect to that sidewalk. Now, time to revise the plan was no longer available. She was disappointed because she did not believe the revision regarding the engineering of the wall was vetted by any environmental professional, as she did not believe Pacific Habitat Services was capable of providing an environmental review.

- What she had requested with her conditional agreement to not uphold the appeal had not happened, and the process was not timely. It did not matter when Council received information or how much time they had for discussion if there was no possibility to provide input on changes.
- The revised plan was basically the same but with potentially worse habitat impacts. The City would have to continue creating infrastructure adequate to serve peoples' needs, even though it might happen in spite of wildlife. She was disappointed and believed the WNA was, too.

Public Works Director Lais explained one reason for the wall system's design was so it could be tucked up closer to the existing roadway, thus reducing impacts to the habitat and wildlife.

Council President Baumgardner replied habitat had to have connectivity, biodiversity, and habitat for all species, not just large mammals. The wildlife in Fields Bridge Park was small vertebrate and invertebrate species such as rough-skinned newts, red-legged frogs, and painted turtles, all of which were native species that needed to travel, and a vertical 18-ft wall was not accessible to wildlife. The current habitat serviced species diversity, and the wall would not service, for instance, songbirds. A vine growing up the wall would not look as harsh, but it was not habitat. She hoped the City could mitigate the impacts in the next phase, but significant mitigation would be needed to offset the impact of this design.

Further responses to Councilor comments and questions from Staff were as follows:

- To date, about $1.3 million of incurred costs had already been spent, as well as another $700,000 to finish the design. The City would also incur additional costs for the contractors to remain onsite passed the planned construction deadline of the summer of 2022 to build the improvements.
- While decisions had already been made to not continue with some City projects due to increasing construction costs, such as stormwater and sidewalk improvements on

Sunset and the ODOT right-of-way on 10th, everything that was still currently planned or previously discussed by Council would move forward. Fortunately, with a biennial budget, the City had two years to spread out the cost of the improvements. Staff explained how no annual street maintenance was planned for 2024 because waterline work needed to be completed first; therefore the $1.4 million in 2024 street maintenance funds would be shifted to this road improvement project, along with $752,000 of GO Bond money.

- The Hidden Springs realignment was part of Metro's Regional Flexible Funding Allocation (RFFA) and not a GO Bond project. The local funding component had fallen through, however, so the project was not moving forward.
- The School District could not complete the sidewalk and bike path on the north side of Willamette Falls Drive until the roadway was moved, forcing the City to do the subject improvements on the south side. The lanes were only 11 ft wide and removing 4 ft would not leave enough space for two travel lanes. Any design changes at this point would potentially leave the City without a contractor because they had already lost two summers with other bid projects they needed to tend to.
- The costs Staff discussed that were due to the delay actually regarded the cost estimate at the time the IGA was approved and all the process that took place afterward that resulted in increased costs, of which Staff was aware; however, there was not enough acknowledgement of those cost increases as the entire process was happening, or when the IGA was approved that costs could increase if the road was not constructed right away.
- Staff knew that summer that the land use approval and WAP were required but had not been clear enough with Council and the community that those processes would immediately result in higher project costs.
    - The IGA had a built-in change order process for increased costs.
- All of the project's permits were obtained in the correct sequence, with the school design and improvement approved before the Willamette Falls Drive improvements could be designed and permitted. The biggest issue was that the cost estimates and accounting for the construction project were put together without a full assessment of the timeline required for the improvements.
    - Blaming the appeal for the delays was not fair, as the land use process had appeal periods built into it, and community members had the right to appeal projects. The issue was that all the time involved with the appeal took the construction timeline further from the cost estimates presented at the outset of the project.

Public Works Director Lais understood that in the early stages of the plan review, shifting the road to the south was necessary to avoid needing a large retaining wall on the school side. He was unsure why they wanted to avoid large retaining walls, other than the previous public works director was not a fan of retaining walls. Additionally, a large retaining wall along the road in front of the school would be more of an eyesore. A wall had been planned for the slope on Skyline going towards the high school, but it was ultimately deleted. The original approved plans had a 5-ft to 6-ft wall on the school side, which currently existed, and another 5-ft to 6-ft

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retaining wall on the park path, which was now an 18-ft wall.

Council President Baumgardner believed a large retaining wall along the edge of the road would be less impactful to habitat than a large retaining wall inside a park next to a wetland. The plan did not seem sensible, and she was disappointed that the new wall was revised for engineering requirements and not for environmental impacts. She acknowledged the importance of designing for safety, but the wall was not designed to have less environmental impact.

Public Works Director Lais reiterated the wall was tucked up to the existing roadway to avoid impacts to the low land floodplain areas and natural areas.

Council President Baumgardner responded that did not mean the wall would have less impact to the habitat of the species currently using the slope that would not be able to use it anymore. She had previously requested the approximate square footage of the combined retaining wall series to determine the percentage of habitat loss on the grassy slope which had some brush and trees. The habitat loss could not be mitigated by planting trees around the wall. She requested a future discussion of other measures that could be taken to mitigate the loss of habitat.

Public Works Director Lais assured the City got the all the required environmental permits, so he was not sure what else could be done. Other options had been considered, but they would not have worked, either structurally or due to impacts to the park.

City Manager Williams understood the request was to have a professional advise on how to design the retaining wall to facilitate habitat or mitigate habitat loss, which had been addressed.

Council President Baumgardner appreciated the focus and duty to the safe engineering of structures, but she was told that a retaining wall on the north side of Willamette Falls Drive at the School District frontage would have also reinforced the slide-prone slope that gave way in 2021 and was noted in the geotech report obtained by the School District. If a retaining wall were constructed on that slope, the retaining wall in the park might not be needed. She said she was having a hard time reconciling all of that information.

City Manager Williams said he understood and agreed it was not an ideal situation. In rereading the Waterway Access Permit (WAP) application, appeal, and Council's decision, he did not believe changing the School District side of the road had not been considered, as that side had already been set through the original design review; perhaps there had been a missed opportunity at an earlier stage some time ago. Earlier stages of the process were probably missed opportunities.

Council President Baumgardner did not recall Council hearing about that option either, so she did not believe Council was able to make an informed decision. Although that opportunity had

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passed, the reconciliation was no less difficult because of the cost increase and impacts to the natural park setting. She did not understand why it was so difficult for other people to understand that the retaining walls would have an undeniable and irreversible impact to the habitat.

Mayor Bialostosky confirmed Council had no follow-up questions or comments. He understood time was of the essence regarding the IGA amendment because the contractor had other projects to get to and asked what the impact would be if the amendment was not approved tonight.

City Manager Williams confirmed the project would have to be rebid and the school side of the improvements would not be built because the road needed to be moved.

Public Works Director Lais confirmed the City would still need to shift the road and make the improvements and would lose the cost share with the School District. The City would incur the $2 million currently in the IGA and could expect additional costs of 25 to 30 percent of the current $2.7 million estimate in the IGA amendment before Council. He estimated the cost of the City doing the work on its own to be about $3.5 million.

Councilor Bryck asked if the City would have to eventually pay for and build the sidewalks and bike paths on the north side of Willamette Falls Drive if the amendment was not approved.

- City Manager Williams said he was unsure, noting the facilities were required as part of the School District's approval and the School District had been trying to complete them.
- City Attorney Bowser suggested the Council also consider that the IGA stated the City had to approve reasonable change orders, and not doing so would the IGA's dispute resolution process, which prompted mediation and arbitration.

Mayor Bialostosky called for Council deliberation.

Council President Baumgardner reported hearing about and had personally experienced the lack of public access to the information, revisions, and noticing about the process to interested parties. The City needed to do a better job of making information accessible to the public. She had no desire to limit the School District's projects and did not oppose the School District, but she was against ill-conceived ideas and damaging projects. She had serious problems voting to approve the amendment because of the public access to information and the environmental impacts.

Councilor Bryck agreed, but also understood the City was in a position of having to comply with a legal document, an IGA. Failure to approve the change order could put the City in a much worse position.

Councilor Groner agreed with Councilor Bryck, noting unfortunate decisions had been made in the past, but he believed the amendment should be approved.

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Mayor Bialostosky believed each Councilor was approaching the matter considering what was in the best interest of the City, but different conclusions could be reached. He believed Willamette Falls Drive was unacceptable in its current state, partly due to the school construction, but also from repairing water lines over time. The road needed to be improved, and the most financially responsible way was to approve the IGA because of the cost-sharing agreement in place. Having to rebid the project without cost sharing was not a tenable situation. In the future, Council needed to provide clearer direction when giving conditions of approval. He acknowledged the difficulty of balancing financial decisions and decisions impacting the environment, but approving the amendment seemed to be the best financial decision for the City.

Council President Baumgardner clarified she did not expect the retaining walls to be removed from the design, only that an environmental professional re-evaluate the walls to ensure the least impact to the park. She believed the design, the impacts to the park, and the triggering mitigation were an opportunity for Council to make some improvements. The letter from Willamette Riverkeepers had good suggestions and Pacific Habitat Services was already being utilized and consulted by the City for restoration. She would like to have an active role; however, she was not an industry professional and asked that the City hire actual consultants, who would specifically do habitat improvements and mitigation if the plan moved forward. Hiring an environmental consultant who could mitigate impacts from the series of retaining walls on the park's habitat would go a long way in softening the blow to the park.

City Manager Williams noted he was about to make the same suggestion and was sure Staff would find professionals to help with habitat mitigation.

Councilor Carol Bryck moved to approve amendment to the IGA and allow for public improvements to be completed. Council President Mary Baumgardner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, and Councilor Lou Groner.
Nays: None.
The motion carried 4 - 0

Adjourn [7:15 pm]
Draft Notes.

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WEST LINN
CITY COUNCIL MEETING
NOTES
March 4, 2024

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Call to Order [1:00 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, City Recorder Kathy Mollusky, City Attorney Bill Monahan, Parks & Recreation Director Megan Big John, Associate Planner John Floyd, and Associate Planner Chris Myers.

Approval of Agenda [1:05 pm/5 min]

Council President Mary Baumgardner moved to approve the agenda for the March 4, 2024, West Linn City Council 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 [1:10 pm/10 min]

There were none.

Clackamas Community College Bond Presentation [1:20 pm/15 min]

Presentation
Handout

Tim Cook, President, Clackamas Community College (CCC), noted the informational packet he had distributed to Council regarded the upcoming bond CCC was considering for the November 2024 election and included a two-pager on the projects and a pamphlet regarding an economic study on the ROI for both CCC and the community, as well as the student center that was proposed. He presented Planting Seeds for Student Success, highlighting CCC's history, operations, and student demographics. Details regarding the bond proposal and the projects it would fund were also described.

Mr. Cook responded to Councilor questions and comments as follows:

- The overall number of CCC staff was just over 900, about half of which were full-time employees; many staff members were adjunct or associate faculty.
- A major cyberattack in February had taken the college offline for over a week and staff are still digging out of the problem. Money was needed to take physical servers into the cloud, to continue to fix Virtual Desktop Infrastructure (VDI) damaged in the attack, to ensure safety of systems, and for improvements recommended by Homeland Security and the FBI. Funds were also needed for HyFlex, a new way of teaching which enabled in-class or online learning.
- CCC's Science, Technology, Engineering, and Mathematics (STEM) Center and science faculty were very engaged with the community. The STEM Center had grown and taken over part of one building. They also had partnerships with local universities and the community and were a very innovative group.
- CCC tried to do everything possible to make the campus welcoming to the community whether community members were there to take a class or not. Last year, the college's youngest graduate was 16 and the oldest was 71 years old. Last year, in cooperation with the YMCA, CCC started offering free drop-in daycare in addition to the regular daycare for students with children.
- The CCC appreciated the Council's partnership, and someone would likely return to Council in the fall to update on the renewal bond effort.

Mayor and Council Reports [1:35 pm/30 min]

Appoint Interim City Councilor

Mayor Bialostosky stated four applications were received and reviewed by Council for the position of Interim City Councilor.

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Councilor Groner nominated Anthony Bracco for the position, noting he had been very active as a member of the public and as a member of the Robinwood Neighborhood Association.

Council President Baumgardner stated she had carefully reviewed the applications and had met with and discussed various City matters with most of the applicants. She appreciated that they applied because being on Council was difficult and could be time-consuming. She nominated Kevin Bonnington, noting he had shown initiative to participate and was on the Transportation Advisory Board (TAB) in the past and was now on the Planning Commission. Mr. Bonnington had good local experience and deep roots in the community and would do an excellent job.

Councilor Bryck stated she also supported Mr. Bonnington. She particularly appreciated his application, his enthusiasm and excitement for the work he had already done with the City on the TAB and on the Planning Commission.

Mayor Bialostosky echoed the statements made by the Councilors and expressed appreciation for all who applied, as serving on Council was not easy and was sometimes a thankless job. He also supported Mr. Bonnington's application and was struck by his statement of interest which discussed his values and what he would bring to the table. He believed the other applicants would also make fine Councilors and supported their running for any future City Council vacancies.

Council President Mary Baumgardner moved to approve Appoint Kevin Bonnington to the Interim City Councilor position. Councilor Carol Bryck 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

Charter Review Discussion
Process for Council stipend review

Mayor Bialostosky noted Council had discussed some matters during its goal-setting session that require a vote related to the City Charter, which City Attorney Monahan would describe. Additionally, Council was asked to provide direction where needed to ensure time was available to allow for any ballot measure processes.

- Regarding City Council stipends, he noted the City Charter stated compensation could not exceed a certain amount. There had been discussions about increasing access to Council for citizens and to consider what level of compensation would be sufficient for

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participating on Council. He believed it would be best for any stipend to be discussed through a committee so Council would not be setting its own stipend.

City Attorney Monahan noted the Councilors as public officials were prohibited from benefitting from their position by actions they took, and any discussion about a stipend would present a potential conflict of interest. Using a committee that would not benefit in any way by its recommendation on a stipend would be the best action, and any decision to modify the Charter would need to be approved by the voters. The measure could be initiated by Council initially or after the review by a committee. The amount of the stipend could be determined by the voters. Alternatively, the Charter could be modified by removing the stated amount of the stipend and using a different process. He stated a potential conflict of interest would need to be declared before any discussion of a stipend change, and any change would go into effect beyond the Councilors' current terms. He clarified that a conflict of interest would not need to be declared now as the Council was only tasking an advisory committee.

Councilor Bryck liked the idea of using the Budget Committee to make the recommendation due to its knowledge of the broader financial condition of the City.

Mayor Bialostosky and Council President Baumgardner agreed.

City Attorney Monahan answered clarifying questions from Council as follows:

- An individual who was considering running for Council but was undecided should also declare a potential conflict of interest. As Council did not have term limits, they would always need to declare a potential conflict of interest before any discussion of a stipend. If during the time Council would be making the decision to put the issue to the voters, any Councilor who could potentially be running for office again in the future would need to declare a potential conflict of interest.
- Indexing a stipend change to the cost of living was already in the Charter, Section 11 said the maximum amount that was stated, which was from 2008, was adjusted annually by inflation based upon the Consumer Price Index (CPI). Currently, a statement regarding the CPI in the Charter no longer applied. Including an index was acceptable.
- A declaration of a conflict of interest by the Councilors should take place every time the referral of an item for discussion could change the stipend for the Council.

Mayor Bialostosky confirmed Council's agreement that the Budget Committee be tasked with the following:

- Review over the next few months other City Council stipend data and recent trends and changes compiled by the cities of Bend, Wilsonville, and others.
- Review the work responsibilities and community expectations for Council service.
- Make a recommendation on appropriate stipend levels or increases for the Mayor and City Councilors in consultation with the Finance Department.

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City Manager Williams noted the Budget Committee would need to be informed of the short timeline. The ballot measure would have to be ready by August to be voted on in November ballot.

Clarify beginning and ending terms

Mayor Bialostosky noted clarifying the beginning and end terms for Council was another Charter matter discussed at Council's goal-setting session. He proposed exploring a Charter amendment to clarify that Councilor terms begin on January 1st at 12:00 am and end on December 31st at 11:59 pm to eliminate confusion at the first Council meeting of the year about who was in or out of office, the oath of office, and when that transition took place.

The Councilors agreed clarity in the Charter is appropriate and important.

City Attorney Monahan explained that when taking the matter to the voters, Council could propose changes to the Charter in a surgical matter, as being discussed now, or more comprehensively. He noted some confusion under Qualifications in Section 12(c) that discussed that someone could be an elected official, employed in a City position that was substantially volunteer in nature, adding he was not sure what that position might be. The language also put an obligation on the Municipal Court to determine if the position was substantially voluntary in nature. He suggested Council review the Charter and note other sections it might want to review for potential changes. The Charter had been revised several times, but not since 2017. He cautioned that multiple changes could result in inconsistencies.

Mayor Bialostosky stated he would work with the City Manager and City Attorney to schedule a Council work session to gather input on potential changes to the Charter from Council and members of the public and determine if a potential ballot measure was warranted.

City Manager Williams confirmed he would need any changes approved by mid-August for the ballot measure process.

City Attorney search process

Mayor Bialostosky sought input from the Council on whether to reopen the City Attorney search process. He noted the contract with Strategic Government Resources (SGR), the recruiting firm, included two searches, so an additional search would not incur additional costs to the City.

Council President Baumgardner supported reopening the search process but recalled being advised to wait a certain amount of time after the prior search to refresh the pool of applicants and asked if that timeline had passed.

City Manager Williams believed enough time had passed, noting spring and especially summer were common seasons for people to relocate.

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Council consented to reopen the City Attorney search process.

City Manager Williams stated he would report back about the proposed search timeline at Council's next meeting on March 11th.

Reports from Community Advisory Groups

Council President Baumgardner reported she attended the Committee for Community Involvement (CCI), the Transportation Advisory Board (TAB), and the South Fork Water Board (SFWB) meetings. The TAB meeting had extensive discussion about the sidewalk plans and the need to reevaluate and reprioritize sidewalks due to a lot of public comment the TAB had heard in the last several months about the desperate need for sidewalks. Board members have pointed out for years that a prioritization process already exists and, although it wanted to be responsive to specific requests, it also had to honor the existing process. She had no specific information to report from the other meetings.

There were no other reports.

Women's History Month Proclamations [2:05 pm/5 min]

Proclamation

Council President Baumgardner read the Proclamation, declaring March 2024 as Women's History Month in the City of West Linn.

The special meeting of the City Council was adjourned to convene the work session.

Draft Notes.

Waterfront Project and Vision 43 Update [2:10 pm/40 min]

Waterfront & Vision 43 Information

Waterfront Presentation

Vision 43 Presentation

Recreation Center Feasibility Study - Phase 2 Schedule [2:50 pm/15 min]

Rec Center Feasibility Study Information

Presentation

City Manager Report [3:05 pm/5 min]

Adjourn [3:10 pm]

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Agenda Bill 2024-04-08-02

Date Prepared:	March 28, 2024
For Meeting Date:	April 8, 2024
To:	Rory Bialostosky, Mayor West Linn City Council
From:	Dylan Digby, Assistant to the City Manager and staff liaison to SAB
Through:	John Williams, City Manager *JRW*
Subject:	Resolution to Phase out Fossil Fuel Appliances and Equipment

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Purpose:
To consider a Resolution related to reducing fossil fuel-based appliances and equipment.

Question(s) for Council:
Should Council pass a Resolution proposed by the Sustainability Advisory Board (SAB) directing staff to transition to electric appliances and landscaping equipment where technologically appropriate and cost effective?

Public Hearing Required:
None Required.

Background & Discussion:
Over the last several months the City's Sustainability Advisory Board (SAB) worked on a Resolution for Council consideration to move the City toward electric equipment where practical during replacement, setting a standard for the community to follow. This Resolution was presented to Council at their February 5th, 2024 Work Session with the SAB. This Resolution is only applicable to City operations and allows flexibility as many types of equipment and appliances don't yet have cost-effective or technologically equivalent options.

As stated in the February 5th Work Session materials, it is worth noting that this Resolution regarding replacement of fossil fuel equipment and tools has been somewhat challenging. Staff and SAB members met and worked together to soften the language several times. As staff we fully agree with the intent to move toward reducing our reliance on fossil fueled equipment and already have a sizeable and growing stock of electric equipment. However, we also have to ensure that the tools are ergonomically and logistically workable for our staff (heavy batteries, lack of charging locations at Operations facility, need to bring additional batteries to multiple field sites, provide adequate power for rainy season tasks and large sites, etc.), that we have robust gas powered options during emergencies when the power is out, that costs are manageable within our limited budget, and that our facilities' electrical systems can support the proposed changes to electric (e.g. new HVAC systems and emergency generators may not be able to handle the additional load). Our Parks and Public Works departments both have acquired many battery powered tools in the past few years from blowers and cut off saws, to chainsaws, hedge

trimmers, and weed eaters. Staff have reported that the battery powered tools work for many jobs, but are hard to rely upon for bigger jobs, emergencies, and some day-to-day activities.

Budget Impact:
Dependent on equipment replacement. Electric alternatives are typically more costly to purchase. Items such as electric HVAC units also have a shorter life span and higher ongoing maintenance costs and may require facility electrical upgrades. However, this Resolution as written allows flexibility in making cost effective decisions at the time of purchase.

Sustainability Impact:
This Resolution helps work towards Energy Goal #1 in the 2021 Sustainable West Linn Strategic Plan: "By 2040, the City of West Linn will reduce greenhouse gas emissions in existing City facilities and operations by 80%."

Council Options:
1. Approve this Resolution as presented.
2. Approve the Resolution with amendments.
3. Decline to approve the Resolution.

Staff Recommendation:
While this Resolution is workable with language as provided, staff remains concerned about budget impacts and unintended impacts to field staff during implementation, for emergencies (e.g. less powerful equipment, waiting on charging, less gas-powered equipment available or buildings without heat during extended power outages), and for heavier workload jobs in the rainy season.

Potential Motion:
I move to approve Resolution 2024-02, "A RESOLUTION TO TRANSITION CITY OPERATIONS TO ELECTRIC APPLIANCES AND LANDSCAPING EQUIPMENT."

Attachments:
1. Resolution 2024-02

RESOLUTION 2024-02

A RESOLUTION TO TRANSITION CITY OPERATIONS TO ELECTRIC APPLIANCES AND LANDSCAPING EQUIPMENT

WHEREAS, the continued use of fossil fuels, including oil, coal, and natural gas, contributes significantly to greenhouse gas emissions and exacerbates global climate change;

WHEREAS, fossil fuel production and consumption are associated with risks such as leaks, explosions, environmental degradation, and adverse health impacts;

WHEREAS, shifting from unsustainable fossil fuel reliance to renewable energy sources is essential for long-term environmental sustainability;

WHEREAS, electrical power, increasingly sourced from renewable energies like solar, wind, and hydroelectric power, offers a cleaner and more sustainable alternative;

WHEREAS, the City of West Linn is committed to sustainability, environmental stewardship, and proactive measures to address global environmental challenges;

WHEREAS, the City of West Linn is dedicated to forward-thinking, sustainability, environmental responsibility, and taking actionable steps in response to the pressing global challenges;

WHEREAS, while initial investments in electrical technology are required, long-term benefits include energy savings, reduced fossil fuel dependence, and alignment with sustainability goals;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. ***Transition to Electrical Appliances in City Buildings***

a. Where technologically appropriate and cost effective, fossil fuel-based appliances in city-owned buildings, including furnaces, stovetops, and water heaters, shall be transitioned to electrical alternatives upon end-of-life replacement or during significant building renovations. Fossil-fuel based appliances may be kept for emergency and special purposes where practical.
b. This transition is committed to prioritizing energy efficiency, safety, and long-term cost savings in city infrastructure.

2. ***Transition to Electric Landscaping Equipment Where Available***

a. Where technologically appropriate and cost effective, the city shall replace fossil fuel-powered landscaping equipment with electric alternatives, as these become available and as existing equipment reaches the end of its service life. Some fossil-fuel based equipment may be kept for emergencies and specialized jobs where needed.
b. Special priority is to be given to the replacement of gas-powered leaf blowers.
c. This commitment includes seeking out and evaluating new electric landscaping technologies as they enter the market, ensuring the city remains at the forefront of adopting environmentally responsible solutions.

d. This initiative is designed to reduce emissions, diminish noise pollution, and decrease fuel dependency in city maintenance and landscaping operations, in line with the available technology and market options.

3. ***Training and Support for Transition***

a. The City of West Linn commits to providing necessary training and resources to City employees and departments to facilitate a smooth transition to electric appliances and equipment.
b. This will ensure a skilled workforce capable of operating and maintaining new electric technologies, thereby ensuring the success and sustainability of this initiative.

This resolution was PASSED and ADOPTED this 8th day of April, 2024, and takes effect upon passage.

_____
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*): WL INCORPORATION

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: OLE OLSEN

Phonetic spelling, if difficult to pronounce:

Address (Optional): 3993 KENTHORPE WAY

City: WEST LINN State: OR Zip: 97068

Email (Optional): Phone (Optional): 503.927.1867

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

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*): WL Incorporation

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: Steve Woodward

Phonetic spelling, if difficult to pronounce:

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.

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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*): CEDAR OAK DRIVE STUDENT SIDEWALK

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: Paul Hansen

Phonetic spelling, if difficult to pronounce:

Address (Optional): 3810 CEDAROAK DRIVE

City: WEST LINN State: OR Zip: 97068

Email (Optional): phansen@comcast.net Phone (Optional): 503 635 5257

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

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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*): City History / Lady B

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: SANDY CARTER

Phonetic spelling, if difficult to pronounce:

Address (Optional):

City: West Linn State: OR Zip: 97068

Email (Optional): Phone (Optional):

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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*): _____

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: ALICE

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: WEST LINN State: OR 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.

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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*): Boat Storage

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: John Rotenberg

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 2499 Donegal Ct.

City: WL State: 97068 Zip: OREGON

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.

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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*): Lady B

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

Please specify agenda item (*required*): Lady B

Please print:

Name: Troy Bowers

Phonetic spelling, if difficult to pronounce: _____

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.

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State of Oregon

OFFICE OF THE SECRETARY OF STATE
Corporation Division

Certificate of No Record 160X575F6

I, LAVONNE GRIFFIN-VALADE, Secretary of State of Oregon, and Custodian of the Seal of said State, do hereby certify:

I have carefully examined the current records of this office and as of the date of this certificate it appears that there are no active filings under the exact name.

Business Name LLC

City of West Linn

In Testimony Whereof, I have hereunto set my hand and affixed hereto the Seal of the State of Oregon.

Lavonne Griffin-Valade

LAVONNE GRIFFIN-VALADE, Secretary of State

7/20/2023

CHARTER, a grant made by a government to the whole people, or to a portion of them, securing to them certain rights and privileges. The Magna Carta or "Great Charter," which secured to the English people certain liberties, was in fact a compact between the king and barons, but it was called a charter because in form it was a grant of rights from the king. In England, at the time of the colonization of America, a deed or special grant of land was also known as a charter. All of the British colonies in North America which later became the United States were initially created by charter from the king. These charters not only granted land but also granted certain rights to govern. In modern times, the term is generally used to signify a grant made by the government of power to form a corporation, and a grant made by the state to people of an area to organize themselves into a city. The latter is a creative act of the legislature affecting all laws in force relating to the municipal corporation.

Incorporation. In the United States, the grant to form a corporation is an official document or contract issued by a state, certifying that a corporation has been formed, either by special statute conferring on the particular corporation special designated powers and privileges; or, in accordance with a general law, describing the procedure to be followed by the individuals organizing the corporation. The general law requires that details of the proposed corporation be set forth in a certificate of incorporation, including the name, place, capital stock, amount subscribed, number of shares, and the names of the incorporators or subscribers. A designated number of the last are required to sign and acknowledge the certificate of incorporation, also called the memorandum of association, or the articles of association. Other provisions usually contained in the general law must also be recorded, relating to organization, amendments, reports, and dissolution. The record of these latter details, together with the incorporation certificate, constitute the charter, and are considered both a law and a contract.

WL, OR　　CITY OF WEST LINN ORGANIZATION CHART

THE 1893 INCORPORATION ACT
ORS 221.903 to ORS 221.928

WL, 3/4/5 ORG. CHART

LAW DIVISION	OLSEN - HUNTER PRODUCTS	3893 KENTHORPE WAY	WEST LINN	OR	97068	503.927.1867	OLE OLSEN

LEGISLATIVE - CITY COUNCIL

WL3-00 ORG. CHART — CITY OF WEST LINN

WL 3-00 — OREGON INCORPORATED CITY GOVERNMENT — ADOPT BUDGET, CODES & RULES, ENHANCE LIVABILITY

POSITION	PART VI PERSON	OUTLINE OF JURISDICTION
WL4-P01 MAYOR	RORY BIALOSTOSKY	PART I AREA WL, (NOT US, ST-STATE, CI Co-COUNTY)
		PART II BRANCH: 30 LEGIS, 40 ADMIN, 50 JUDICIAL
WL3-P02 COUNC. PRES.	MARY BAUMGARDNER	PART III DEPARTMENT, TYPE OF LAW, CODE & ADVISE
		PART IV SUBJECT & CONDITIONS
WL3-P03 COUNCILOR	LEO GRONER	PART V PROCEDURE FOR DEPARTMENTS
		PART VI PEOPLE (DISTRICT, PUBLIC, BUSINESS, PERSON
WL3-P04 COUNCILOR	CAROL BRYCK	WL3-10 PLANS & CODES
		WL3-11 WLCP - WEST LINN COMPREHENSIVE PLAN
WL3-P05 COUNCILOR	KEVIN BONNINGTON	WL3-12 WLMC - WEST LINN MUNICIPAL CODE
		WL3-13 WLCDC - WEST LINN COMMUNITY DEV. COD
WL3-P06 COUNCILOR		WL3-20 ADVICE & REPORTS
		WL3-21 LEGAL WLCH CIII 5.8 / WL3-22 PUBLIC COMMENT (3 MIN)
WL3-P07 COUNCILOR		WL3-23 BUDGET WLMC 2.085C.; ORS 294.338
		WL3-24 AUDIT
WL3-P08 COUNSEL		

WL3-09.1	VACANCY, DISMISS ORS 221.904	WL3-32.5 BID, CONTRACTS WLMC 2.085E.
WL3-09.2	CITY COUNCIL RULES	WL3-32.6 CONSULTANTS REPORTS - ADOPTED
WL3-09.3	CITY COUNCIL MEETINGS	WL3-32.7 DEPARTMENT REPORTS - ADOPTED
		WL3-32.8 STAFF/COMMITTEE SPECIAL REPORT

PART VI PEOPLE (DISTRICT, PUBLIC, BUSINESS, PERSON)

PART III NAME	PART IIIb MEMBERS	PART IV SUBJECT	CITY CODE; STATE STATUTE
WL3-30 PART III TYPE OF COMMITTEE - PUBLIC SERVICES & FACILITIES			
WL3-31 PUBLIC SAFE	7 MEMBERS	CRIME, TRAFFIC, FIRE	WLMC 2.085 J.
ENGINEERING			
WL3-32.1 TRAFFIC	7 MEMBERS	TRANSPORTATION, MASS TRANS.	WLMC 2.085 P.
SUSTAINABILITY	7 MEMBERS	ENVIRONMENT NR 0.0	WLMC 2.085 Q.
WL3-32 UTILITY	7 MEMBERS	WATER RATES, OTHER	WLMC 2.085 D.
WL3-33 PARKS &	7 MEMBERS	NEEDS, BUDGET, LAND	WLMC 2.085 H.
RECREATION		PARKS MASTER PLAN	
WL3-35.1 LIBRARY	9 MEMBERS	NEEDS, BUDGET, LAND	WLMC 2.085 G.; ORS 357
WL3-35.7 HISTORIC	5 MEMBERS	PROTECT HISTORIC PLACES	WLMC 20085 O.
WL3-36.5 ARTS	9 MEMBERS	MUSIC, DANCE, POETRY	WLMC 2.085 I.; 2.200
		PAINTING, PHOTO, OTHE	
WL3-36.6 FAIR	12 MEMBERS	WEST LINN FAIR	WLMC 2.085 M.
WL3-36.8 NBHD	10 NEIGHBORHOODS		WLMC 2.100
WL3-40 PART III TYPE OF COMMITTEE - PROPERTY SERVICES			
WL3-41 PLAN	7 MEMBERS	TRAFFIC, HOUSING, LOT SIZE	WLMC 2.085 A.; ORS 227
COMMISSION		BUILDING SIZE, GROWTH	
WL3-48 PART III TYPE OF COMMITTEE - PRIVATE SERVICES			

EXECUTIVE & ADMINISTRATIVE DEPT

WL4-00 ORG. CHART — CITY OF WEST LINN

WL 4-00 — DUE PROCESS OF LAW, SEPARATION OF POWERS, CHECKS & BALANCES — EXPEDITE & ENFORCE LAWS; KEEP RECORDS; FINANCE; PROVIDE PROTECTION; SERVICES

OFFICIAL	PART VI PERSON, QUALIFY	PART IV SUBJECT, V PROCESS	DUTY LOCATION
WL4-01 MAYOR	P01 RORY BIALOSTOSKY	GENERAL WLMC CH1	DUTIES ORS 221.917
(EXECUTIVE)	LIVE WL Y N	GOVERNMENT WLMC CH2	WLCH S.22 ORS 221.130+
	ELECT Y N OATH Y N		ORS 221.901-.928
WL4-10 PART IIIa CITY CORPORATE LAWS, RECORDS & FINANCE			
WL4-11 RECORDER	P11 KATHY MOLLUSKY	ORS 221.920, 223, 286-289	ORS 192.412-505 ORS 221.913
ELECTIONS	LIVE WL Y N BOND Y N	ORS 246, 247, 248, 249, 250	WLCH V 5.23(c)(3), III 5.3 4
AUDITOR	ELECT Y N OATH Y N	251, 253, 254, 255, 258, 260	ORS 222, 223, 224, 225
WL4-15 FINANCE	P15 LAUREN BRETHAUOT	BUDGET, PAYROLL	DUTIES ORS 221.920; 225
	LIVE WL Y N BOND Y N	UTILITIES, ACCOUNTING	ANNEX ORS 222; ASSES ORS 223
	ELECT Y N OATH Y N	BUSINESS LIC. WLMC CH7	ORS 35, 224, 226, 228, 312
WL4-20 PART IIIa NAME OF DEPT. PUBLIC SAFETY & PROTECTION; POLICE & FIRE			
CHIEF	P20 PETER MAHUNA	WL5-51 WL LAW, INFRACTION	DUTIES: ORS 221.919
OF POLICE	LIVE WL Y N BOND Y N	OR5-60 PROPERTY, PERSON	US5-60 CIVIL RIGHTS
	ELECT Y N OATH Y N	WL5-70 VIOLATIONS	OR5-70 VIOLATIONS
WL4-22 POLICE	P22.01 TO P22.??		OR5-80 CR MISDEMEANOR
OFFICERS			OR5-.0 CRIMINAL FELONY
WL4-23 CITY	P23 NONE		ORS 221.339
ATTORNEY	LIVE WL Y N BOND Y N		ORS 131, 138, 199, 221
	APPOINT Y N OATH Y N		ORS 211.315-.339; 456
WL4-24 FIRE &	CONTRACT TVFR	UNIFORM FIRE CODE	WLCP G.11, 5.4(4)
RESCUE	TUALATIN VALLEY FIRE	SUPRESS	WLMC 0.175. ORS 479
WL4-30 PART IIIa NAME OF DEPT. PUBLIC SERVICES & FACILITIES			
WL4-31 CITY	P31 JOHN WILLIAMS	CITY COUNCIL APPOINTS	WLCH V-5.23
MANAGER	LIVE WL Y N BOND Y N	$100,000 BOND	WLMC 2.74
	APPOINT Y N OATH Y N		
WL4-32 CITY	P32 ERICH LAIS	.10 TRANSPORTATION & STREETS	WLMC CH3, CH4
ENGINEER	LIVE WL Y N BOND Y N	.20 NAVIGATION, .30 AVIATION	HIGHWAY ORS 368-391
SURVEYOR	APPOINT Y N OATH Y N	.40 ENERGY, .50 WATER/SURFACE	
WL4-33 PUBLIC	P33 ERICH LAIS	.60 WATER/DRINKING	ORS 448, 454, 459
WORKS	LIVE WL Y N APPOINT Y N	.70 SEWER	ORS 496
WL4-34 PARKS &	P34 MEGAN BIG JOHN		WLCH XI 5.46, ORS 226
RECREATION			WLMC
WL4-35 PUBLIC	P35 MEGAN BIG JOHN	.1 EDUCATE .2 SCHOOLS	.3 LIBRARY .4 CITY HALL
FACILITIES		.5 POLICE .6 FIRE HALL	.7 SENIOR CTR .8 HISTORIC
WL4-36 HUMAN	P36 ELISSA PRESTON	.1 PERSONEL .2 COURT ADMIN	.3 RISK MGT .4 OPEN
RESOURCES		.5 ARTS .6 FAIR	.7 INFORMATION .8 NBHD
WL4-40 PART IIIa NAME OF DEPT. PROPERTY SERVICES			
WL4-41 PLAN	P41 DARREN WUSS	BOUNDRY, ANNEX, LAND	GOAL 5, OAR 660 DIV 23
DIRECTOR	LIVE WL Y N BOND Y N		ORS 97, 195, 196, 197, ?
	APPOINT Y N OATH Y N	WLMC 2.110	ORS 227, 358, 390
D4-42 PLAN/ZONE	P43 .01 .19 STAFF	P 44 HEARINGS OFFICER	WLMC 2.085 B. ORS 227.165
WL4-45 LAND	DIVISION SEE CLCO 5-60	P46- SURVEYOR	
WL4-47 BUILDING	P47.1 ALISHA BLOOMHELD		WLMC CH8 ORS 455
	P 47.2	PLAN CHECK	
PERMIT	Oregon Dept. of Consumer & Business Services 8DIVS		
WL4-48 PART IIIa NAME OF DEPT. PRIVATE SERVICES; UTILITIES, FRANCHISES, HEALTH			
	P 48	.1 REFUSE, .2ELEC, .3 GAS, .4 PHONE, .5 CABLE TV	
ORS 223, 224, 225	FRANCHISES WLMC CH9	.6 HEALTH .7 AMBULANCE, .8 HOSPITAL, .9 ELDER	

JUDICIAL - MUNICIPAL & CIRCUIT COURT

WL5-00 ORG. CHART — CITY OF WEST LINN

WL5-00 — POWER TO DECIDE A CASE, OBLIGATION TO BE FAIR AND JUST

STEPS TO FOLLOW	CITY OF WEST LINN MUNICIPAL COURT	CLACKAMAS COUNTY CIRCUIT COURT	CITY MUNICIPAL COURT or COUNTY CIRCUIT COURT	CLACKAMAS COUNTY CIRCUIT COURT	
WL Co, ST 5-00 S 10 JURISDICTION					
PART I - AREA JURISDICTION					
D - CITY, (NOT US, ST, CO)					
PART II - BRANCH 5 JUDICIAL (NOT 3 LEG.; 4 ADMIN)					
PART III - TYPE OF LAW →	WL5-51 WL INFRACTION	CI Co 5-60 CIVIL LAW	OR5-70 VIOLATIONS (NEW 2000	OR5-80 CRIMINAL MISDEMEANOR	OR5-90 CRIMINAL FELONY
MAJOR SECTION NAME →	CHARTER, ORDINANCE	CIVIL ACTION - PROPERTY	QUASI - CRIMINAL (NON JAIL)	FINE PLUS JAIL, < 1 YR	FINE PLUS PRISON, 1 YEAR ÷
PART IV - SUBJECTS- MAIN →	SAFETY, ENGINEERING,	REAL PROPERTY LAW WORKBOOK	WILDLIFE, FISHING, BOATING	THEFT, ASSAULT, DRUNK	BURGLARY, KIDNAP, ARSON, ORDER
MINOR SECTION/SUBSECTION	PROPERTY, PARKS, SERVICE	TITLE, DIVISION, SALES	TRAFFIC, CITY NUISANCE, OTHER	SOME TRAFFIC, SAFETY, NUISANCE	FRAUD, PERJURY, BRIBE, MURDER
PART V - PROCEDURES →	WEST LINN MUNICIPAL CODE	CIVIL PROCEDURES - ORS 11-25	NO RULES ? ORS 153.033	CRIMINAL PROCEDURES	CRIMINAL PROCEDURES
SECTION # AND NAME ↓	WLMC 1.235(6)				
S 20 INVESTIGATION	POLICE, ANIMAL, CODES	PLAINTIFF & DEFENDANT	POLICE, SHERIFF, DOJ, OTHER	POLICE, SHERIFF, DOJ, OTHER	POLICE, SHERIFF, DOJ, OTHER
COMPLAINT, EVIDENCE	WLMC 1.235 (1-4), MGR., CITIZE				
S 30 ALLEGATION/CHARGE	WEST LINN v. DEFENDANT	PLAINTIFF INVESTIGATION	STATE v. DEFENDANT	STATE v. DEFENDANT	STATE v. DEFENDANT
NOTICE, VIOLATION	CITY ATTY		FORM ORS 1.525, 133.007-.015		
S 40 ANSWER/RESPONSE		PLAINTIFF v. DEFENDANT	ORS 153.061		
PAY, PETITION, RECORDS	WLMC 1.240 (1), (2), (3), (4)				
S 50 PRE-HEARING/TRIAL	DOES NOT APPLY ?		ORS,153		
NOTICE, MOTIONS				RIGHTS: DUE PROCESS, NOT CRUEL	RIGHTS: DUE PROCESS, NOT CRUEL
S 60 DURING HEARING/TRIAL	HEARING, MUNICIPAL JUDGE	TRIAL: JUDGE & JURY	TRIAL BY JUDGE	TRIAL BY JUDGE & JURY	TRIAL BY JUDGE & JURY
TESTIMONY, EVIDENCE	JUDGE RHETT BERNSTEIN	ORS 221.358, ORS 221.354			
DEFAULT, RECORD	WLMC 1.245, JURY WLMC 2.600-.650	ORS 40-45			
BURDEN OF PROOF	REASONABLE & PRUDENT	PREPONDERANCE OF EVIDENCE	PREPONDERANCE OF EVIDENCE	BEYOND REASONABLE DOUBT	BEYOND REASONABLE DOUBT
S 70 AFTER HEARING/TRIAL	WLMC 1.250 -1.260		ORS 153.090, .012, .018	ORS 161.635, ORS 161.315	ORS 161.625, ORS 161.605
	CLASS A INFRACTION $500	PRIVATE PROPERTY - RESIDENTIAL	CLASS A VIOLATION $720	CLASS A $6,250≤ 1 YR JAIL	CLASS A $375,000≤ 20 YR PRISON
	CLASS B INFRACTION $250	PRIVATE PROPERTY - COMMODITIES	CLASS B VIOLATION $360	CLASS B $2,500≤ 6 MO JAIL	CLASS B $250,000≤ 10 YR PRISON
	CLASS C INFRACTION $150	PRIVATE PROPERTY - PUBLIC USE	CLASS C VIOLATION $180	CLASS C $1,250≤ 30 DAYS JAIL	CLASS C $125,000≤ 5 YR PRISON
	CLASS D INFRACTION $50	PUBLIC PROPERTY - PUBLIC USE	CLASS D VIOLATION $90	UNCLASSIFIED; AS SPECIFIED	UNCLASSIFIED; AS SPECIFIED
	MUNICIPAL COURT MAX $	PUBLIC PROPERTY - PRIVATE USE	UNCLASSIFIED - USE B		
S 80 REMEDY/ENFORCE	WLMC 1.250 (FORFEITURE)		ORS 30.315, LIEN ORS 221.351		
FA CASE APPEAL	CIRCUIT COURT ORS 221.359	L-LAND, S-SALES, R-RESOURCE	CIRCUIT CT ORS 151.057, 221.359	CIRCUIT CT ORS 221.359-.390	
		KW-00 INDEX, INTRO & PROCESS			
INSTRUCTIONS	WEST LINN MUNICIPAL CODE	LW10-16 APPLY PARTITION/DIVISION	VIOLATIONS AGAINST STATE	CR MISDEMEANOR - PERSON, PROPERTY	CR FELONY AGAINST OREGON
W = WORKBOOK	ORS = OR REVISED STATUTES	S-20 INFORMATION		OREGON REVISED STATUTES - CRIMES & PUNISHMENTS	ORS 161 - 169
F = FILE, S = SECTION	WLMC / ORS	S30 PRE-PROCESS		GENERAL PROVISIONS ORS 161	FRAUD & DECEPTION ORS 165
▌= CLOSED GATE	GENERAL CH 1	S40 ADMINISTRATIVE DEPT	WILDLIFE ORS 496.002	STATE & JUSTICE ORS 162	ORDER, FIRE ARMS ORS 166
| = OPEN GATE	GOVERNMENT CH 2 221.928	S50 DISCLOSURE	COMMERCIAL FISH ORS 506.001	PERSON ORS 163	HEALTH & ANIMALS ORS 167
	PUBLIC IMPROVE CH 3	S60 TENT. FINAL PLAT DRAW	TRAFFIC ORS 802-826	PROPERTY ORS 164	CORRECTIONAL ORS 169
WL = WEST LINN	UTILITIES CH 4	S70 PROCESS & PURPOSE	VEHICLES & TRAFFIC WLMC CH3	SEE WL PUBLIC PROPERTY PROTECT WLMC CH5	
MC = MUNICIPAL CODE	PUBLIC PROTECTION CH 5	S80 FINAL APPROVE & FILE	BOATING ORS 830		
CDC = COMMUNITY DEV. CODE	VEHICLES & TRAFFIC CH 6	FA APPEAL - CIRCUIT COURT			
ORS = OR REVISED STATUTES	BUSINESS CH 7	SW17-29 SALE PROPERTY W/HOUSE	WEST LINN MUNICIPAL COURT		
OAR = OR ADMIN RULES	BUILDING CH 8	NW30-39 NATURAL RESOURCES	VIOLATIONS AGAINST WEST LIN		
	FRANCHISES CH 9	WA0-49 OPEN	WL5-70		

R

DUE PROCESS OF LAW - US CONST.

AMENDMENT V (5)

NO PERSON SHALL... BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW; NOR SHALL PRIVATE PROPERTY BE TAKEN FOR PUBLIC USE WITHOUT JUST COMPENSATION.

AMENDMENT XIV (14)

...; NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS.

FROM SEVERAL ENCYCLOPEDIAS BY OLE

CHOICES: CIVIL OR CRIMINAL, PROCEDURAL OR SUBSTANTIVE

NOTE: MUST PAY ATTENTION TO SEPARATION OF POWERS

NOTE: STANDARTS OF REASON, VOICE AND DIGINITY

NOTE: LEGITIMATE STATE OBJECTIVE

NOTE: ACTIVITY ALLOWS PARTICIPATION AND CONSENT AND RESPECTFUL TREATMENT.

NOTE: CANNOT BE ARBITRARY OR VINDICTIVE.

FAIR & ORDERLY HEARING BEFORE AN UNBIASED JUDGE

PROCEDURAL- : NOTICE, OPERTUNITY TO OBJECT, FAIR HEARING

"An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.... The notice must be of such nature as reasonably to convey the required information." *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314, 70 S.Ct. 652, 657 (1950) (Jackson, J.).

Due process clause. Two such clauses are found in the U.S. Constitution, one in the 5th Amendment pertaining to the federal government, the other in the 14th Amendment which protects persons from state actions. There are two aspects: procedural, in which a person is guaranteed fair procedures and substantive which protects a person's property from unfair governmental interference or taking. Similar clauses are in most state constitutions.

Due process of law. Law in its regular course of administration through courts of justice. Due process of law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs. A course of legal proceedings according to those rules and principles which have been established in our systems of jurisprudence for the enforcement and protection of private rights. To give such proceedings any validity, there must be a tribunal competent by its constitution—that is, by the law of its creation—to pass upon the subject-matter of the suit; and, if that involves merely a determination of the personal liability of the defendant, he must be brought within its jurisdiction by service of process within the state, or his voluntary appearance. Pennoyer v. Neff, 95 U.S. 733, 24 L.Ed. 565. Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved. If any question of fact or liability be conclusively presumed against him, this is not due process of law.

An orderly proceeding wherein a person is served with notice, actual or constructive, and has an opportunity to be heard and to enforce and protect his rights before a court having power to hear and determine the case. Phrase means that no person shall be deprived of life, liberty, property or of any right granted him by statute, unless matter involved first shall have been adjudicated against him upon trial conducted according to established rules regulating judicial proceedings, and it forbids condemnation without a hearing. The concept as it is embodied in Fifth Amendment demands that a law shall not be unreasonable, arbitrary, or capricious and that the means selected shall have a reasonable and substantial relation to the object being sought. Fundamental requisite is the opportunity to be heard, to be aware that a matter is pending, to make an informed choice whether to acquiesce or contest, and to assert before the appropriate decision-making body the reasons for such choice. Aside from all else, "due process" means fundamental fairness.

The essential elements of due process of law are notice and opportunity to be heard and to defend in orderly proceeding adapted to nature of case, and the guarantee of due process requires that every man have protection of day in court and benefit of general law. Daniel Webster defined this phrase to mean a law which hears before it condemns, which proceeds on inquiry and renders judgment only after trial. This constitutional guaranty demands only that law shall not be unreasonable, arbitrary, or capricious, and that means selected shall have real and substantial relation to object.

See also **Procedural due process; Substantive due process.**

Due process rights. All rights which are of such fundamental importance as to require compliance with due process standards of fairness and justice.

Procedural due process. Those safeguards to one's liberty and property mandated by the 14th Amend., U.S.Const., such as the right to counsel appointed for one who is indigent, the right to a copy of a transcript, the right of confrontation; all of which are specifically provided for in the 6th Amendment and made applicable to the states' procedure by the 14th Amendment.

Procedural law. That which prescribes method of enforcing rights or obtaining redress for their invasion; machinery for carrying on procedural aspects of civil or criminal action; *e.g.* Rules of Civil, Criminal, and Appellate Procedure, as adopted by the Federal and most state courts. As a general rule, laws which fix duties, establish rights and responsibilities among and for persons, natural or otherwise, are "substantive laws" in character, while those which merely prescribe the manner in which such rights and responsibilities may be exercised and enforced in a court are "procedural laws". See also **Procedure.**

Procedure. The mode of proceeding by which a legal right is enforced, as distinguished from the substantive law which gives or defines the right, and which, by means of the proceeding, the court is to administer; the machinery, as distinguished from its product. That which regulates the formal steps in an action or other judicial proceeding; a form, manner, and order of conducting suits or prosecutions; *e.g.* Rules of Circuit or Criminal Procedure. The judicial process for enforcing rights and duties recognized by substantive law and for justly administering redress for infraction of them.

The law of procedure is what is commonly termed by jurists "adjective law" *(q.v.).*

See also **Procedural law; Rules of court.**

Substantial evidence. Such evidence that a reasonable mind might accept as adequate to support a conclusion. It is that quality of evidence necessary for a court to affirm a decision of an administrative board. Under the "substantial evidence rule," reviewing courts will defer to an agency determination so long as, upon an examination of the whole record, there is substantial evidence upon which the agency could reasonably base its decision.

Under the substantial evidence rule, as applied in administrative proceedings, all evidence is competent and may be considered, regardless of its source and nature, if it is the kind of evidence that "a reasonable mind might accept as adequate to support a conclusion." In other words, the competency of evidence for purposes of administrative agency adjudicatory proceedings is made to rest upon the logical persuasiveness of such evidence to the reasonable mind in using it to support a conclusion.

Substantive due process. Such may be broadly defined as the constitutional guarantee that no person shall be arbitrarily deprived of his life, liberty or property; the essence of substantive due process is protection from arbitrary and unreasonable action.

Section 18. Private property or services taken for public use. Private property shall not be taken for public use, nor the particular services of any man be demanded, without just compensation; nor except in the case of the state, without such compensation first assessed and tendered; provided, that the use of all roads, ways and waterways necessary to promote the transportation of the raw products of mine or farm or forest or water for beneficial use or drainage is necessary to the development and welfare of the state and is declared a public use. [Constitution of 1859; Amendment proposed by S.J.R. 17, 1919, and adopted by the people May 21, 1920; Amendment proposed by S.J.R. 8, 1923, and adopted by the people Nov. 4, 1924]

Section 21. Ex-post facto laws; laws impairing contracts; laws depending on authorization in order to take effect; laws submitted to electors. No *ex-post facto law*, or law impairing the obligation of contracts shall ever be passed, nor shall any law be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution; provided, that laws locating the Capitol of the State, locating County Seats, and submitting town, and corporate acts, and other local, and Special laws may take effect, or not, upon a vote of the electors interested. —

Section 22. Suspension of operation of laws. The operation of the laws shall never be suspended, except by the Authority of the Legislative Assembly.

ARTICLE III
DISTRIBUTION OF POWERS

Sec. 1. Separation of powers
2. Budgetary control over executive and administrative officers and agencies
3. Joint legislative committee to allocate emergency fund appropriations and to authorize expenditures beyond budgetary limits
4. Senate, confirmation of executive appointments

Section 1. Separation of powers. The powers of the Government shall be divided into three seperate [sic] departments, the Legislative, the Executive, including the administrative, and the Judicial; and no person charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution expressly provided. —

ARTICLE XI
CORPORATIONS AND INTERNAL IMPROVEMENTS

Section 2. Formation of corporations; municipal charters; intoxicating liquor regulation. Corporations may be formed under general laws, but shall not be created by the Legislative Assembly by special laws. The Legislative Assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State of Oregon, and the exclusive power to license, regulate, control, or to suppress or prohibit, the sale of intoxicating liquors therein is vested in such municipality; but such municipality shall within its limits be subject to the provisions of the local option law of the State of Oregon. [Constitution of 1859; Amendment proposed by initiative petition filed Dec.13, 1905, and adopted by the people June 4, 1906; Amendment proposed by initiative petition filed June 23, 1910, and adopted by the people Nov. 8, 1910]

Section 4. Compensation for property taken by corporation. No person's property shall be taken by any corporation under authority of law, without compensation being first made, or secured in such manner as may be prescribed by law.

THE 1893 INCORPORATION ACT [Amended by 1981 c.173 §8; 1983 c.350 §29; 1999 c.788 §53; 2003 c.14 §105]

221.901 Cities organized under 1893 Act; officers; "city" defined for ORS 221.901 to 221.928. (1) The officers of every municipal corporation organized under sections 1 to 6, pages 119 to 123, Oregon Laws 1893, shall be a mayor, six alderpersons, a recorder, who shall be ex officio clerk of the common council, a marshal, a treasurer and such subordinate officers as are provided in ORS 221.902.

(2) Unless the context indicates otherwise, "city" as used in ORS 221.901 to 221.928 includes any area or territory incorporated under sections 1 to 6, pages 119 to 123, Oregon Laws 1893. [Amended by 2003 c.14 §104]

221.902 City officers; elective; appointive; terms. (1) The mayor, alderpersons, recorder, treasurer, and marshal of a municipal corporation organized under sections 1 to 6, pages 119 to 123, Oregon Laws 1893, shall be elected to two-year terms by the electors of the city. Each term of office commences on the first Monday in January next following the general election and expires on the day immediately preceding the first Monday in January next following the subsequent general election.

(2) The council may appoint an attorney, a superintendent of streets, a civil engineer, a municipal judge and police and other subordinate officers, and fix their compensation. These officers shall hold office during the pleasure of the council.

221.903 Bond and oath of officers. The recorder, treasurer and marshal mentioned in ORS 221.902 shall, before entering upon the duties of their respective offices, each execute a bond to the city in such penal sum as the council by ordinance may determine upon, conditioned for the faithful performance of duties, including in the same bond the duties of all offices of which the recorder, treasurer or marshal is ex officio incumbent under ORS 221.901 to 221.928. The bond shall be approved by the council before the officer enters upon the discharge of duties. The bonds when approved shall be filed with the recorder, except the bond of the recorder, which shall be filed with the mayor. All the provisions of any law of this state relating to official bonds of officers shall apply to such bonds, except as otherwise provided in ORS 221.901 to 221.928. Every officer of the city, before entering upon the duties of office, shall take and file with the recorder an oath to honestly and faithfully discharge the duties of office, and that the officer will support the laws and Constitution of this state and of the United States to the best of the ability of the officer.

221.904 Vacancies. (1) The council shall fill any vacancy occurring in any of the offices provided for in ORS 221.902 by appointment.

(2) If the office is elective, the appointee shall hold office until the first Monday in January after the general election next following the appointment. At the general election next following the appointment, a person shall be elected to serve any remaining portion of the term. A person elected under this subsection shall take office on the first Monday in January after the election.

(3) If a council member is absent for three consecutive meetings without permission of the council, the council shall declare the office vacant and fill the office by appointment. [Amended by 1983 c.350 §30]

221.905 Compensation of city officers. The mayor and alderpersons mentioned in ORS 221.902 shall receive no compensation whatever for their services as such officers. The recorder, treasurer, marshal, police and other subordinate officers shall severally receive at stated times compensation to be fixed by ordinance by the council, which compensation shall not be increased nor diminished after their election, or during their several terms of office. Nothing contained in this section shall be construed to prevent the council from fixing several amounts of compensation, in the first instance, during the term of office of any such officer after the election of the officer. The compensation of all other officers shall be fixed from time to time by ordinance, duly passed by the council. [Amended by 2003 c.14 §106]

221.906 Election procedure generally. All elections in a city organized under sections 1 to 6, pages 119 to 123, Oregon Laws 1893, shall be governed by ORS chapters 246 to 260. [Amended by 1983 c.350 §31]

221.907 Eligibility for office. No person shall be eligible to or hold any elective or appointive office in a city referred to in ORS 221.906 unless the person is a resident and an elector of the city. [Amended by 1983 c.83 §22]

221.908 Council meetings; notice; place of meetings. The council shall meet the second Tuesday in January succeeding each general municipal election and take the oath of office. The council shall hold regular meetings at least once in each month at such times as the council shall fix by ordinance. Special meetings may be called at any time by the mayor or by three councillors, by written notice delivered to each member then present within the city at least three hours before the time specified for the proposed meeting, which notice shall specify the object and purpose of such special meeting. No other business shall be transacted at any special meeting than that named in said notice and appurtenant thereto. All meetings of the council shall be public and held within the corporate limits of the city at such place as may be designated by ordinance. [Amended by 2003 c.14 §107]

221.909 Council meetings; attendance; records. At any meeting of the council a majority of the councillors shall constitute a quorum for the transaction of business. A less number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The mayor shall preside at all meetings of the council when present, and in case of the absence of the mayor the council may appoint a mayor pro tempore. In case of the absence of the recorder, the mayor or presiding officer pro tempore shall appoint one of the members of the council recorder pro tempore. The person appointed to act as presiding officer during the absence of the mayor shall not be required to take the oath of office, but the records of the council shall show who is appointed to serve pro tempore at any meeting. [Amended by 2003 c.14 §108]

221.910 Council to judge qualifications of members. The council shall judge the qualifications of its members. [Amended by 1983 c.350 §32]

221.911 Rules on council's granting franchise or payment of money. No ordinance or resolution granting any franchise for any purpose shall be passed by the council on the day of its introduction nor within five days thereafter, nor at any other than a regular meeting. No resolution or order for the payment of money shall be passed at any other time than at a regular meeting. No such ordinance, resolution or order shall have any validity, unless passed by the votes of at least three councillors. In case all the councillors are present and equally divided upon any question, the mayor shall have the deciding vote. [Amended by 2003 c.14 §109]

221.912 Procedures applicable to ordinances. The enacting clause of all ordinances shall be as follows: "Be it ordained by the common council of the city or town (as the case may be) of_____." Every ordinance shall be signed by the mayor, or passed over the veto of the mayor, and attested by the recorder. A copy of the ordinance shall be published at least once in a newspaper published in such city; or, in lieu of such publication, three copies thereof shall be posted in at least three public places therein before it becomes a law.

221.913 Claims against cities; how presented and paid. (1) All claims and demands against any city referred to in ORS 221.906 shall be presented to and audited by the council in accordance with such regulations as it may by ordinance prescribe. Upon the allowance of any such claim or demand, the recorder shall draw a warrant upon the treasurer for the sum, which warrant shall be countersigned by the mayor, and shall specify for what purpose the same is drawn.

(2) No claim against the city shall be paid until it is audited and allowed by the council and then only by a warrant drawn upon the treasurer by the recorder, countersigned by the mayor.

221.914 Prosecution for violation of ordinance; place of imprisonment; city liable for expenses. (1) The violation of any ordinance of a city referred to in ORS 221.906 shall be deemed a misdemeanor and may be prosecuted by the authorities of such city in the name of the people of such city, or may be redressed by civil action, suit or proceeding, at the option of said authorities.

(2) Any person sentenced to imprisonment for the violation of an ordinance may be imprisoned in the jail of such city; or, if the council by ordinance so prescribes, in the county jail of the county in which such city is situated, in which case the expense of imprisonment shall be a charge in favor of such county and against such city. Before any such person can be imprisoned in the county jail, the consent of the county court shall be first obtained.

221.915 Nuisance defined. Every act or thing done, or anything existing within the limits of any city referred to in ORS 221.906, which is or may be declared by any law of this state or by any ordinance of such city to be a nuisance, hereby is declared to be a nuisance, and shall be considered and treated as such in all actions, suits and proceedings whatsoever, unless such law or ordinance is declared void by a court of competent jurisdiction.

221.916 Powers of common council. (1) The mayor and alderpersons shall compose the common council of any city organized under sections 1 to 6, pages 119 to 123, Oregon Laws 1893. At any regular council meeting, the common council may:

(a) Provide for lighting the streets and furnishing such city and its inhabitants with gas or other lights, and with pure and wholesome water. For such purpose it may construct such water, gas or other works, within or without the city limits, as may be necessary or convenient therefor. It may allow the use of the city streets and alleys to any person, company or corporation who may desire to establish works for supplying the city and inhabitants thereof with such water or lights upon such reasonable terms and conditions as the common council may prescribe.

(b) Permit, allow and regulate the laying down of tracks for streetcars and other railroads upon such streets as the common council may designate, and upon such terms and conditions as the common council may prescribe.

(c) Allow and regulate the erection and maintenance of poles, or poles and wires, for telegraph, telephone, electric light or other purposes, upon or through the streets, alleys or public grounds of such city.

(d) Permit and regulate the use of alleys, streets and public grounds of the city for laying down or repairing gas and water mains, for building and repairing sewers and for erecting gas or other lights.

(e) Preserve the streets, lights, side and crosswalks, bridges and public grounds from injury, prevent the unlawful use of the same and regulate their use.

(f) Fix the maximum rate of wharfage, rates for gas or other lights, rates for carrying passengers on street railways and water rates. No city shall ever deprive itself of the right through its common council of regulating and adjusting any such rates, so that the same shall be reasonable for the service rendered, at least once in any period of two years.

(g) License, tax, regulate, restrain and prohibit barrooms and tippling houses, and all places where spirituous, vinous or malt liquors are sold, or in any manner disposed of contrary to law. No license shall be issued for a lesser sum than that provided by law.

(h) Prevent and suppress gaming and gambling houses, and all games of chance, including lotteries and pool selling.

(i) Prevent and suppress bawdyhouses, lewd and lascivious cohabitation, opium-smoking houses and places occupied or kept therefor.

(j) License, regulate and control any lawful business, trade, occupation, profession or calling, carried on or conducted within the corporate limits of any such city.

(k) Suppress and prohibit anything that is injurious to the public morals, public safety or public health of the inhabitants of any such city. The common council may define, suppress and prohibit nuisances of every kind, including those arising out of the receipt, sale or disposal of intoxicating liquor in violation of law.

(L) Regulate, suppress and prohibit the running at large within the corporate limits of any and all domestic animals, including fowls, and provide for the impoundment and sale, after notice, of such animals.

(m) Exercise any and all police regulations concerning the public morals, public safety, public health and public convenience of the inhabitants of any such city.

(n) Provide for the surveying of blocks and streets of the city and for marking the boundary lines of such blocks and streets, and the establishing of grades of the streets, sidewalks and crosswalks.

(o) Prevent and punish trespass on real and personal property within the corporate limits of such city.

(p) Make bylaws and ordinances not inconsistent with the laws of the United States or of this state to carry into effect the provisions of ORS 221.901 to 221.928.

(q) Provide, in addition to such action as may be appropriate to carry into full effect the object to be achieved, for the punishment of persons violating any bylaws or ordinances by fine or imprisonment, or both, and the working of such persons on the city streets or at any other work.

(2) Nothing contained in ORS 221.901 to 221.928 shall be so construed as to oust the state courts of jurisdiction to indict or punish persons for offenses against any law of the state committed within the limits of any such city. [Amended by 2003 c.14 §110; 2005 c.22 §165; 2011 c.597 §171]

221.917 Functions and duties of mayor. The mayor is the executive officer of any city referred to in ORS 221.902 and must exercise a careful supervision over its general affairs and subordinate officers. The mayor shall at least once each year state to the council by message the condition, financial and otherwise, of the city, and recommend such measures for the peace, health, improvement and prosperity of the city as the mayor may deem expedient. The mayor shall perform such other duties as may be required by ORS 221.901 to 221.928 or by city ordinances.

221.918 Duties of recorder. The recorder referred to in ORS 221.901 shall keep a journal of the proceedings of the council, and be ex officio assessor, and perform such other duties as required by ORS 221.901 to 221.928 or city ordinances. [Amended by 1999 c.788 §54]

221.919 Powers and duties of marshal; removal from office. The marshal shall be chief of police and shall have control over all police officers when on duty. The marshal shall be a conservator of the peace, and shall arrest all persons guilty of a breach thereof, or of violations of the city ordinances, and take them before the recorder for trial. The marshal shall make and enforce the collection of all delinquent city taxes, as the collection of delinquent county taxes is enforced, and shall perform such other duties as may be required of the marshal by the common council. The marshal may suspend any police officer for negligence or violation of duty until the case may be examined and determined by the council. On complaint being made, charging the marshal with malfeasance or nonfeasance in office, the alderpersons, by a unanimous vote without the concurrence of the mayor, or by a majority vote with the concurrence of the mayor, may remove the marshal from office at any regular meeting, after giving the marshal an opportunity to be heard in the defense of the treasurer, provided they find the charge is true. [Amended by 1991 c.67 §50; 2003 c.14 §111]

221.920 Duties of treasurer. The treasurer, as tax collector, shall collect and receipt for all taxes levied by the council and not returned as delinquent, and shall receive and faithfully keep the funds and moneys of any city referred to in ORS 221.906 and pay out the same as directed by ORS 221.901 to 221.928, or by city ordinances. When required by ordinance, the treasurer shall make and submit to the council a statement of the financial affairs of the city.

221.921 Interest of officers in city contracts. No mayor, council member or any other officer of any city referred to in ORS 221.906, during the period for which the officer is elected, shall be interested in any contract the expenses of which are to be paid out of the city treasury.

221.922 [Repealed by 1983 c.350 §331a]

221.923 [Amended by 1961 c.290 §1; repealed by 2011 c.597 §309]

221.924 Authority to make public improvements. The council may, whenever it deems it expedient, improve the public grounds within any city referred to in ORS 221.906, and establish and open additional streets and alleys therein. The power and authority to improve streets includes the power and authority to construct, improve, pave, repair, and keep in repair, sidewalks and pavements, and to determine and provide everything convenient and necessary concerning such improvements and repairs. [Amended by 1969 c.429 §5]

221.925 Tax deeds; tax warrants. In making a deed for any real property sold for delinquent taxes, it is not necessary to recite or set forth the proceedings prior to the sale, but it is sufficient, if it substantially appears from such deed that the property was sold by virtue of a warrant from any city referred to in ORS 221.906, and the date thereof for delinquent taxes, and the amount thereof, together with the date of the sale and the amount paid thereat by the purchaser. The style of the warrant for the collection of delinquent taxes shall be: "In the name of the city (or town) of_____." The warrant must require the marshal to forthwith levy upon sufficient property of the person or persons owing such taxes and sell the same in the manner provided by law, and return the proceeds of such sale to the city treasurer and the warrant to the recorder, with the doings of the marshal indorsed thereon, together with the receipts of the city treasurer for the proceeds of such sale as paid to the treasurer. The warrant shall have the force and effect of an execution against real and personal property, and shall be executed in a like manner, except as otherwise provided by law or this section. Real property when sold for delinquent taxes may be redeemed in like manner as real property is redeemed after sale thereof for county or state taxes, and not otherwise. The deed of the purchaser must express the true consideration thereof, which is the amount paid by the purchaser, and the return of the marshal executing the warrant must specify the amount for which each lot or part thereof is sold, and the name of the purchaser.

221.926 Authority to enact ordinances. Every city organized under sections 1 to 6, pages 119 to 123, Oregon Laws 1893, may pass any and all necessary ordinances for the purpose of carrying into force and effect any provisions of ORS 221.901 to 221.928 or any other laws concerning city government.

221.927 Approval or veto of ordinances; proceedings after veto. Upon the passage of any ordinance, the enrolled copy thereof, attested by the recorder, shall be submitted to the mayor by the recorder, and if the mayor approves the same the mayor shall write upon it "Approved," with the date thereof and sign it with the name of office of the mayor. Thereupon, unless otherwise provided, such ordinance shall become a law and be of force and effect. If the mayor does not approve of the ordinance so submitted, the mayor must, within 10 days from the receipt thereof, return the same to the recorder with the reasons of the mayor for not approving it, and if the mayor does not so return it, such ordinance shall become a law as if the mayor had approved it. Upon the first meeting of the council after the return of an ordinance from the mayor not approved, the recorder shall deliver it to the council, with the message of the mayor, which must be read. The ordinance shall then be put upon its passage again, and if two-thirds of all the members constituting the council, as then provided by law, vote in the affirmative, it shall become a law without the approval of the mayor, and not otherwise.

221.928 Record of ordinances; compilation accepted as evidence. The ordinances passed by any common council or any municipal corporation within this state, organized under sections 1 to 6, pages 119 to 123, Oregon Laws 1893, shall be recorded in a book to be kept for that purpose by the recorder of any such city. When so recorded, the record so made shall be received in any court of this state as prima facie evidence of the due passage of such ordinance as recorded. When the ordinances of any such city are printed by authority of such municipal corporation, the printed copies thereof shall be received as prima facie evidence that such ordinances as printed and published were duly passed.

221.929 [Repealed by 1953 c.57 §2]

221.930 [Repealed by 1973 c.64 §3]

Mollusky, Kathy

From: J Snively <[redacted]>
Sent: Friday, April 5, 2024 3:53 PM
To: City Council
Subject: Extended boat trailer parking

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West Linn City Council:

I have been a homeowner in West Linn for nearly 40 years because I appreciate the quality of living in a city which has historically been proud of its environment and the laws that support that goal.

I oppose extending the current time limit of parking a boat trailer on Public Street for the following reasons:

1) I think the very short time given the public to respond to the proposal smacks of rushing the proposal through without adequate public comment.

2) I view boats, and trailers, parked on public street as an eyesore and degradation to the visual environment.

3) It can only result in lowering residential property values, certainly not helping them.

4) We already have large boats and trailers parked in residential streets on a permanent basis. Why is this allowed?

5) This proposal would only benefit a few while degrading the West Linn community.

6) Boat trailers are already often parked where they interfere with the street's driving lanes.

I would ask the council to leave the law as it is and even do more to see that it is enforced. Please don't open Pandora's box.

Respectfully,
John Snively
2549 O'Near Court
West Linn, Oregon 97068

Mollusky, Kathy

From: R T <[redacted]>
Sent: Friday, April 5, 2024 3:02 PM
To: City Council
Subject: Boat trailer parking extension

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City Councilors,

The short notice concerning the boat trailers seems underhanded. Small print in the West Linn Weekly, published Wednesday afternoon, with comments required by the following Monday smells of clandestinely catering to a subset of our population.

Parking boat trailers for an additional period of time on West Linn streets impedes sight lines for traffic safety. (This has already occurred in our neighborhood for months at a time.) It will also crowd our streets while possibly lowering our property values because optics count.

This possible change in regulation meets the needs of a small group while penalizing the majority of residents. I urge you to reject it and protect the quality and liability of West Linn.

Most sincerely,
Ruth Tilley, West Linn resident

Mollusky, Kathy

From: Willamette Neighborhood Association President
Sent: Wednesday, April 3, 2024 11:09 AM
To: City Council; Williams, John
Cc: John Rodenburg
Subject: On street boat parking

The Willamette Neighborhood Assoc. has discussed this issue a couple of times. Our consensus is: being 1 of 2 NAs with at boat ramp (I think), we feel that it is feasible to have on street boat parking for 24-48 hours. This would be for **boat parking** only, nothing else. You may want to make some conditions on the size of the boat, the street width, and traffic issues since all of these could be safety issues.

Please take this under advisement when you are considering this topic.

Thank you,
Kathie Halicki, WNA President

Willamette Neighborhood Association President
President
Neighborhood Association Presidents

#

City of West Linn

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As a result of this presentation the City Council will understand the problems with the current city proposal for a sidewalk on Cedaroak Drive.

1. The sidewalk fails to solve a major danger for students walking along the Cedaroak.

• Cedaroak Drive suffers from a significant, purposeful disregard by drivers for the speed limit. There have been close calls for pedestrians and residents that live along the street caused by high speeds.

• The city has refused to mitigate in any way the dangers of this problem in spite of public requests for help.

• Designers of this plan take no responsibility or consideration to mitigate the speeding problem, passing it off to the Police Department.

• The police have done nothing. In fact, in the past they have indicated they will never put a radar car on the street because they cannot hide effectively. Neighbors have offered their driveways for such an action to no avail.

• In fact there is a joke in the neighborhood that the police are "Johnny on the Spot" with ticketing when guests of the residents park along Cedaroak on the bike path, but no tickets to tackle the traffic problem.

2. The proposal/study is based on incorrect information.

• This design problem is based on 50 students using Cedaroak to access the school. This figure is greatly exaggerated. The true number is 5 or perhaps a few more on a special day. A survey was never made.

3. Public meetings were never truly public.

• We were grateful for the city providing tours of the street explaining how the sidewalk would be located. Unfortunately many residents never learned of the meetings until the process was mostly done.

• Public information, concerns and suggestions have been rationalized away and never seriously considered.

4. The city presented only one proposal devoid of any alternatives.

• (An aside. I was a public information officer for two major government agencies. I designed, worked on and/or implemented public involvement for issues and projects including the

Spotted Owl, National Forest Planning. The Seattle Reinforcement to prevent major brown outs in Seattle, locating high voltage transmission lines, the Ross Superfund Site in Vancouver, etc. Our teams always verified the accuracy of our problem statements with the public. And we always presented the public with several alternative solutions their imput. Without exception, solutions and plans came out better.) Why wasn't this done here?

• As already mentioned, all suggestions and concerns from the community have been explained away and ignored.

5. The current solution could actually exacerbate and encourage speeding on Cedaroak.

• Part of the proposal includes straightening the road before and along Trillim Way – straighter shot encourages speed?

6. The proposal significantly alters the character of the neighborhood and fails to consider standards proposed by the Cedaroak Neighborhood Association.

• The proposal significantly widens the street corridor. Wider corridors encourages faster speeds? (The argument was made that trees will slow the traffic down.)

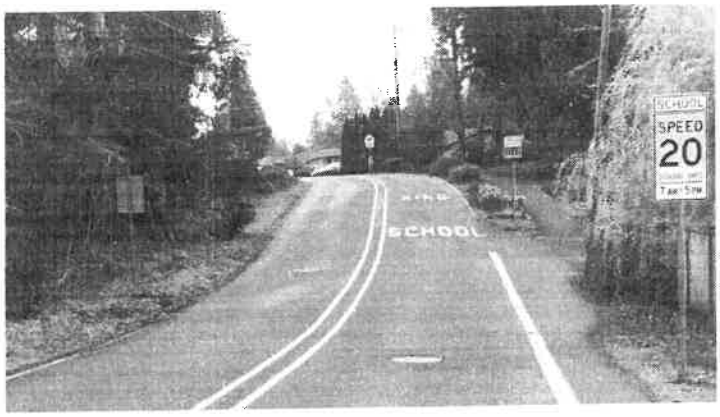
• Cedaroak takes on more of an appearance of a formal highway/road rather than the residential street it is.

7. The school district was never consulted. Why?

Some thoughts

1. Declare the walkway at Oly's property as safe as the proposed sidewalk.

• The only threat to pedestrians along this walkway would require a speeding vehicle to veer off the road and skid across the planting area. The proposed new sidewalk would provide little more protection under such a scenario.



2. Consider widening the existing bike trail and divide it from the road with an extruded curb, keeping car lanes acceptably narrow. See Photo of Rosemount. Rosemount at this point is 12 inches narrower than Cedaroak and carries significantly more traffic.

• The height of a curb is not as limited as a sidewalk and could provide a higher, more effective barrier.

• It would require significantly less land taken from property owners on the North side of the street

• Question: could it be constructed with little disturbance to utility lines on the North side?

• This would also maintain the existing slope at the Dasso residence, a much more appealing feature than a concrete fortress.

3. Keep Cedaroak's current alignment.

• The existing alignment and incline at the bottom of the hill and turn to the left acts to slow traffic somewhat.

4. Speed bumps are being eliminated by the city.

• The main reason - complaints by the Fire Department about damage to fire equipment. Yet, there are speed bumps in Lake Oswego designed to allow fire trucks to navigate effectlvely through the bumps rather than over them while still slowing regular auto traffic.

5. Move the school traffic zone west on Cedaroak a block so to effect of slower speeds to more of the road.

6. Use some of the money to install a reliable and stable photo radar ticketing system for both lanes of the road effective all hours.

7. The city prefers concrete sidewalks based on a longer material life. Asphalt has a shorter life – thirty years? In this case, perhaps aesthetics and character that plays a higher role than length of life. The looks and character in this case may be worth the sacrifice. The same applies to the retaining wall at Dassos.

Paul Hansen

April 8, 2024

Mollusky, Kathy

From: Anthony Bracco <[redacted]>
Sent: Monday, April 8, 2024 4:31 PM
To: rbialostoski@westlinnoregon.gov; Groner, Lou; Baumgardner, Mary; Bryck, Carol; Bonnington, Kevin; Williams, John; City Council; Mollusky, Kathy; ddigby@westlinnoergon.gov
Subject: Safe Routs to School on Cedaroak dr.

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Greetings everyone,

Thank you for taking the time to read this.
I hope that it can be entered into Public Comments.
I would first like to apologize for my flustered appearance at the last city council meeting and for not being able to be there tonight.
I would like to first explain that the packet of papers that I was referring to that I had a few excerpts from was a from a concerned neighbor who had given them to the Robinwood Neighborhood Association. I believe that he wanted me to present the entire packet to the council but I didn't feel that it would be prudent for me to read the entire packet to the council as it was the opinion of one citizen and not the entire neighborhoods. However I did feel that he did have a few good points.
It was probably adding those thoughts and my frustration with the situation that kept me from being as coherent as I had wanted to be.
I know that it is being considered a "done deal" at this point on the bid that is going out with no changes being made.
However I would like to stress one last time my points and those of the neighborhood.
First and Foremost, these are PRIMARY school children that we are doing this safe routs to school for.
The Flashing crosswalk is a absolute must necessity for them to safely get to school.
We are not trying to set a precedent for EVERY crosswalk, in fact, the fact that this is part of the "safe routs to school" make it a unique situation.
It seems very unfair that the Salamo Rd. Gets MANY flashing crosswalks for crossing at locations like Barrington Heights and Bland Circle that are no where near schools. As well as the Highschool gets one for the Parent/Visitor 20 car parking lot. But the children who are expected to cross a very busy dangerous street are having to be told that they need to wait to see if it is necessary by means of a traffic study.
A study that should have been done at the outset of this project when it was purposed 2 years ago.
A study that will still be FLAWED, even after the sidewalk is constructed, as parents will still feel that it is unsafe to send their kids to walk to school if they have to cross that dangerous high velocity section of the treacherous down hill section of Cedaroak Dr.
Finally, by their own admission, they have admitted that there will be a COST SAVINGS if the crosswalk is done in conjunction with the project.
This is the ONE thing that both those in favor of, and those opposed to, the construction of the sidewalk ALL AGREE to as being a necessity to the project.
If the city really wants to prove that it listens to the citizens when doing a project and actually takes the citizens recommendations into actionable planning then PLEASE add this into the bid and project.

Thank You,

Peace

Anthony Bracco
Robinwood Neighborhood President
2716 Robinwood way
West Linn, OR 97068
503-675-1773 Home
[redacted] Cell