



CITY OF
West Linn

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

WEST LINN CITY COUNCIL MEETING NOTES August 7, 2017

Call to Order

[Citizen submittal prior to meeting re: agenda](#)

Council Present:

Mayor Russ Axelrod, Council President Brenda Perry, Councilor Teri Cummings, Councilor Bob Martin, and Councilor Richard Sakelik.

Staff Present:

City Manager Eileen Stein, City Recorder Kathy Mollusky, Police Captain Neil Hennelly, Community Development Director John Williams, Assistant to the City Manager Dylan Digby, Finance Director Lauren Breihaupt, and City Attorney Tim Ramis.

Mayor Axelrod would like to add parking signs that were taken down on Easy Street to the agenda.

Council President Brenda Perry moved to approve the agenda for the August 7, 2017, West Linn City Council Special Meeting with the addition of the Easy Street parking discussion. Councilor Bob Martin seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Brenda Perry, Councilor Teri Cummings, Councilor Bob Martin, and Councilor Richard Sakelik.

Nays: None.

The motion carried 5 - 0

Community Comment

There were none.

Proclamations, Recognitions and Scheduled Presentations to Council

West Linn - Oregon City Rivalry Day Proclamation

OC-WL Rivalry Day Proclamation 2017

Councilor Sakelik read the West Linn- Oregon City Rivalry Day Proclamation.

Business Food Waste Program - Metro Presentation

Ken Ray, Metro and Eben Polk, Clackamas County, presentation.

Metro Presentation - Revised 8-7-17

Report on 2017 Legislative Session and Preview for 2018 Short Session

Legislative Report

Doug Riggs, Northwest Grassroots and Communication, presentation.

Business Meeting

Agenda Report 2017-08-07-01: Charter Amendment Measure Resolution No. 2017-17: A Resolution to Submit To Voters to Amend the West Linn Charter Relating to City Council Authority Over Administration and Legal Services

RES 2017-17 Charter Information

RES 2017-17 Mayor Axelrod's Edits & Explanatory Statement

Citizen submittal prior to meeting re: Charter Amendment

City Attorney Ramis stated Council has spent a lot of time at meetings discussing this topic. Tonight the discussion is the format to present to voters. One measure or two and what is the language that will be in the voter pamphlet. We are restricted in the number of words that can be used in the caption, question, and summary and there is a strong neutrality requirement.

Councilor Cummings stated there has been a lot of last minute things that have come in she requested copies be made for the public in attendance.

Council will come back to this agenda item after copies are distributed.

[Agenda Report 2017-08-07-03: Intergovernmental Agreement with ODOT for Enhanced Commercial Truck Enforcement](#)

[ODOT IGA Information](#)

Captain Hennelly staff presentation.

Council President Brenda Perry moved to approve the renewal to the Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) and authorize the City Manager to sign it. Councilor Teri Cummings seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Brenda Perry, Councilor Teri Cummings, Councilor Bob Martin, and Councilor Richard Sakelik.

Nays: None.

The motion carried 5 - 0

[Agenda Report 2017-08-07-02: Master Fees and Charges Document \(Public Records Fees\) Resolution No. 2017-18: A Resolution Amending the City's Master Fees and Charges Document Section 3.7 Pertaining to Public Records Requests](#)

[Master Fees and Charges Information](#)

Finance Director Breithaupt staff report.

Council discussed having research time be a fixed number per hour and adding to the website language that states if your request is for the public benefit, your fees will be waived. They discussed if complex documents, photocopying, and costs for CDs should be free.

City Manager Stein explained that the City receives many record requests where information has to be redacted and legal staff has to be involved. Sometimes this takes hours of time to review and redact the information (i.e., police records).

Council decided to go with \$20 fixed charge for now with the first 30 minutes free. They will take a look at this again in September.

Council President Brenda Perry moved to adopt Resolution 2017-18 revising the Master Fees and Charges document as shown in Attachment A to the resolution with the addition of the \$20 fee for searches beyond the first 30 minutes that are free. Councilor Bob Martin seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Brenda Perry, Councilor Teri Cummings, Councilor Bob Martin, and Councilor Richard Sakelik.

Nays: None.

The motion carried 5 - 0

[Agenda Report 2017-08-07-01: Charter Amendment Measure Resolution No. 2017-17: A Resolution to Submit To Voters to Amend the West Linn Charter Relating to City Council Authority Over Administration and Legal Services](#)

Community Comments

Ken Pryor did not like the bundling, the City Attorney has resolved that. He objects to the whereas clauses, feels it's antiquated. He is confused about the ballot measures, he cannot keep track of them. He is not satisfied with late changes and thinks Council can do better. He still does not understand what the City Attorney or Staff Attorney does.

Alan Smith believes there is a question on if the Staff Attorney has to report to the City Attorney, it is not clear in the proposed measure. He read the LOC model for establishing the City Attorney from page 18 and what kind of government you want from page 20. He doesn't think the new draft title points out the major effect which is required in ORS 250.035. He asked if Council will include a map what part of the public property will be used for the Highway 43 ballot measure.

Council President Brenda Perry moved to divide these measures into the two voter measures as we have printed up tonight. Councilor Bob Martin seconded the motion.

Councilors Cummings and Sakelik wants the ballot measures divided up into three measures since it's three charter sections.

Ayes: Mayor Russ Axelrod, Council President Brenda Perry, and Councilor Bob Martin.

Nays: Councilor Teri Cummings and Councilor Richard Sakelik.

The motion carried 3 - 2

Council wordsmithed Resolutions 2017-19 and 2017-17.

[Redlined RES 2017-19](#)

[Redlined RES 2017-17](#)

Council President Brenda Perry moved to adopt Resolution 2017-17, as amended, to submit a West Linn City Charter amendment to voters to amend the Charter provision relating to City Council authority over administration and legal services and to direct staff to take all necessary actions to place the ballot measure on the November 7, 2017, General Election. Councilor Bob Martin seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Brenda Perry, and Councilor Bob Martin.

Nays: Councilor Teri Cummings and Councilor Richard Sakelik.

The motion carried 3 - 2

Council President Brenda Perry moved to adopt Resolution 2017-19, as amended, to submit a West Linn City Charter amendment to voters to amend the Charter provision relating to legal services and to direct staff to take all necessary actions to place the ballot measure on the November 7, 2017, General Election. Councilor Bob Martin seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Brenda Perry, Councilor Teri Cummings, and Councilor Bob Martin.

Nays: Councilor Richard Sakelik.

The motion carried 4 - 1

Council President Brenda Perry moved to allow the City Manager to make the adjustments to bring the Explanatory Statements in line with the resolutions. Councilor Bob Martin seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Brenda Perry, and Councilor Bob Martin.

Nays: Councilor Teri Cummings and Councilor Richard Sakelik.

The motion carried 3 - 2

Business from the City Council

Easy Street Parking Signs

Mayor Axelrod stated Easy Street was not included in the previously passed ordinance. Council has been asked to take immediate action to put the signs back up and do a resolution in the future.

City Manager Stein informed Council that public works removed signage throughout the City that they didn't have authority to have up. She can have public works put the signs back up before school starts. The resolution including easy street will be done at the September 11 meeting.

Captain Hennelly informed Council that the police will just warn students the first couple of weeks of school. No citations will be issued or cars towed.

City Attorney Ramis is comfortable with that approach.

Councilor Cummings wants the City to look into the cyclone fence that says no trespassing, she thinks it is in the public right-of-way at the top of street. The bollards bend and kids are cutting through them. She would like it too be a no parking zone so it is not so heavily trafficked.

Captain Hennelly stated the bollards are designed to flop down and go back up for fire department access. Public Works can put do not enter signs. There are only two or three parking spots here.

Council President Perry is concerned about a recreational vehicle parked on West A with a power cord attached to the house.

Captain Hennelly knows they take it out on weekends and the motor home too big to fit in driveway. He will have an officer check into it.

Council President Brenda Perry moved to extend the meeting to 10:30 pm. Councilor Bob Martin seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Brenda Perry, Councilor Teri Cummings, Councilor Bob Martin, and Councilor Richard Sakelik.

Nays: None.

The motion carried 5 - 0

[Citizen Advisory Committee Appointments](#)

Appointments to Sustainability Advisory Board

Economic Development Committee

Mayor Axelrod placed before Council the following Advisory Board Member appointments: To the Economic Development Committee - Russel Williams, and to the Sustainability Advisory Board - Cynthia Ellison.

Council President Brenda Perry moved to approve the Mayor's Citizen Advisory Group appointments. Councilor Teri Cummings seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Brenda Perry, Councilor Teri Cummings, Councilor Bob Martin, and Councilor Richard Sakelik.

Nays: None.

The motion carried 5 - 0

[Committee Reports](#)

Council President Perry is going to the Clackamas County Coordinating Committee (C4) retreat. She proposed future agenda items: (1) 10th street improvements. (2) Ordinance that bans smoking in parks. (3) Resolution in response to Audubon emails regarding light pollution. (4) Revisit Imagine West Linn. (5) Twinning with another city. (6) Approaching Tri Met regarding a local bus.

City Manager Stein stated the Community Development Director has a meeting with Tri Met and invited Council President Perry to join him.

Councilor Martin informed everyone the Committee for Citizen Involvement (CCI) has been working on the land use process and they will be making recommendations to Council to

improve the process (Chapter 98) including de novo hearings. He would like to discuss replacing Street Fees and Park Fees with an operating levy.

Councilor Sakelik said 16 students were chosen for the Youth Advisory Council. The Chamber has come to an agreement with Clackamas County tourism regarding the money they owe them.

Councilor Cummings is joining Council President Perry at the C4 retreat. The Transportation Advisory Board is talking about the crossing issue on Salamo Road from the church to the Safeway parking lot on July 26. They are deferring the high school parking issue until the school board has a chance to discuss it.

Adjourn Meeting

[Work Session Topics](#)

[Conditional Uses in Commercial and Mixed Use Zones – Code Amendment Process](#)

[Code Amendment Process Information - Conditional Use](#)

Community Development Director Williams staff report.

Council President Brenda Perry moved to extend the meeting for another 10 minutes. Councilor Teri Cummings seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Brenda Perry, Councilor Teri Cummings, Councilor Bob Martin, and Councilor Richard Sakelik.

Nays: None.

The motion carried 5 - 0

~~7. City Manager Report~~

~~a. Traffic Safety Issues: Salamo, West A and Fairhaven~~

~~b. Agenda and Minutes Posting on City Website/Access to City Hall Meeting Rooms~~

~~c. Park and Facilities Bond Measure Timeline~~

~~d. September Meeting Schedule~~

[Adjourn](#)

Mollusky, Kathy

From: Rebecca Adams <radams014@gmail.com>
Sent: Saturday, August 05, 2017 12:05 PM
To: City Council
Subject: Unintended Problems with agenda just posted and simple solutions

Dear City Council,

Your August 7th meeting agenda is worrisome. It has nothing about discussing the Easy Street situation which by the end of August will represent a vehicular health and safety hazard due to the Public Works taking down their Parking Zone signs without allowing discussion first. In your last meeting the mayor indicated the topic could at least be discussed at your August 7th meeting, but it is not listed at all!

I am also seeing a statement that a rewrite of the Permitted and Conditional Uses in the mixed use zone is supposedly agreed to as the next priority for code review. In his memo Williams writes:
"On July 17, 2017 the Council, Planning Commission and Economic Development Committee agreed that a review of uses permitted in West Linn's mixed use and commercial zones should be the next Community Development Code (CDC) project priority. "

Something seems very wrong with this assessment given that the Storm and GeoHazard language is still completely missing from our code due to "Cut the Red Tape" and restoration of the De Novo hearing process which allows citizens a fighting chance in land-use hearings has not even come to City Council to decide whether a working group is needed or not. I really do not see how the mixed use question can possibly be allowed to leap frog over these other lingering issues that are throwing off our hearing processes and doing such damage to our city and citizens. Luckily the new storm/geohazard language has just surfaced at long last, and certainly John Williams had shown a good model of how the new administrative rules are to be applied first with council deciding about whether a working group is needed. Let's just apply his organizational prowess to the De Novo/ On the Record format question first.

Please defer the MU question for just month until after Council and planning staff have caught up a bit. To move the hearing format question along, please just make your decision in this meeting as to whether the De Novo/On the Record question needs a working group or can go straight to the Planning Commission. That could be added to the agenda for a decision, otherwise you are going to be slowing down the CCI process on the topic for close to a month while you are on break. If you feel you need the CCI to make a work group and goals for the hearing format question, please empower them now to take that on as a priority. We have gone an overly long time under the On the Record format which confuses and disadvantages citizens and which hobbles the judging body from making it's wisest decision and finding the most workable real solutions. If you must advance this brand new MU question to the CCI now, please specify that this is to be started only after the protracted CCI work about On the Record versus De Novo is completed and advanced to the next step, but tell them which next step to take.

Since a number of important city issues are going so slowly, I urge you to add at the very least one more work session this month and one council meeting allowing you the opportunity for you to pass a resolution to legitimately restore the Easy Street Residential Parking Zone which we now know was subject to a procedural error long ago. Right after school was dismissed this year, the signs were removed with 24 hours notice making

it likely that they could be put back in short order if a resolution were actually passed, but the August start date for school is coming on fast.

Thank you for your consideration of these ideas. Much more can pile up between now and September.

Rebecca Adams

http://westlinn.granicus.com/GeneratedAgendaViewer.php?view_id=4&event_id=1011

Mollusky, Kathy

From: Alan Smith <aalansmith57@gmail.com>
Sent: Sunday, August 06, 2017 7:21 PM
To: City Council
Subject: August 7th Council Special Meeting and Work Session

Dear City of West Linn Council,

Please reference [Agenda Report 2017-08-07-01](#) , dated July 28, 2017, *Background and Discussion*, last paragraph, sentence one omission. The ballot title of any proposed measure must also include the major effect of the measure.

These three very different changes to our Charter each deserve no less than a 175 word description each.

With all due respect, each change should be its own measure.

Furthermore, the title, like its precedent title in 2013, excludes precision as to the location of the proposed changes and amendments in the Charter.

What is your intention of cramming these three very different and important issues into one title?

Alan Smith
1941 Buck Street



CITY OF West Linn

I wish to speak during Community Comments (limited to five minutes):

Please specify topic (required): Ballot Measure

I wish to speak during the Business Meeting (limited to five minutes):

Please specify agenda report number(s) or topic(s) (required):

Please print:

Name: Ken Fryer Email (optional): _____

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____ Phone (Optional): _____

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

I wish to speak during Community Comments (limited to five minutes):

Please specify topic (required): Agenda Report 2017-08-07-01

I wish to speak during the Business Meeting (limited to five minutes):

Please specify agenda report number(s) or topic(s) (required):
Charter Amendment Measure

Please print:

Name: Alan Smith Email (optional): _____

Phonetic spelling, if difficult to pronounce: _____



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

CITY COUNCIL AGENDA

Monday, August 7, 2017

6:00 p.m. – Special Meeting & Work Session - Council Chambers

Special Meeting Topics

1. Call to Order
 2. Community Comment
 3. Proclamations, Recognitions and Scheduled Presentations to Council
 - a. West Linn - Oregon City Rivalry Day Proclamation
 - b. Business Food Waste Program – Metro Presentation
 - c. Report on 2017 Legislative Session and Preview for 2018 Short Session
 4. Business Meeting
 - a. Agenda Report 2017-08-07-01: Charter Amendment Measure
Resolution No. 2017-17: A Resolution to Submit To Voters to Amend the West Linn Charter Relating to City Council Authority Over Administration and Legal Services
 - b. Agenda Report 2017-08-07-02: Master Fees and Charges Document (Public Records Fees)
Resolution No. 2017-18: A Resolution Amending the City's Master Fees and Charges Document Section 3.7 Pertaining to Public Records Requests
 - c. Agenda Report 2017-08-07-03: Intergovernmental Agreement with ODOT for Enhanced Commercial Truck Enforcement
 5. Business from the City Council
 - a. Citizen Advisory Committee Appointments
 - i. Appointments to Sustainability Advisory Board
 - ii. Economic Development Committee
 - b. Committee Reports
-

Work Session Topics

6. Conditional Uses in Commercial and Mixed Use Zones – Code Amendment Process
7. City Manager Report
 - a. Traffic Safety Issues: Salamo, West A and Fairhaven
 - b. Agenda and Minutes Posting on City Website/Access to City Hall Meeting Rooms
 - c. Park and Facilities Bond Measure Timeline
 - d. September Meeting Schedule
8. Adjourn

Meeting Notes:

The Council Chambers is equipped with an induction loop and a limited number of neck loops for the hearing impaired. Please let the City know if you require any special assistance under the Americans with Disabilities Act, please call City Hall 48 hours prior to the meeting date, 503-657-0331.

Community Comments provide an opportunity for statements from citizens regarding issues related to City government, properly the subject of Council/Commission consideration and not issues on the agenda. Persons wishing to speak shall be allowed to do so only after completing forms provided in the foyer in advance of Community Comments. All remarks should be addressed to the governing body. The City Council/Planning Commission will not engage in discussion with those making comments. The time limit for each participant is five (5) minutes or will be set by the Mayor or Chair.

Consent Agenda items are routine and will not be allotted individual hearing time. The items may be passed in one blanket motion. Any member may remove an item for discussion or questions by requesting such action prior to consideration.

Persons wishing to speak on agenda items shall be allowed to do so only after completing the forms provided in the foyer and returning them to the Clerk 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 five (5) minutes, unless the Mayo/Chair decides prior to the item to allocate more or less time.

When needed, the Council will meet in Executive Session pursuant to ORS 192.660.

Please help us to accommodate citizens who are chemically sensitive to fragrances and other scented products. Thank you for not wearing perfume, aftershave, scented hand lotion, fragranced hair products, and/or similar products.

P R O C L A M A T I O N

“Oregon City - West Linn Rivalry Day”

Whereas, the Cities of Oregon City and West Linn wish to recognize the efforts of their citizens to create and maintain a positive family environment where children can learn the value of constructive competition; and

Whereas, the Cities of Oregon City and West Linn value tradition and history as essential parts of their communities; and

Whereas, Oregon City High School and West Linn High School, formerly known as Union High School, have competed valiantly in the sport of football continuously since 1921; and

Whereas, on September 1, 2017, the teams representing these schools will renew their annual rivalry for the 97th time; and

Whereas, this is the longest continuously-played rivalry west of the Mississippi and therefore worthy of recognition; and

Whereas, the City Commission of Oregon City desires that the Pioneers again defeat the Lions and the City Council of West Linn desires that the Lions again defeat the Pioneers.

Now Therefore, we, the City Commission of Oregon City and the City Council of West Linn, hereby recognize and commend all citizens who have participated in this annual gridiron classic, and support the efforts of the current teams by proclaiming September 1, 2017, to be “Oregon City-West Linn Rivalry Day.” We further recommend, in the spirit of the day, that all citizens wear clothing of the appropriate colors, and refrain from crossing the river, unless business requires, until game time.

The Honorable Dan Holladay, Mayor
City of Oregon City

The Honorable Russell Axelrod, Mayor
City of West Linn

September 2017



Metro



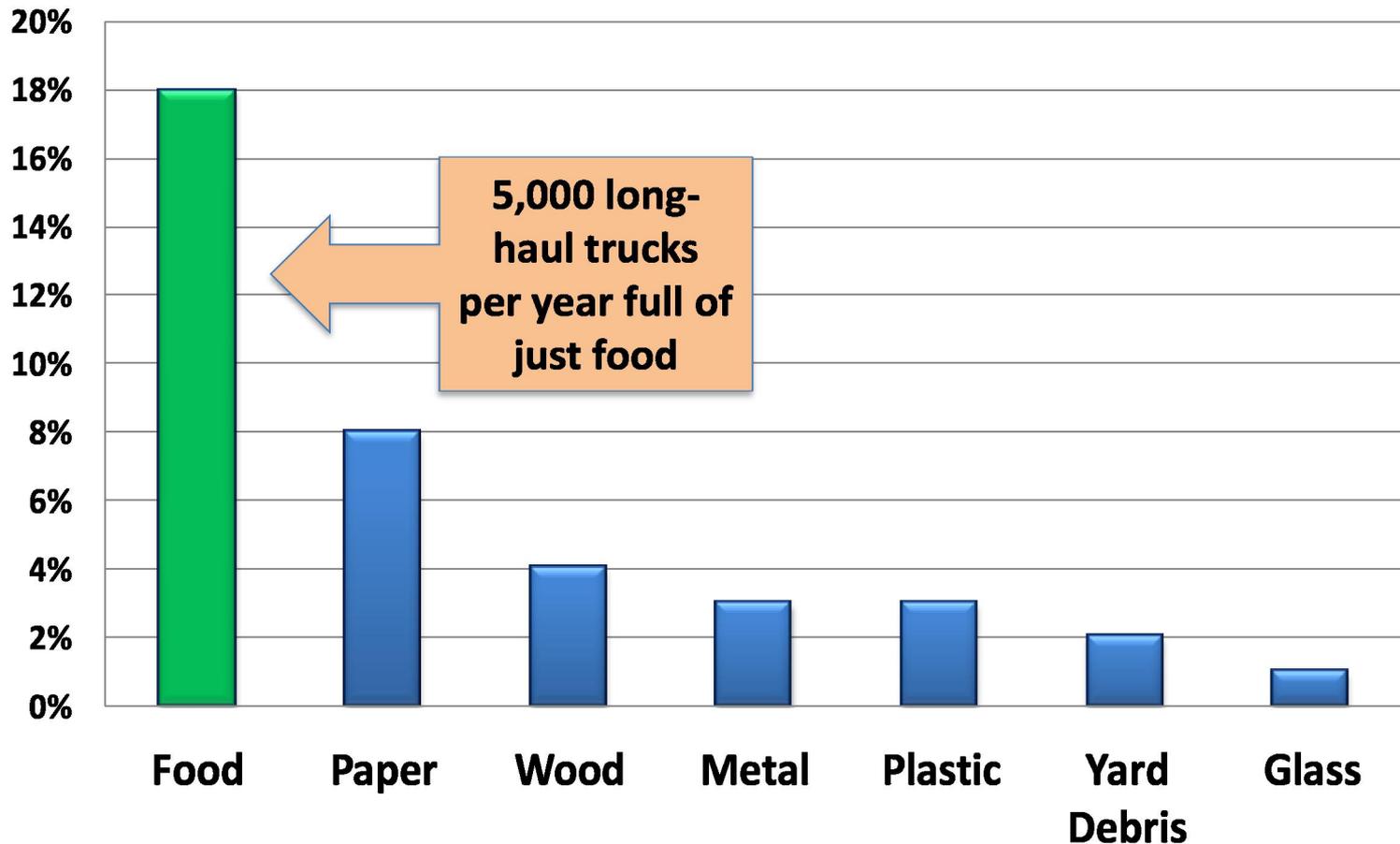
Regional Food Scraps Program Overview

August 7, 2017

City of West Linn

Why Food?

Metro Region Disposed Recoverables



Why Food?



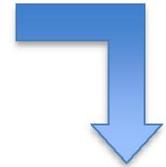
Commercial not Residential



These food scraps



Not these



This work isn't new

- 1993: Metro workshop to develop strategies for Organic Waste
- 1994: Metro conference follow up to 1993 workshop
- 1995: RFP for Phase I Food Waste Collection & Processing
- 1996: RFP for Phase 2 Food Waste Collection & Processing
- 1999: AOR Organics Forum: Portland discusses mandatory
- 2000: Metro & Portland convene processing roundtable, Metro RFP
- 2001: City of Portland issues RFP
- 2002: Metro matching grant program & site search
- 2003: Metro Organic Waste Infrastructure Development Grant
- 2004: RFP for combined transportation & processing services
- 2004-present: Metro provides funding to support local program development
- 2005: Food scraps collection program begins in Portland
- 2010: SWAC engagements specific to Food System
- 2009: PRC begins accepting food scraps
- 2010: Recology takes over contract for processing
- 2010: Nature's Needs begins accepting food scraps
- 2011: SWAC recommends the region move to mandatory if benchmarks not met
- 2012: Roadmap Food Scraps Project begins
- 2013: Nature's Needs closes to commercial food scraps
- 2013: JC Biomethane begins processing the region's food scraps

Metro Council Direction

To achieve the objectives of increasing recovery and attracting stable, local processing capacity:

1. Require certain businesses to separate their food scraps for recovery, eventually ban disposal of food.
2. Determine how to efficiently collect and deliver food scraps for processing.
3. Secure local and stable processing capacity.

What will this policy do?

- Requires local governments inside the Metro boundary to implement collection programs.
- Affects ~2,700 large to medium-sized food-oriented businesses.
- Phased in over 5 years.
- Will eventually prohibit the disposal of large amounts of food.



Policy impact context

- There are approximately 67,000 businesses in the Metro region.
- About 7,000 of those are food-oriented.
- About 2,700 would be affected by the policy (4% of the region's businesses).
- Over 1,250 are participating already.
- Compliance would be phased-in over 5 years.

What does this mean for West Linn?

~35 West Linn businesses would be affected.

- Phase 1 (2019):
 - ~5 grocery stores
 - ~4 restaurants
- Phase 2 (2020):
 - ~11 restaurants
- Phase 3 (2021):
 - ~9 schools
 - ~6 cafes/other

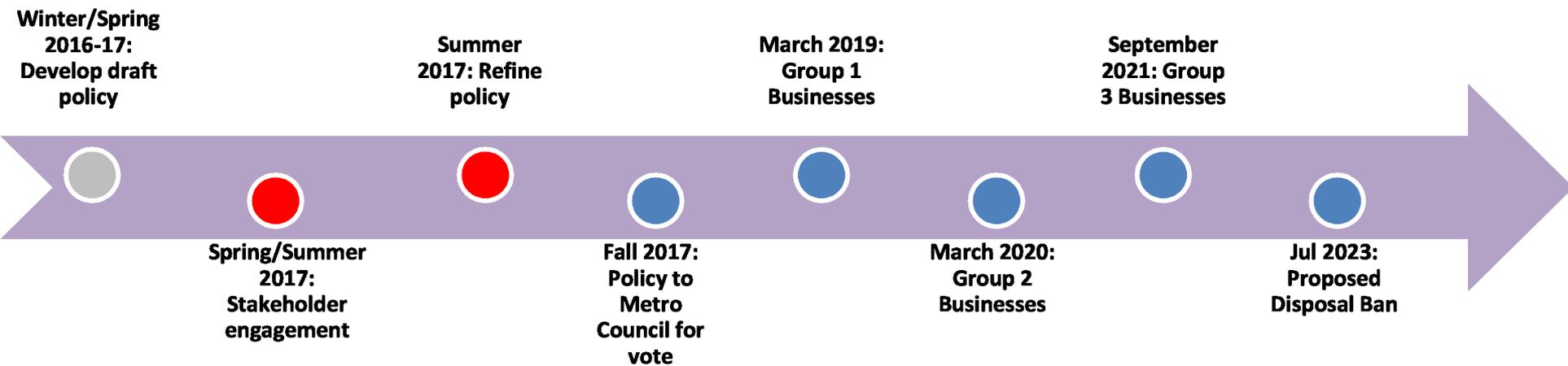


What have businesses told us?

- On-site assistance is key, as is reliable collection service.
- 90% not opposed to a mandatory program.
- 45% in favor.
- 30% had some concerns.
- Phase-in is critical.



Draft Timeline



What's Next?

Metro:

- Secure a processing facility
- Continue stakeholder engagement
- Public comment on Metro code and administrative rules
- Identify measures to minimize costs

Local Governments:

- Aim for consistent rates and service levels
- Ensure collection service is more widely available
- Participate in stakeholder engagement and policy development
- Bolster food donation efforts
- Continue refining technical assistance to businesses

Thank you

Jennifer Erickson

Metro

503.797.1647

Jennifer.Erickson@oregonmetro.gov



CITY OF
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Legislative News & Review

WEST LINN WRAPUP

AUGUST 7, 2017

Contentious Session Ends On Time

The 2017 session was one of the most contentious in memory. The session began with a reported \$1.8 billion deficit. Increased revenue forecasts, a smaller K-12 budget (\$300 million short of the \$8.5 billion requested by education advocates), and other adjustments allowed the legislature to close the gap. However, hundreds of bills died in the waning day of the session, many of them seemingly non-controversial, and budget concerns overshadowed attempts to advance important policy bills. Illustrating the divide between the House and Senate, for the first time since 2005, the House and Senate did not adjourn simultaneously (a tradition of more than 100 years). Several major issues overshadowed the session:

- 1) **PERS.** Costs to state and local government and school districts for Oregon's generous retirement packages are sky-rocketing. Rates paid out by public bodies in order to keep the system solvent are expected to increase by upwards of 40% over the next four years. These increases are putting enormous pressures on lawmakers to either cut costs elsewhere, or raise revenues.
- 2) **Budget Shortfall:** On top of the added PERS costs, almost a billion dollars of the budget gap was the result of the expiration of hospital and assisted living facility provider taxes. Under this provision, these entities tax themselves, and then get a 60-40 return because of the federal health care match. This session, the legislature added a 1.5% tax on insurance plans, which also receives the match. Supporters argue that without these local funds and the resulting federal match the legislature would have likely had to cut over 300,000 Oregonians off of health coverage. In the end, an agreement was reached that will generate \$535 million in state money, and draw down nearly another \$480 million in federal funds. However, some remained opposed to the proposal, and voters may be given the opportunity to weigh in on provider taxes, as three legislators (including Rep. Parrish) are already circulating petitions to bring that issue to the ballot in January of 2018.
- 3) **Revenue Proposals:** One of the top priorities of Democrats this session was restructuring Oregon's corporate tax system. The percentage of total taxes paid by companies and corporations has decreased from 18% in 1972 to 6% today, and this often referred to as a key reason to restructure tax rates. The House and Senate had competing visions of the effort. Senate revenue leaders sought a package generating as much as \$800 million in additional revenues, while the House initially proposed a package that would have generated \$2.4 billion more a biennium. In the end, neither package could generate the 3/5 vote necessary to move a tax package, and both efforts died.



Key West Linn Priorities In Focus.

SB256, the *Willamette Falls Locks Transfer Act*, passed both the House and Senate and has now been signed into law by the Governor. The bill had a successful first hearing, and attracted more than a dozen witnesses and submitted statements, including Mayor Axelrod. However, since the bill required state funding, it was forwarded to the Joint Committee on Ways and Means, where it sat for nearly three months waiting for final budget decisions to be made. A complicating factor was a disagreement between the Grand Ronde and other NW tribal governments over the scope of tribal representation on the work groups. Disagreements had surfaced first in the earlier hearing, but a final agreement wasn't worked out until the last week of the session, with a decision to let the Governor select a second tribe from among a list of Columbia River tribes. That agreement secured the necessary assurances, and allowed the bill to move forward. The work group is expected to try to identify potential "owner (s)" of the locks, and forward a recommendation to the U.S. Army Corps of Engineers by the summer of 2018. Detailing a plan to renovate and re-open will also be discussed.

Transportation Package Adopted:

Last year's 11 city listening tour by the Joint Committee on Transportation Preservation and Modernization paid off this year. In the waning days of the session, the House and Senate approved a \$5.3 billion package designed to providing funding for major projects, critical modernization, and maintenance of the state's aging infrastructure.

The bill took months to emerge from the work group efforts, and initially proposed \$8.2 billion, including project funding for major projects in the state, including I-205 and the Abernethy Bridge, Interstate 5 near the Rose Quarter, and Highway 217. Some legislators were concerned about the high cost of that proposal, and so the bill was scaled back. The current version includes funds to advance the planning and design process for the major projects, including I-205, but not actual construction funding. That will have to come later.

On the horizon is a potential referral of the measure to the ballot. Some legislators have floated the idea of asking voters to reject the tax and fee increases that are necessary to fund the package. To do so, opponents would have to gather 59,000 signatures, and the measure would then appear on a special January, 2018 state-wide ballot.



Contact: Doug Riggs/Jessica Chambers,
503 702 5120

SB327 (Recreational Immunity),

which will resolve the questions about city/county/park employee liability in cases of recreational incidents, took far more time than expected to pass. Initial hearings in the Judiciary Committee went well, in spite of unexpected opposition from a group representing children's programs in the state. A week of outreach to the group addressed their concerns, and the bill passed out of the Senate on a 30-0 vote.

Like many bills this session, SB327 got caught in a web of interconnected legislative proposals and was held up in the House for almost two and a half months. After finally passing out of the House Committee, it was delayed a half dozen times pending floor action. However, it finally made it over the finish line, passing 54-4, and has been signed into law by the Governor. West Linn actively participated in the large coalition of groups supporting this common sense measure.



SB202 and SB840, which would have negatively impacted the ability of cities to **recover franchise and right of way fees** to offset the cost of services, both died in the last weeks of the session, thanks to the tireless work of the League of Cities and many individual cities.



HB2470 would have imposed restrictions on city ability to use **Urban Renewal districts** for key projects.

This could have impacted the city efforts along the Willamette river and the Locks area. West Linn worked with our partners at LOC against the bill.

A work group may be formed in the interim to examine cases of concern with other Urban Renewal districts.

However, the chief sponsor of the measure, Representative Ann Lininger, was just appointed to a judicial position by the Governor, so it is uncertain if another legislator will pick up the issue for introduction in 2018.

HB2095—Metro Reserves: A long process involving Metro, the Counties, and cities led to a path forward on authority to make mid-cycle UGB decisions in the area. HB2095 codifies this decision, which places significant authority with local citizens and city leaders. The process takes advantage of the Urban/Rural Reserves designations. The bill passed the House, 49-9, and passed the Senate 23-4. West Linn has participated in the effort to educate lawmakers about the bill, and provide support for the regional coalition working on it.

Alternative bills, **HB2094** and **SB186** which might have legislatively mandated inclusion of certain properties or imposed mandatory evaluation requirements, did not advance.

HB2031 which allowed the transfer of development credits from one county to others, was also a potential vehicle for **adding additional specific properties to the Metro UGB**. Cities and Counties opposed this effort to skirt the existing process, and the amendment did not move forward this session.

SB1051: Housing advocates pushed for **HB2007**, which will restrict city authority in making determinations on local land use zoning. The bill was watered down slightly, but it finally passed as the result of support from housing advocates and homebuilders. The provisions of the bill were stuffed into **SB1051** in the last days of the session.



Mayor Axelrod testifies to the Senate Business & Transportation Committee



Gov. Kate Brown reacts to a video played after the House of Representatives enacted Sine Die to adjourn the legislative session at the state Capitol in Salem, Ore.



Agenda Report 2017-08-07-01

Date: July 28, 2017

To: Russ Axelrod, Mayor
Members, West Linn City Council

From: Tim Ramis, City Attorney

Subject: Proposed Charter Amendments Measure - Relating to City Council Authority Over Administration and Legal Services.

Purpose

The City Council crafted three proposed amendments to the West Linn City Charter and directed City staff to prepare appropriate documentation to enable the City Council to refer the amendments to the voters. The amendments address the structure of the City's legal services as well as clarifying the role of Council members when there are concerns related to city business or the performance of employees or departments.

Question(s) for Council:

Does the Council wish to place the attached ballot measure on the November 7, 2017 General Election, to allow citizens to consider amendments to the Charter relating to legal services and Council input to the City Manager?

Public Hearing Required:

None required.

Background & Discussion:

In 2013, the City Council was presented with a number of potential changes to the City Charter relating to the provision of legal services to the City. The changes were approved by the voters in the fall of 2013. The current City Council has held a number of discussions related to the ambiguity of these Charter amendments and the desired structure for the provision of legal services to the City.

At a special meeting on July 24, 2017, the City Council devoted substantial time to considering and crafting two proposed charter amendments to address the structure of provision of legal services to City staff and the City Council. In addition, the City Council also addressed the issue of Council members' ability to give input to the City Manager about city business and the performance of city departments and staff. This resulted in a third proposed charter amendment.

Amendment of the Charter requires a public vote. The City must adopt a resolution referring these matters to the ballot by August 7, 2017, for the General Election on November 7, 2017.

The City is proposing a ballot measure for a vote on three Charter amendments:

1. Charter Section 8(g) – This amendment restores the previously deleted Section 8(f) and authorizes the City Council to retain any legal services it deems prudent. These legal advisors report to and serve at the direction of the City Council.

2. Charter Section 23A. – This amendment adds language requiring that legal advice to the Council or its advisory groups be overseen by the City Attorney. The amendment does not preclude the City Manager from employing an attorney to support City administration and operations.
3. Charter Section 21A. – This amendment makes it clear that Council members may discuss their concerns about the performance of city departments and personnel with the City Manager, so long as their actions do not attempt to interfere, influence or coerce the City Manager into actions regarding the hiring, discipline or termination of city personnel.

State law requires that ballot titles for local measures are “a concise and impartial statement” that summarizes the measure.¹ Ballot titles cannot be insufficient, unfair, misleading, or urge a yes or no vote. In addition, all of the statements and facts in the ballot title must be accurate, and it should be factually balanced.² The ballot title was prepared to meet the statutory requirements. The proposed resolution adopting the ballot title and calling for the election is attached to this report.

Budget Impact:

There will be a cost for a charter election, in the range of \$2,000 to \$3,000, depending on the election date. Cities are not charged for election costs when their measures appear on the November General Election ballot.

Council Options:

1. Adopt the resolution and direct staff to take all necessary actions to place the attached ballot measure on the November 7, 2017 General Election.
2. Direct staff not to pursue a ballot measure for the proposed charter amendments.

Staff Recommendation:

Staff recommends that the Council direct staff to take all necessary actions to place the ballot measure on the November 7, 2017 General Election.

Potential Motion:

Move to approve Resolution 2017-17, a resolution to submit to voters to amend the West Linn Charter relating to City Council authority over administration and legal services and to direct staff to take all necessary actions to place the ballot measure on the November 7, 2017 General Election.

Attachments:

1. Resolution No. 2017-17

¹ ORS 250.035(1)(c).

² *Dunagan v. Thornton*, 237 Or. 379 (1964); *Restrictions on Political Campaigning by Public Employees – ORS 260.432*, Secretary of State, Elections Division (Jan. 2016); ORS 260.532(1).

RESOLUTION NO. 2017 – 17

A RESOLUTION TO SUBMIT A MEASURE TO VOTERS TO AMEND THE WEST LINN CHARTER RELATING TO CITY COUNCIL AUTHORITY OVER ADMINISTRATION AND LEGAL SERVICES

WHEREAS, the City Council recognizes that it has authority to hire any legal advisors it deems necessary;

WHEREAS, paragraph 8(f) of the West Linn City Charter specified that the City Council could hire legal advisors until this paragraph was deleted in the September 2013 election;

WHEREAS, the City Council discussed restoring paragraph 8(f) to make the Council's ability to retain legal advisors explicit in the Charter during its June 26, 2017, and July 2017, meetings;

WHEREAS, the City Council voted to restore the language in paragraph 8(f) to reaffirm the Council's ability to hire and supervise its legal advisors at its July 24, 2017, meeting;

WHEREAS, the City Council wishes to make it clear that all legal advice received by the Council or its citizen advisory groups will be overseen by the City Attorney; and

WHEREAS, the City Council voted at its July 24, 2017, meeting to add language to Section 23A of the Charter to address what legal advisors can provide legal advice to the Council; and

WHEREAS, the City Council recognizes that councilors have authority to convey concerns relating to city business or the performance of an employee or department to the City Manager;

WHEREAS, Section 21A of the West Linn City Charter specifies that the City Council cannot interfere with the City Manager's public contract or personnel decisions;

WHEREAS, at its June 26, 2017, and July 24, 2017, meetings the City Council discussed clarifying Section 21A to make it clear a councilor can provide input to the City Manager on city business and employee performance, as long as the councilor does not attempt to interfere with, influence or coerce the City Manager's decision;

WHEREAS, the City Council voted on July 24, 2017, to add language to Section 21A to clarify that councilors can provide input to the City Manager on public business and the performance of employees and departments at its July 24, 2017, meeting;

NOW, THEREFORE, THE CITY OF WEST LINN RESOLVES AS FOLLOWS:

SECTION 1. Referral. The ballot title attached in Exhibit A shall be referred to the legal voters of the City of West Linn, Clackamas County, Oregon at the election on Tuesday, November 7, 2017.

SECTION 2. Tuesday, November 7, 2017, is designated as the date for holding the election for the purpose of voting on the measure. The precinct for the election shall be all of the territory within the corporate limits of the City of West Linn, and the election will be conducted by the Clackamas County Elections Department by mail.

SECTION 3. The City Elections Officer is directed to publish notice of receipt of the ballot title in the West Linn Tidings or The Oregonian in compliance with ORS 250.275(5).

SECTION 4. The City Elections Officer shall file the ballot title with the county clerk as required by ORS 254.095 and include the proposed measure in the statement of city measures to be voted on.

SECTION 5. City staff is directed to prepare an Explanatory Statement for the measure and submit it for inclusion in the voters' pamphlet as provided in ORS 251.345.

SECTION 6. If a majority of eligible voters vote "yes" on the measure, the West Linn City Charter will be amended as follows:

6.1 **Section 8, Councilors,** will have the following language added to this Section:

(g) The Council may retain legal advisors as it deems prudent. These legal advisors shall report to and serve at the direction of the Council.

6.2 **Section 23A. City Attorney,** will have the following language added to this Section:

The office of City Attorney is established as the chief legal officer of the City. The City Attorney shall be appointed and removed by a majority of all incumbent members of the Council. Any legal advice provided to the City Council or its advisory groups shall be overseen by the City Attorney.

6.3 **Section 21A. No Interference with Personnel or Public Contracting,** will be amended as follows:

No City Council member may directly or indirectly, by suggestion, or otherwise, attempt to interfere, influence, or coerce the City Manager in the award of a public contract or the hiring, discipline, or termination of any personnel decision. This shall not prevent a City Council member from providing input to the City

Manager relating to City business or the performance of an employee or department.

This resolution was PASSED and ADOPTED this ____ day of _____, 2017, and takes effect upon passage.

RUSSELL AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A
(FINAL VERSION WILL BE IN ATTACHED FORM SEL 805)

CAPTION – 10 words

Amends City Charter regarding authority over administration and legal services

QUESTION – 20 words

Shall Charter be amended to clarify City Council authority over administrative matters and legal advice to City Council?

SUMMARY – 175 words

The measure adopts amendments to the City Charter related to City Council authority which expressly provide:

- All legal advisors to the City Council, including the City Attorney, are retained by and serve at the direction of the Council. This revision restores previously deleted Section 8.f and authorizes the Council to retain any legal services it deems prudent.
- All legal advice to the City Council is subject to City Attorney oversight. This revision amends Section 23.A to add language requiring that legal advice to the Council or its advisory groups be overseen by the City Attorney. The amendment does not preclude the City Manager from employing an attorney.
- City Councilors may provide input to the City Manager relating to City business or the performance of an employee or department without interfering with the manager's administrative authority. This revision amends Section 21.A and makes clear that Council members may discuss their concerns, so long as their actions do not attempt to interfere, influence or coerce the City Manager into actions the manager might not otherwise take.

RESOLUTION NO. 2017 – 17

A RESOLUTION TO SUBMIT A MEASURE TO VOTERS TO AMEND THE WEST LINN CHARTER RELATING TO CITY COUNCIL AUTHORITY OVER ADMINISTRATION AND LEGAL SERVICES

WHEREAS, the City Council recognizes that it has authority to hire any legal advisors it deems necessary;

WHEREAS, paragraph 8(f) of the West Linn City Charter specified that the City Council could hire legal advisors until this paragraph was deleted in the September 2013 election;

WHEREAS, the City Council discussed restoring paragraph 8(f) to make the Council's ability to retain legal advisors explicit in the Charter during its June 26, 2017, and July 2017, meetings;

WHEREAS, the City Council voted to restore the language in paragraph 8(f) to reaffirm the Council's ability to hire and supervise its legal advisors at its July 24, 2017, meeting;

WHEREAS, the City Council wishes to make it clear that all legal advice received by the Council or its citizen advisory groups will be overseen by the City Attorney; and

WHEREAS, the City Council voted at its July 24, 2017, meeting to add language to Section 23A of the Charter to address what legal advisors can provide legal advice to the Council; and

WHEREAS, the City Council recognizes that councilors have authority to convey concerns relating to city business or the performance of an employee or department to the City Manager;

WHEREAS, Section 21A of the West Linn City Charter specifies that the City Council cannot interfere with the City Manager's public contract or personnel decisions;

WHEREAS, at its June 26, 2017, and July 24, 2017, meetings the City Council discussed clarifying Section 21A to make it clear a councilor can provide input to the City Manager on city business and employee performance, as long as the councilor does not attempt to interfere with, influence or coerce the City Manager's decision;

WHEREAS, the City Council voted on July 24, 2017, to add language to Section 21A to clarify that councilors can provide input to the City Manager on public business and the performance of employees and departments at its July 24, 2017, meeting;

NOW, THEREFORE, THE CITY OF WEST LINN RESOLVES AS FOLLOWS:

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SECTION 3. The City Elections Officer is directed to publish notice of receipt of the ballot title in the West Linn Tidings or The Oregonian in compliance with ORS 250.275(5).

SECTION 4. The City Elections Officer shall file the ballot title with the county clerk as required by ORS 254.095 and include the proposed measure in the statement of city measures to be voted on.

SECTION 5. City staff is directed to prepare an Explanatory Statement for the measure and submit it for inclusion in the voters' pamphlet as provided in ORS 251.345.

SECTION 6. If a majority of eligible voters vote "yes" on the measure, the West Linn City Charter will be amended as follows:

6.1 **Section 8, Councilors,** will have the following language added to this Section:

(g) The Council may retain legal advisors as it deems prudent. These legal advisors shall report to and serve at the direction of the Council.

6.2 **Section 23A. City Attorney,** will have the following language added to this Section:

The office of City Attorney is established as the chief legal officer of the City. The City Attorney shall be appointed and removed by a majority of all incumbent members of the Council. Any legal advice provided to the City Council or its advisory groups shall be overseen by the City Attorney.

6.3 **Section 21A. No Interference with Personnel or Public Contracting,** will be amended as follows:

No City Council member may directly or indirectly, by suggestion, or otherwise, attempt to interfere, influence, or coerce the City Manager in the award of a public contract or the hiring, discipline, or termination of any personnel decision. This shall not prevent a City Council member from providing input to the City

Manager relating to City business or the performance of an employee or department.

This resolution was PASSED and ADOPTED this ____ day of _____, 2017, and takes effect upon passage.

RUSSELL AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A
(FINAL VERSION WILL BE IN ATTACHED FORM SEL 805)

CAPTION – 10 words

Amends City Charter regarding authority over administration and legal services

QUESTION – 20 words

Shall Charter be amended to clarify City Council authority over administrative matters and legal advice to City Council?

SUMMARY – 175 words

The measure adopts amendments to the City Charter related to City Council authority which **expressly** provide:

- All legal advisors to the **City** Council, including the City Attorney, are retained by and serve at the direction of the Council. This revision restores previously deleted Section 8.f and authorizes the Council to retain any legal services it deems prudent.
- All legal advice to the **City** Council is subject to City Attorney oversight. This revision amends Section 23.A to add language requiring that legal advice to the Council or its advisory groups be overseen by the City Attorney. The amendment does not preclude the City Manager from employing an attorney **for general city administration and operations**.
- **City** Councilors may provide input to the City Manager relating to City business or the performance of an employee or department without interfering with the manager's administrative authority. This revision amends Section 21.A and makes clear that Council members may discuss their concerns, so long as they do not attempt to interfere, influence or coerce the City Manager into actions the manager might not otherwise take.

PROPOSED CHARTER AMENDMENTS – NOVEMBER 7, 2017 ELECTION
EXPLANATORY STATEMENT – 500 words

About this Measure

If approved, this measure would make three changes to the West Linn Charter. The changes relate to the City Council's authority over legal services and the authority of a Council member to provide input to the City Manager on certain topics without violating the Charter restriction on interference with administration. The proposed changes to the Charter are underlined below:

Section 8, Councilors, will have the following language added to this Section:

(g) The Council may retain legal advisors as it deems prudent. These legal advisors shall report to and serve at the direction of the Council.

Section 23A. City Attorney, will have the following language added to this Section:

The office of City Attorney is established as the chief legal officer of the City. The City Attorney shall be appointed and removed by a majority of all incumbent members of the Council. Any legal advice provided to the City Council or its advisory groups shall be overseen by the City Attorney.

Section 21A. No Interference with Personnel or Public Contracting, will be amended as follows:

No City Council member may directly or indirectly, by suggestion, or otherwise, attempt to interfere, influence, or coerce the City Manager in the award of a public contract or the hiring, discipline, or termination of any personnel decision. This shall not prevent a City Council member from providing input to the City Manager relating to City business or the performance of an employee or department.

Why this Measure is Proposed

In 2013, the City Council was presented with a number of potential changes to the City Charter relating to the provision of legal services to the City. The changes were approved by the voters in the fall of 2013. The current City Council held a number of discussions related to the ambiguity of these Charter amendments and the desired structure for the provision of legal services to the City. The Council then considered and crafted two proposed charter amendments to address the structure of provision of legal services to City staff and the City Council. The City Council also addressed the issue of Council members' ability to give input to the City Manager about city business and the performance of city departments and staff. This resulted in a third proposed charter amendment.

Amendment of the Charter requires approval by the City's voters.

If This Measure is Approved

The amendments will confirm the City Council's authority to hire any legal advisors it deems necessary. The amendments will also clarify the role of the City Attorney and require that all advice to the Council and its advisory groups be overseen by the City Attorney. The amendments will not prohibit the City Manager from employing an attorney for general city administration and operations. The third amendment will clarify that members of the City Council may give input to the City Manager so long as their actions do not attempt to interfere, influence or coerce the City Manager into actions the manager might not otherwise take. (500 words)



Agenda Report 2017-08-07-02

Date: July 26, 2017

To: Russ Axelrod, Mayor
Members, West Linn City Council

From: Lauren Breithaupt, Finance Director, LB

Through: Eileen Stein, City Manager *ES*

Subject: Master Fees and Charges Update – Section 3.7. Public Record Requests

Purpose

To update the city's Master Fees and Charges Document for fee and language changes related to public records requests.

Question(s) for Council:

Should the Council adopt the fee and language changes for public records requests?

Public Hearing Required: None required, but the City Council must take public comment.

Background & Discussion:

On June 19, 2017, the Council adopted the Master Fees and Charges effective July 1, 2017. The Council discussed a potential update to section 3.7. Public Record Requests of the Master Fees and Charges Document during the June 19, 2017 and July 10, 2017 Council meetings.

Below is a summary of changes made in the attached document:

- Copies may be made by the requestor
- The first ten pages will be free
- The first thirty minutes of records research will be free

Budget Impact: Minimal

Council Options:

1. Approve the resolution as proposed updating fees effective August 8, 2017
2. Approve the resolution, but with certain changes as noted
3. Do not approve the resolution leaving fees and charges as is.

Staff Recommendation:

Staff recommends that the City Council makes the following motion:

Potential Motion:

Move to approve Resolution No. 2017-18 revising the Master Fees and Charges Document as shown in Attachment A to the resolution.

Attachments: Resolution No. 2017-18

RESOLUTION NO. 2017-18

**A RESOLUTION AMENDING THE CITY'S MASTER FEES AND CHARGES DOCUMENT
SECTION 3.7 PERTAINING TO PUBLIC RECORD REQUESTS**

WHEREAS, it is the policy of the City of West Linn to require the discernment and recovery of certain City costs from fees and charges levied in providing City services, products and regulations; and

WHEREAS, the City Manager shall periodically cause a review of City fees and charges to recover the percentage of City costs in providing City services, products and regulations and recommend adjustments to the City Council; and

WHEREAS, West Linn advisory boards, commission, and committees periodically provide recommended adjustments to the fees and charges levied in providing City services, products and regulations; and

WHEREAS, the City Manager has caused a review of City fees and charges in Section 3.7. Public Records Request, has received guidance from advisory boards, commissions, and committees, and has determined the cost for such fees and charges.

NOW, THEREFORE, THE CITY OF WEST LINN RESOLVES AS FOLLOWS: The City of West Linn Section 3.7. Public Record Request of "Master Fees and Charges" document, included as Attachment A to this resolution, is hereby adopted.

This resolution was PASSED and ADOPTED this 7th day of August, 2017 and takes effect upon passage.

RUSS AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

3. Administrative Fees

3.1. City Facility Deposits

Deposits for the use of City facilities may be made via check/credit card to be cashed/charged immediately with any potential refund returned later at the applicable time.

If the City facility is left clean with no work required on behalf of City staff or contractor, the total amount of the deposit shall be refunded. If work is required by City staff or contractor, the actual costs as provided in the section above will be ascertained and subtracted from the deposit. If the deposit exceeds the costs, then any monies remaining shall be refunded; should costs exceed the deposit, the event organizer shall be billed for the difference. All refunds will be in compliance with Ordinance No. 1493, Section 7.870 and shall be made in no more than 30 days.

3.2. Special Events (permit)

	Fee
Filing fee	\$ 100

Deposit [see Section 3.1. above for deposit policy]

All special events must file for a special event permit. Barricade rental will be a pass through from the Public Works Department. City personnel costs will be charged based on services required using the methodology described in Section 1.3.

3.3. Overstreet Banner (permit)

	Fee
Filing fee	\$ 50

Note: all applicants must file for an Overstreet Banner permit and only City sponsored events may be advertised on a overstreet banner.

3.4. Business License Fee

1 to 2 employees
3 to 5 employees
6 to 10 employees
over 10 employees

Business License Fees		Plus Home Occupation Fees	
Annual fee [inside City]	Annual Fee (outside City)		
\$ 41	\$ 59	Initial annual fee	\$ 105
59	86	Annual renewal fee	10
77	120		
91	143		

Persons having a fixed place of business within the City of West Linn and who are subject to being licensed under the provisions of Sections 7.00 to 7.08 shall pay a business license fee.

Note: Non-profit organizations are required to obtain a license, but are exempt from the fees.

For an apartment house as defined in sections 7.000 to 7.080, with ten dwelling units or less, a business license fee of \$72 per year shall be assessed, and an additional amount of \$1.50 per dwelling unit shall be assessed for every dwelling unit in an apartment house in excess of ten (10).

Metro Business License versus City Business License or Both?:

Instead of getting separate business licenses within each Portland-area city that you conduct business in, you can get a single license from Metro to construct, alter and repair structures in 20 cities that have licensing requirements in the metropolitan area. The license covers all construction trades, both commercial and residential, as well as all landscape contractors. The Metro license allows contractors or landscapers to operate in 20 cities surrounding Portland having licensing requirements in the metropolitan area, excluding Portland. Exception: if your principal place of business is inside the City of West Linn, the business is required to apply for a City of West Linn Business License in addition to the Metro License. For Metro applications, contact Metro at 503-797-1710 or visit their website at: <http://www.oregonmetro.gov/index.cfm/go/by.web/id=24216>.

The City Council finds that certain trades, shops, businesses or callings are carried on in the City by persons from regular places of business and by persons from vehicles who have not regular places of business within the City; that persons with regular places of business in the City pay City ad valorem property taxes upon real and personal

property which is used in and belongs to their business and that persons who do not have regular places of business in the City escape such ad valorem taxation.

Both receive the benefit of police and fire protection, public utilities and sidewalks, streetlights, health services and other public facilities and services of the City. Therefore, in order that each shall pay as nearly as may be not a discriminatory share, but a share in proportion to benefits received of the burden supporting such facilities and services of the City, such businesses not operating from regular places of business in the City shall pay one and one-half times the license fee previously designated herein for businesses operating from a fixed place of business within the City.

Maximum annual business license fee

Based on the criteria set forth in Section 6(d) of Resolution No. 94-42, no business shall be charged an annual business license fee greater than two hundred dollars (\$200).

Adult Businesses

The application fee for a permit to own, maintain, operate or conduct an adult business (Section 7.115(1) of the West Linn Municipal Code), shall be five hundred dollars (\$500) and non-refundable.

The application fee for a permit to entertain in, or be employed by any adult business (Section 7.115 (2) of the West Linn Municipal Code), shall be fifty dollars (\$50) and non-refundable.

	Application Fee
3.5. Liquor License	
Original application	\$ 100
Change in ownership or management	75
Renewal or temporary application	35

[These fees apply for applications of a liquor license per Section 7.715 of the WL Municipal Code.]

3.6. Dog License

Ordinance 1595 transfers dog licensing and fee collection over to Clackamas County effective 7/14/2010.

3.7. Public Record Requests

Every person has a right to inspect any public record of a public body in this state, except as otherwise provided by ORS 192. Please understand that the documents or records requested may not be immediately available for review and that an appointment to review the documents or records may be necessary. There may be a cost for the research time to retrieve the requested records and costs for duplication of requested documents. If research time is required, the requestor will be notified of the estimated cost prior to retrieving the documents or records. Prepayment for research time and copies may be required. ~~Any documents or records made available for review must not be disassembled and copies may not be made by the requestor directly.~~ **Any documents or records made available for review will be disassembled by city staff. Copies may be made by the requestor directly, through digital means, such as digital photography or a city supplied flash drive.**

1. Requests must be in writing using the form provided (please note, the City will not create a new document in response to a records request).
2. Requests must be submitted to the City Recorder at 22500 Salamo Rd., West Linn, Oregon, 97068, by fax at 503-650-9041, or by e-mail at cwl_records@westlinnoregon.gov. For Police record requests, please contact the Police Department directly at <http://westlinnoregon.gov/police/police-report-request>.
3. The City shall respond to all requests as soon as practical and without unreasonable delay. Generally, responses will be made within five (5) business days or, if more time is needed for a full response, within seven (7) business days.
4. The inspection of documents is preferred over copies, such inspection shall occur during normal business hours. An acceptable inspection time and place will be arranged between the requestor and the staff person. Space is provided for one person to inspect records per request.

5. The City will submit a cost estimate to the requestor to provide the requested documents, including copying charges, research time (if required), and separating exempt from non-exempt materials.

6. If the estimated cost is \$25 or more, the City shall require a deposit in the full amount of the estimate before fulfilling the request. If the actual cost exceeds the estimate, the City will not release the documents until the fee is received in full.

Public Record Request services:

~~Photocopying records service – over 10 pages~~
~~Records research fee:~~
Photocopying records service - first page up to 10 pages
Photocopying records service - over 10 pages
Records research fee:

Fee

~~See per page photocopying fees below~~
~~Staff hourly wage, plus benefits~~
Free
See per page photocopying fees below
Staff hourly wage, plus benefits (first 30 minutes free)

CD Duplication (per event/meeting, and or documents)
 City Budget, City Audit, or City CIP document

\$20 and \$15 for each additional
 \$ 35 for multiple copies

3.8. Photocopying, Printing, Scanning and Faxing Fees

Per page fee

8.5" x 11" (per page charge)	\$ 0.25
8.5" x 14" (per page charge)	0.30
11" x 17" (per page charge)	0.35

3.9. Non-sufficient Funds (NSF) Charge

Fee

Relating to returned payments for NSF (pursuant to West Linn Code Section 4.015 and 4.235)	\$ 25
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3.10. Finance Charges

[refer interest rates and applicable fees under Section 2.4. Delinquent Utility Bill Accounts]

3.11. Municipal Court Fees and Charges

Fee

Fee for Setting Aside Records of Conviction / Arrest	\$ 252
Civil Compromise Fee	200
Bench Probation / Probation Violation Fee	100
Local DUII Conviction Fee	45
Fee for Fix-it Citation issued by Police	35
File Review Fee	25
Fee for fine payment agreements	20
Suspension Fee	15
Deferral Fees:	
Criminal Deferred Sentence	\$ 200
Seat-Belt / Cell Phone Deferral Fee	Range \$50 to \$110
Safe Driving Deferral Fee (Students)	Range \$50 to \$435
Safe Driving Deferral Fee (Adults)	Range \$75 to \$435

Fine schedule relating to infractions See separate conviction schedule of fines maintained by the Municipal Court Judge as summarized below pursuant to ORS 153:

Penalty class	Presumptive		Special	
	Fine	Fine	Zone	Minimum Maximum
			Fine	Fine
Class A	\$ 435	\$ 870	\$ 220	\$ 2,000
Class B	260	520	130	1,000
Class C	160	320	80	500
Class D	110	220	60	250

Note: Special Zones include highway work, school, and safety corridors

3.12 Administrative Appeal Fee

Fee

Appeal to Hearings Officer pursuant to WLWC 1.400 for all municipal code appeals without a designated appeal fee	\$ 400
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Agenda Report 2017-08-07-03

Date: July 27, 2017

To: Russ Axelrod, Mayor
Members, West Linn City Council

From: Sergeant Ron Hoesly, Police Department

Through: Acting Chief Neil Hennelly, Police Department *NH*
Eileen Stein, City Manager *ES*

Subject: Intergovernmental Agreement (IGA) with ODOT for Enhanced Commercial Truck Enforcement.

Purpose

To renew the IGA with ODOT where the City participates in a multi-agency commercial truck enforcement mission throughout the State of Oregon, partnering with ODOT, in a pilot project targeting commercial motor vehicles for unsafe/unlawful driving.

Question(s) for Council:

Should the City of West Linn renew the IGA with ODOT in an attempt to curb commercial truck crashes and unsafe commercial truck operation to receive up to \$53,000 in reimbursement?

Public Hearing Required:

None is required.

Background & Discussion:

This is a renewal of an ongoing project between the City and the ODOT where the City of West Linn will be reimbursed by ODOT for enforcement hours worked by WLPD at a rate of \$113.75 per every qualified commercial truck inspection. This IGA replaces the current IGA with ODOT that is expiring.

Unsafe and unlawful operation of commercial trucks leads to serious and fatal crashes every year. The goal of this state program is to decrease unsafe and unlawful driving of commercial trucks and related crashes that directly affect the livability and safety of the City.

Budget Impact:

The IGA states the City of West Linn will be reimbursed by ODOT for enforcement hours worked by WLPD at a rate of \$113.75 per every qualified commercial truck inspection. This amount will not exceed \$53,000.

Council Options:

1. Approve the renewal of the IGA to enhance commercial truck safety within the city limits of West Linn for a not to exceed amount of \$53,000.
2. Not approve the IGA.

Staff Recommendation:

Approve the renewal to the IGA.

Potential Motion:

Move to approve the renewal to the IGA with ODOT and authorize the City Manager to sign it.

Attachments:

1. Renewal IGA between ODOT and the City of West Linn.

**INTERGOVERNMENTAL AGREEMENT
Oregon Motor Carrier Safety Action Plan
(MCSAP)**

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State;" and the City of West Linn, acting by and through its elected officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statute (ORS) 190.110, state agencies may enter into agreements with units of local government for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.
2. Pursuant to ORS 825.248, the Oregon Department of Transportation (ODOT) is required to develop an annual commercial motor vehicle safety plan, referred to as the Oregon Motor Carrier Safety Action Plan (MCSAP). The goal of the MCSAP is to reduce accidents involving commercial motor vehicles (CMV) and to reduce injuries and fatalities resulting from accidents involving CMVs. On-road vehicle inspections focusing on conditions that would require the CMV or CMV operator to be taken out of service can reduce truck-at-fault crashes on Oregon highways. Because the on-road vehicle inspections would be precipitated by a valid traffic stop of the CMV, the on-road vehicle inspections may also curb unsafe driving actions of CMV operators that would be subject to a traffic citation or written warning.
3. By the authority granted in ORS 825.250(2), the Oregon Department of Transportation (ODOT) may enter into agreements with a county or city to provide inspections of commercial vehicles, drivers, general cargo or hazardous materials when the inspections are performed by employees of the Agency or agency who have been trained and certified by ODOT as a commercial vehicle inspector pursuant to ORS 810.560.
4. Agency employs individuals who are trained and certified by ODOT as a commercial vehicle inspector pursuant to ORS 810.560. Agency wishes to have said employees perform inspections of commercial vehicles, drivers, general cargo or hazardous materials on behalf of, and at the request of, State.
5. State wishes to enter into an agreement with Agency to facilitate increased inspection of commercial vehicles, drivers, general cargo or hazardous materials, using employees of the Agency who have been trained and certified by ODOT as a commercial vehicle inspector pursuant to ORS 810.560 in order to enhance highway safety through uniform commercial motor vehicle inspections conducted statewide.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

DEFINITIONS

1. "Authorized Representative" as defined in ORS 825.250(2), means a city, agency or state employee who has been trained and certified by Oregon Department of Transportation (ODOT), as a commercial vehicle inspector, as defined in Oregon Administrative Rules (OAR) 740-100-0015, and who is employed either by ODOT or by an agency that has an agreement with ODOT to provide inspections of commercial vehicles, drivers, general cargo or hazardous materials.
2. "Commercial Motor Vehicle (CMV)" means any self-propelled or towed motor vehicle used on a highway in commerce to transport passengers or property when the vehicle has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight of 10,001 pounds or more or is designed or used to transport more than 8 passengers, including the driver, for compensation or is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation or is used in transporting as hazardous material as defined by the U.S. Department of Transportation under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations found in 49 CFR, subtitle B, chapter I, subchapter C.
3. "Qualifying Safety Stop (QSS)" means a stop of a CMV that result in a truck/driver inspection report and a written traffic citation or written warning for unlawful/unsafe driving behavior.
4. "Highway" means every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this state, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

For the purpose of enforcing traffic offenses contained in the Oregon Vehicle Code, except for ORS 810.230, "highway" includes premises open to the public that are owned by a homeowners association and whose boundaries are contained within a service district established on or before July 1, 2002, under ORS 451.410 to 451.610. [1983 c.338 §51; 2007 c.561 §1]

TERMS OF AGREEMENT

1. Under such authority, State wishes to retain the services of Agency to enforce motor carrier safety regulations in mutually agreed upon highway locations, as identified in Exhibit A" attached hereto and by this reference made a part hereof. Payment for said services shall not exceed a maximum amount of \$113.75 per QSS. The cumulative maximum not to exceed amount for all payments to Agency is \$55,000.00 in state funds, which may be increased by a fully executed amendment.

2. The term of this Agreement shall begin on the date all required signatures are obtained, unless terminated earlier as set forth herein, upon completion of the project and final payment or June 30, 2018, whichever is sooner, unless extended by a fully executed amendment.

Agency OBLIGATIONS

1. Agency, through its Authorized Representative, shall initiate safety inspections only within the course of conducting a valid traffic stop. The safety inspection shall comply with the North American Standard Inspection Procedures, which are incorporated by reference and made part of this Agreement.
2. Agency shall conduct roadside inspections in a manner that provides a continuous enforcement presence in identified locations on highways throughout the term of the agreement.
3. Agency Authorized Representative shall to the greatest extent possible, record all inspections on Aspen software and electronically upload computer-driven inspections daily.
4. Agency Authorized Representative shall conduct roadside inspections at locations on state highways that are adequate to protect the safety of driver and enforcement personnel.
5. Agency shall provide copies of any truck/driver inspections and CMV operator traffic citations or written warnings issued during a QSS within agreed locations. Agency shall ensure citations and written warnings reflect unlawful/unsafe driving behavior.
6. Agency agrees that their Authorized Representative will implement inspection procedures in accordance with minimum standards contained herein.
7. Agency agrees to enforce the North American Uniform Inspection Out-of-Service Criteria as adopted into Oregon law by State under:
 - a. OAR 740-100-0090, Part I- Driver.
 - b. OAR 740-100-0070, Part II - Vehicle.
 - c. OAR 740-100-0080, Part III - Hazardous Materials.
8. Agency agrees citations and written warnings shall include at a minimum the following:
 - a. Date of QSS
 - b. Location of QSS (Hwy, Direction, and Milepost Marker)
 - c. Vehicle License Number

- d. Motor Carrier Name
 - e. Motor Carrier US DOT Number
 - f. Driver Name and Driver License Number
 - g. Reason for QSS
 - h. Violation(s)
 - i. Out of Service defects (if applicable)
9. Agency shall submit monthly, an Invoice Cover Sheet see Exhibit B, attached hereto and by this reference made a part hereof, that identifies the number of QSS inspections along with corresponding citations and written warnings. Submission of all inspections, citations and written warnings for the previous month shall be submitted, to State's Project Manager for review and approval, no later than the 20th of each month. Under no conditions shall State's obligations exceed \$113.75 per QSS and the total payments made by State shall not exceed \$55,000.00. Travel expenses will not be reimbursed.
10. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
11. Agency shall perform the service under this Agreement as an independent contractor and shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work under this Agreement including, but not limited to, retirement contributions, workers compensation, unemployment taxes, and state and federal income tax withholdings.
12. Agency shall not enter into any subcontracts for any of the work schedules under this agreement without obtaining prior written approval from State.
13. All employers, including Agency, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than \$500,000 must be included. Agency shall ensure that each of its contractors complies with these requirements.
14. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under

the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency/Agency.

15. Agency's Project Manager for this Project is Officer Ronald Hoesly, West Linn Police Department, 1800 8th Ave. West Linn, OR. 97068, Phone # 503-655-6214, email Rhoesly@westlinnoregon.gov, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

STATE OBLIGATIONS

1. In consideration for the services performed, State agrees to pay Agency within forty-five (45) days of receipt by State of eligible inspections, citations or written warnings a maximum amount of \$113.75 per QSS.
2. State certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within State's current appropriation or limitation of the current biennial budget.
3. State's Project Manager for this Project is David McKane Safety Program Manager, 3930 Fairview Industrial Dr. SE Salem OR 503.373.0884, David.J.McKane@odot.state.or.us or assigned designee, upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

4. GENERAL PROVISIONS

1. This Agreement may be terminated by either Party upon thirty (30) days' notice, in writing and delivered by certified mail or in person.
2. State may terminate this Agreement effective upon delivery of written notice to Agency/, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency/ fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.

- d. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or State is prohibited from paying for such work from the planned funding source.
3. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
4. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.
5. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.
6. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent

it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.

7. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
8. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
9. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

Signature Page to Follow

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

City of West Linn, by and through its
elected officials

By _____

Date _____

By _____

Date _____

APPROVED AS TO LEGAL FORM

By _____
Counsel

Date _____

Agency Contact:

Officer Ronald Hoesly
City of West Linn, Police Department
1800 8th Ave.
West Linn OR. 97068
Email: Rhoesly@WestlinnOregon.gov

STATE Contact:

David McKane
3930 Fairview Industrial Dr. SE MS #2
Salem Or 97302
503-373-0884
David.J.McKane@odot.state.or.us

STATE OF OREGON, by and through
its Department of Transportation

By _____

Motor Carrier Division Administrator

Date _____

APPROVAL RECOMMENDED

By _____

David McKane, Manager Motor Carrier
Safety Program

Date _____

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By: N/A
Assistant Attorney General (If Over
\$150,000)

EXHIBIT A
Agency PATROL Locations

The City of West Linn, through its Police Department and the Department of Transportation agree that inspections conducted on State, County and Municipal highways within the official limits of the City of West Linn qualify for CMV QSSs.

Inspections conducted at other locations may qualify for CMV QSSs, if prior approval from ODOT is received.

EXHIBIT B
Invoice Cover Sheet

Agreement #31960 Oregon Motor Carrier Safety Action Plan

Agency Name:	City West Linn, Police Department
Address:	1800 8 th Ave.
City:	West Linn
State/Zip:	Oregon/97068
Contact Name:	Officer Ronald Hoesly
Telephone Number:	503-655-6214

Month Stops were made: _____

Number of CMV QSS that qualified for payment:	Rate	Amount
	\$113.75	

Work Session Agenda Report

Date: July 25, 2017

To: Mayor Axelrod and West Linn City Council

From: John R. Williams, Community Development Director *JRW*

Through: Eileen Stein, City Manager *ES*

Subject: Conditional Uses in Commercial and Mixed Use Zones – Code Amendment Process

Purpose

Council direction is required prior to moving forward on a code review of permitted and conditional uses in the mixed use and commercial zones.

Question(s) for Council:

Does the Council wish a citizen working group to lead an effort to review the lists of permitted and conditional uses in West Linn's mixed use and commercial zones?

Public Hearing Required:

A public hearing is not required to make this process decision.

Background & Discussion:

On July 17, 2017 the Council, Planning Commission and Economic Development Committee agreed that a review of uses permitted in West Linn's mixed use and commercial zones should be the next Community Development Code (CDC) project priority. Staff indicated that time was available to support this work, following completion of current code projects underway (see current docket, Attachment 1).

CDC 98.035 (Attachment 2) specifies process requirements for legislative code changes to ensure citizen engagement in such projects, and requires the Council to direct the Committee for Citizen Involvement to propose a working group, along with purpose and goals, unless the Council determines that a working group is not necessary.

Council Options:

Presuming the Council still believes this project is the next code priority, there are two process options:

1. Direct the Committee for Citizen Involvement to propose a purpose, goals and list of appointees for a working group on this topic; or
2. Direct the Planning Commission to lead the work, as was recently done with the geotechnical and storm detention amendments.

Staff Recommendation:

Due to the complexity of the topic, the range of expertise that would be useful, and the known community interest in this project, staff recommends that the Council direct the Committee for Citizen Involvement to propose a working group along with recommended purpose and goals.

Potential Motion:

“I move that the Committee for Citizen Involvement be directed to recommend to the City Council a purpose, goals, and appointees for a working group regarding the list of permitted and conditional uses in West Linn’s mixed use and commercial zones.”

Attachments:

1. 7/19/17 CDC Docket List
2. 98.035 Code Requirements for Citizen Engagement in Legislative Changes

CITY OF WEST LINN

2017 DOCKET OF POTENTIAL AMENDMENTS TO COMMUNITY DEVELOPMENT CODE, COMPREHENSIVE PLAN AND ZONING MAP

UPDATED 7/19/17 AFTER 7/17/17 CC/PC/EDC JOINT WORK SESSION

West Linn Community Development Code (CDC) 98.030 requires that Comprehensive Plan, CDC and zoning map amendments to be undertaken in a given year be listed on a docket that is reviewed by the Planning Commission and approved by the City Council. Other planning and historic preservation-related plans and studies are also to be considered through the docketing process.

This list is intended to provide clarity to the West Linn community, advisory committees and staff of the Mayor and Council's project priorities and of projected timelines to initiate and accomplish the work.

This list was developed by the City Council and Planning Commission at the beginning of 2017 through a joint work session and further Council/Commission discussion. New ideas or priorities may arise over the course of 2017 and the City Council has discretion to amend this list as appropriate to best achieve community goals.

Projects underway

- *Committee for Citizen Involvement (CCI) review of community engagement in land use process.*
 - *Status: Per Council and CCI direction, this project is underway. Staff has been supporting CCI discussions since March.*
 - *Staff: John Boyd (lead), Megan Thornton*
- *Geotechnical and surface water code review.* Review to ensure CDC/Municipal Code allow appropriate review of geotechnical and surface water elements of development applications.
 - *Status: Following Council and PC joint discussion and prioritization of this, the Planning Commission held a work session to provide further direction on May 3. Staff has been working to draft the amendments since that time. The Planning Commission will be holding a public hearing on CDC 17-02 August 16 and will make a recommendation to the City Council. The Council is scheduled to discuss CDC 17-02 in work session September 18 and public hearing October 9.*
 - *Staff: John Williams (lead), John Boyd, Lance Calvert, Megan Thornton.*
- *West Linn Waterfront.* Per Council goal, develop an overall planning vision for the project area through a robust citizen involvement program and then further refine the vision into comprehensive plan/zoning map/development code amendments for implementation.
 - *Status: Project fully underway.*
 - *Staff: John Morgan (lead), Darren Wyss, Courtney Flynn, Lance Calvert, John Williams*
- *Robinwood Station.* Council has directed staff to draft Code Amendments to allow Robinwood Station to operate as permitted use in residential zone.
 - *Status: CDC amendments drafted and in process.*
 - *Staff: Jordan Ramis, Megan Thornton, Ken Worcester, Darren Wyss*

- *White Oak Savanna (added to top of priority list by Council Spring 2017).* Council has directed staff to draft Code Amendments to allow White Oak Savanna park improvements in OBC zone.
 - *Status: CDC amendments drafted and in process.*
 - *Staff: Jordan Ramis, Megan Thornton, Ken Worcester, Darren Wyss*

Next priorities

- *Mixed use and commercial zoning list of permitted/conditional uses.* This project would evaluate the list of permitted and conditional uses in the mixed use and commercial zoning districts recommend changes/modernizations to best achieve community goals for a thriving commercial area. The project would address the Council Goal to “Review City zoning to enhance the City’s opportunities for economic development in business districts.” Based on the demonstrated level of community interest in the City’s commercial districts and compatibility issues, this project could require significant staff and consultant resources, public engagement, and attention from the City Council, Planning Commission and advisory committees.
 - *Status: On July 17 this project was confirmed as the next priority through a joint Council, Planning Commission and EDC work session discussion. Next step is for the Council to discuss what group should own this process and whether the CCI is required to develop a working group proposal including identification of purpose, goals, and working group members. This will be scheduled for an upcoming Council work session.*
 - *Staff resources will be available as soon as the “projects underway” move further through adoption process. Staff: John Williams (lead), John Morgan + TBD*
- *Review of zoning on developable residential lands.* Per Council Goal, this project would “assess the appropriateness of zoning in potentially developable areas for consistency with neighborhood plans and visions.” As discussed by the Mayor, Council and Commission, this project could proceed in two phases. The first phase, smaller in scope, would be an inventory of developable lands, including zoning and buildable land capacity. This could be presented to decision-makers for direction on whether any changes are desired or possible. Making changes to zoning would be the more significant body of work, requiring extensive involvement with the West Linn community and involving state and regional policy and regulatory review. It’s important to note that simply conducting a developable residential land supply study may trigger outside parties/agencies to require that remedial actions be taken, if the study’s conclusion indicates a deficiency of land in any category.
 - *Status: not initiated; pending completion of above-listed projects.*
 - *Timeframe estimates:*
 - *Phase 1 (developable residential lands inventory)*
 - *Timeframe: 3 months*
 - *Rough estimate of resources needed:*
 - *Staff: 0.5 FTE incl. technical project staff, GIS support, management*
 - *Phase 2 (zoning amendments)*
 - *Timeframe: 18-24 months*
 - *Rough estimate of resources needed:*

- Staff: 2.0 FTE for project duration comprising technical project staff, management, GIS, legal, public engagement
 - Consultants: \$50,000 - \$100,000 for demographic analysis, economic and urban planning expertise; additional if required for public engagement and outreach beyond existing staff capacity.
- **8th Street zoning review.** Evaluate appropriate zoning of properties on 8th Street. Addresses Council Goal to “Review City zoning to enhance the City’s opportunities for economic development in business districts.”
 - *Status: Under discussion with Main Street group.*
 - *Staff: John Williams (lead), John Morgan + TBD*

Other projects identified in early 2017 intake/consideration process but not prioritized by Council

Small projects

These projects are expected to require a modest amount of staff resources, public engagement and attention from the City Council, Planning Commission and advisory committees. They are generally improvements to or refinements of existing processes or code. As directed by Council Goal to “improve the land use process and code,” these items would result in modest improvements to efficiency, customer service and outcomes in the community.

- **Wireless Ordinance update.** Changes to modernize code language and facilitate minor installations to improve wireless service in the city.
- **Minor CDC clean up.** Ideally this would occur annually. Current list includes but is not limited to:
 - Correct errors and incorrect code references;
 - Remove CDC requirement to mail hard copies of applications to Neighborhood Associations (has been replaced by email/web);
 - Update/clarify land use application submittal requirements;
 - Consolidate and clarify CDC sections on nonconforming uses, structures and lots;
 - Align day care language and requirements with State of Oregon regulations; and
 - Exempt storm water and discharge facilities from WRA permits.

Medium projects

These projects are expected to require a moderate amount of staff resources, public engagement and attention from the City Council, Planning Commission and advisory committees. These generally represent projects implementing the Council Goal to “Improve the land use process and code and increase citizen engagement,” as well as other goals noted below. The two projects underway in this category are likely to represent the full extent of current capacity; additional projects would therefore be initiated following completion of those underway.

- **Flood plain ordinance.** The State of Oregon is working with the State of Washington to address needed updates to the Flood Plain program to address Endangered Species Act requirements. For Oregon, the Department of Land Conservation and Development will be provided a model

ordinance that addresses agreed upon provisions. Implementing this ordinance in West Linn would ensure compliance with federal, state and regional standards and provide clear guidance on regulations and procedure to property owners.

- *Code consolidation.* Consolidate divergent code sections including moving procedures dispersed throughout the CDC back into Division 9 and addressing a variety of other inconsistencies; more substantive changes than those listed under “small projects.”
- *Code work to address inconsistencies and mapping questions in CDC Chapters 28 and 32.* This work would respond to inconsistencies and mapping issues noted in working with property owners and developers dealing with West Linn’s requirements in Water Resource Areas, Willamette River Greenway and Habitat Conservation Areas. This project could easily veer into the “large” category considering the state and regional policy and regulatory framework in these areas.

Large projects

These projects are expected to require a significant amount of staff and financial resources, public engagement and attention from the City Council, Planning Commission and advisory committees. Projects of this size need to be sequenced individually to allow appropriate focus from all of these groups.

- *Sign code update.* Review, organize, streamline and modernize the sign code. If focused simply on cleanup and organization, this would require less work. A larger review would address community concerns and Council Goal on Economic Development. As demonstrated consistently in other jurisdictions, sign code work is always time-consuming.
- *Review of commercial zone locations and text, including Highway 43.* Council Goal: “Review City zoning to enhance the City’s opportunities for economic development in the business districts.” This would be a more significant review than that targeted at the mixed use zoning described above. State and regional review could be required.
- *Public property zoning and process requirements.* Consideration of a new Comprehensive Plan designation and zone along with the appropriate zoning and process requirements for city-owned property. This project would address a significant gap in West Linn’s code, but would likely require extensive neighborhood and Advisory Committee involvement.
- *Historic review code update.* Revisions to Chapters 25 and 58 discussed by the Historic Review Board. Includes a variety of changes to both the commercial and residential district codes.
- *Planned Unit Development (PUD)/Infill code work.* Review and take action on recommendations by the Planning Commission tabled by City Council in 2015. This large project could be divided into constituent parts: PUDs; flag lots; and other infill development. A comprehensive review would ensure consistency but even small tweaks could help, such as increasing allowable lot coverage for single story homes and updating Accessory Dwelling Unit standards.

CDC 98.035 CITIZEN ENGAGEMENT IN LEGISLATIVE CHANGES

A. Purpose. The purpose of a legislative working group is to provide a forum to discuss different points of view on a proposed land use legislative change.

B. Creation of working group. New and modified land use legislative changes to this code will be developed by a representative working group of citizens and assisted by planning staff, unless the City Council determines that a working group is not necessary.

1. After receiving direction from the City Council, the Committee for Citizen Involvement shall recommend a purpose, goals, and a list of appointees for each proposed working group to the City Council for approval.

2. The working group will contain interested stakeholders, a member of the Planning Commission, and a staff representative.

3. The working group shall comply with WLMC 2.060 regarding the selection of officers and the other generally applicable citizen advisory group provisions.

C. Conduct of working group meetings.

1. Staff will prepare a suggested draft of the proposed changes. This draft will provide a starting point for discussion and education.

2. The working group will use the draft as a starting point for discussion, but then reconcile the implications of the draft with the goals established by the Council for the working group.

3. After each working group meeting staff will incorporate approved changes and prepare an updated working draft.

4. All working group meetings will be public meetings with an opportunity for anyone in attendance to provide public comment. The meetings and minutes will be conducted in accordance with the Council Rules, West Linn Municipal Code, City Charter, and State law.

5. In the event a consensus cannot be reached on an issue, the working group will prepare alternatives. Each alternative and its rationale will be presented to the Planning Commission.

6. Prior to submission to the Planning Commission, proposed code changes will be submitted to the City Attorney for review. The review should be limited to the identification of areas where the proposed language conflicts with other parts of this code, State law or Federal law. As an alternative, legal counsel may attend and advise during the creation of the draft.

D. Presentation to the Planning Commission. When the working group reaches consensus that the code changes are ready, the proposed code changes will be presented by the Director to the Planning Commission pursuant to CDC [98.040\(A\)\(2\)](#). If the working group fails to reach a consensus on the code changes, all proposals will be presented to the Planning Commission. Pursuant to CDC [98.110\(A\)](#), the Planning Commission shall recommend approval, denial, or approval with modifications to the Council. (Ord. 1655 § 8, 2016)