



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

WEST LINN CITY COUNCIL MEETING NOTES October 8, 2018

[Call to Order and Pledge of Allegiance to the Flag](#)

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, Assistant to the City Manager Dylan Digby, City Attorney Tim Ramis, Deputy City Manager John Williams, and Parks and Recreation Director Ken Worcester.

[Approval of Agenda](#)

Council President Brenda Perry moved to approve the agenda for the October 8, 2018, West Linn City Council Meeting with one addition: the introduction to the City Prosecutor. 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

[Public Comments \[10 min\]](#)

Mike Grant, running for Clackamas County Assessor. The Assessor's office is a multi-billion corporation. He explained what the office does, said the elected needs to be experienced, and asked Council to look at the difference between him and his opponent.

[Proclamations, Recognitions and Scheduled Presentations to the Council \[40 min\]](#)

City Manager Stein introduced John Millar, he is our interim City Prosecutor and Council will approve his contract next month making him the permanent City Prosecutor.

[West Linn-Oregon City Rivalry Day Proclamation](#)

[Proclamation](#)

Council President Perry read the proclamation.

Mayor Axelrod stated the rivalry breakfast is early in the morning at the Elks Club in Oregon City on October 23.

[National Parks Proclamation](#)

[Proclamation](#)

[National Parks Information](#)

Councilor Sakelik read the National Parks Proclamation.

[Tualatin Valley Fire and Rescue \(TVF&R\) State of the District Presentation](#)

Chief Kenny Frentress, Division Chief at Tualatin Valley Fire and Rescue, gave the presentation.

[Presentation](#)

[Homeless Solutions Coalition of Clackamas County Presentation](#)

[Homeless Solutions Information](#)

Nancy Ide and Dan Fowler, Homeless Solutions Coalition of Clackamas County, gave the presentation.

[Presentation](#)

[Consent Agenda \[5 min\]](#)

[Agenda Bill 2018-10-08-01: Approve Draft Notes for June 18, 25, July 9, 23, August 6, and September 10](#)

[Draft Notes Information](#)

Council President Brenda Perry moved to approve the Consent Agenda for the October 8, 2018, West Linn City Council Meeting which includes the meeting notes for June 18, 25, July 9, 23, August 6 and September 10 as amended. Councilor Bob Martin seconded the motion.

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

Nays: Councilor Teri Cummings.

The motion carried 4 - 1

[Business Meeting \[60 min\]](#)

[Agenda Bill 2018-10-08-02: Willamette Park Softball Field Contract Award and Findings Supporting an Exemption to Public Bidding Process](#)

[Willamette Park Softball Field Information](#)

Parks and Recreation Director Worcester gave the staff report. The project is in the athletic field section in the General Obligation (GO) Bond list categorized as a medium sized project. This is the same process used for Fields Bridge Park. The league is able to receive better pricing than the City, and the league brings costs down through donations and labor donations.

Mayor Axelrod asked how much is the dollar being reduced through the league's effort?

Parks and Recreation Director Worcester answered it is about a \$70,000 savings.

Councilor Sakelik asked if this comes out of the \$950,000 geared for fields and is this project on the dashboard?

Parks and Recreation Director Worcester replied it is figured into the \$950,000.

City Manager Stein stated the dashboard is scheduled for Council's November 5 Work Session.

Councilor Martin asked for an explanation of why the City does not have to do a competitive bid process. Has the City determined someone else could do it for \$200,000?

Parks and Recreation Worcester explained the rules allow for an exemption when receiving donations and reduced pricing so the City can accept it or can choose to go out for bids. The City evaluated similar projects in the Metro area, this is where the City came up with the \$300,000 estimate. With the current construction climate, it would probably be higher.

City Manager Stein added Council will approve the findings that determine why a sole source is approved in the awarding of this contract.

City Attorney Ramis stated Council is permitted to rely on the testimony of expert staff to make a judgement.

Council President Brenda Perry moved to adopt the Local Public Contracting Rules Exemption Findings and award the contract in the amount of \$230,000 for the Willamette Park Infields Project to the West Linn Softball Association. 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 Bill 2018-10-08-03: Willamette Locks Intergovernmental Agreement with Clackamas County](#)

[Willamette Locks IGA Information](#)

Deputy City Manager Williams gave the staff report. West Linn is one of many public and private sector entities supporting the effort to repair and reopen the Locks. Mayor Axelrod is Chair of the Willamette Falls Locks Commission. The two-year cost of the commission's work and all the related work is just over \$1.1 million. The project partners have put together a funding plan that includes over \$700,000 from the State of Oregon and the rest of the funds coming from local governments, tourism, and business. Clackamas County and Metro have put in \$120,000 each. Tourism and business have put in \$140,000. Willamette River cities are the last piece of the puzzle. Mayor Axelrod has been working to secure commitments from other cities. West Linn approved two years of funding in the budget in the amount of \$30,000. If Clackamas County accepts money from another government, there has to be an Intergovernmental Agreement (IGA). This IGA states that this project exists, the City is contributing to the financing, and Clackamas County is the project manager. The other cities that have said yes include Oregon City, Lake Oswego, Canby, and Wilsonville. The City is working on Portland, Gladstone, Milwaukie, and Newberg.

Mayor Axelrod asked if the other cities have to do an IGA.

Deputy City Manager Williams stated yes, they are. Lake Oswego and Oregon City have already approved their IGAs and sent the money. Canby and Wilsonville are working on their IGAs.

Council President Brenda Perry moved to approve the Intergovernmental Agreement between Clackamas County and the City of West Linn in support of the Willamette Falls Locks project. 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 Bill 2018-10-08-04: Council Rules Changes - Code of Conduct and Other Changes](#)
[Council Rules Information](#)

Mayor Axelrod explained that Council is still doing background work on the Code of Conduct. Council is looking at legal issues, state laws, and confidentiality. Tonight, this is only addressing the Council Rules. There is one element on conduct that has been added to Council Rules, it formalizes that there is a process that Council recognizes and respects and will conduct itself in an appropriate manner. The process will follow guidance of the City policies. Council wants to talk to the new Councilors that are coming in and get their opinions.

City Manager Stein stated there are other changes being made to Council Rules. It reflects policies for compensation and expense reimbursement. Changes to the pre-meeting work session start time to 5:00 pm. Clarifies what meeting minutes shall include. Establishes a policy for posting pre-meeting written testimony from citizens. In addition, the one amendment Council made tonight clarifies that minutes will be posted on the agenda for approval at the next business meeting.

Public Comments

Emily Smith stated Council has worked on the Code of Conduct that would handle allegations of misconduct by elected officials for a year. There is still no safe process for residents to bring allegations forward. This language in the Council Rules does not give citizens confidence allegations can be reported in a safe manner or that the process will be timely and fair. There is no language on how to proceed. Council should look at what they can adopt now in the Code of Conduct. Waiting until next year puts the City and community at risk.

Christine Lewis stated in representative democracy, they talk about empowering citizens' voices and the value of participation. The Code of Conduct includes language that harassment will not be tolerated; however it does not go far enough. The structure of fair investigation and determining consequences is missing. Without saying how it is going to be done or how to report, the City will fall short of having an effective policy. If the process for staff is not going to be used, a parallel set of procedures and resources is necessary. She cited ORS 659A.403. Public protection might seem to extend to private space if it is part of a public City function. Civil rights extend to all our work and the City could be exposed to sexual harassment if it occurs in a public venue. Women are being shown that their complaints are unheeded and men are being shown that their self-discipline is unnecessary. Council has an opportunity to set an example.

Mayor Axelrod stated in the second sentence, change "and" to "any". In the fifth sentence change "appropriate" to "inappropriate".

City Manager Stein added under the Minutes section, add "Minutes will be posted on the agenda for approval at the next regular business meeting."

Council President Perry will be leaving the Council in December and there are two new councilors coming in. This council has put a lot of work into this; however, it will be finalized by the new council.

City Manager Stein informed the audience Council has a tracking log; this is how Council does not lose sight of important items and this item is listed on the log.

Mayor Axelrod asked if the Council tracking log is this on the website. Staff replied no; however, it is attached to Council agendas.

Councilor Sakelik stated as Council goes through the discussion, he encourage everyone to add their input.

Councilor Martin discussed the same reservations that Ms. Smith expressed in the pre-meeting. He understands the desire to have an intermediate step to have progress. He does not want to take the pressure off to get the final Code of Conduct done. He is inclined not to support this because putting a half measure in place decreases the pressure. He knows Council is committed to it, he is doing what he can to make it work for everybody. He is not against the Code of Conduct, he just wants a strong Code of Conduct as soon as possible.

Councilor Cummings invited the public to listen to the discussion that occurred at the pre-meeting work session. Council discussed approving rules with this language or waiting until they can get something more detailed. The Council does not have jurisdiction over the employee Code of Conduct and it has ambiguous language. Council will rely on it for guidance. With the employee process, there is a level of confidentiality. This is still a Council priority to handle in a timely manner, they want to be responsive and respectful to all parties. Council is trying to be fair and balanced by getting all parties involved. Going through the City's personnel policies would be longer conversation.

Council President Perry stated this is a complicated process. Council is voted into office, they are not employees and cannot be fired. She understands Councilor Martin concerns; however, this is not going to be pushed off. It is a priority and they do not want to rush it.

Councilor Sakelik said the majority of the delay is Council came up with additional questions. They want to make sure has it has the teeth to address what they want to do. It is a priority.

Council President Brenda Perry moved to approve adoption of the Council Rules as amended dated October 8, 2018. Councilor Teri Cummings seconded the motion.

Mayor Axelrod added he hears all sides and comments. It is important to have a placeholder in Council Rules about conduct. It sets the framework, is a path forward, and clarified the process. It is important to get it in now for everyone's protection. It is clear where Council considers its conduct in this regard.

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

[Mayor and City Council Reports \[20 min\]](#)

[Appointment to the Economic Development Committee](#)

Mayor Axelrod explained there are going to be many openings on the different boards. Currently, there are two openings on the Commission for Citizen Involvement (CCI) and one on the Citizens' Budget Committee. If you have a financial acumen and want to participate in the process, Council could use your help.

Mayor Axelrod placed before Council appointing Matt Lorenzen to the Economic Development Committee.

Council President Brenda Perry moved to approve the Mayor's appointment. 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

Councilor Cummings informed the public that the Arts and Culture committee position openings are posted online. Council is hoping to have a large number of people involved in the process. The General Obligation (GO) bond passed and 1.5 percent of the project cost that the City undergoes for City owned facilities and parks projects will be dedicated to some kind of art installation. The Clackamas Arts Alliance has assisted in the City's program for the last ten years and the City will be looking for guidance and a partnership with them. Examples of art are at the library down towards children's area and at the Police Station. She invited citizens who are interested in arts, culture, and history to apply. They are looking for seven members. Council has not decided if they are going to appoint now or have the new council appoint.

Councilor Martin stated they are in process of forming a working group to create the Code for Chapter 99. If you have an interest in the Code, whether you are on the developer or anti-developer side, he invited you to let Ms. Stein know you are interested. The whole purpose of the Chapter 98 changes was to create a dialog to work together. This is a chance to shape the Code.

Mayor Axelrod stated Council is looking for a lot of volunteers, it is important to get involved in the community. The National League of Cities does an annual conferences in Washington DC. The other conference, the city summit, rotates and next month it is in Los Angeles. He is going to register himself and go.

Councilor Martin encourages the returning councilors to consider going and new councilors to attend.

Mayor Axelrod stated the new councilors cannot go as representatives, they can go on their own.

[City Manager Report \[10 min\]](#)

City Manager Stein had schedule questions for the November Council Meetings. November 12 is Veteran's Day. She discussed moving the business meeting to November 13 in the afternoon because the Chambers is booked for a trial or making the work session a regular meeting and having the work session on November 13.

Council discussed their schedules and their preference for having the meetings in Chambers in the evenings.

City Manager Stein will do doodle poll on availability to meet about Stafford before November 8. There will be the mayor and one delegate invited to attend the Stafford meeting. She asked if the passenger ferry service was an interest to Council.

Mayor Axelrod had a conversation about regional ferry service. He was not sure if this should come before the locks commission or the City.

[City Attorney Report \[5 min\]](#)

No report tonight.

[Adjourn](#)

Draft Notes



22500 Salamo Road
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CITY COUNCIL AGENDA

Monday, October 8, 2018

5:00 p.m. – Pre-Meeting Work Session – Rosemont Room

6:30 p.m. – Business Meeting – Council Chambers

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1. Call to Order and Pledge of Allegiance to the Flag
 2. Approval of Agenda
 3. Public Comments [10 min]
 4. Proclamations, Recognitions and Scheduled Presentations to the Council [40 min]
 - a. West Linn-Oregon City Rivalry Day Proclamation
 - b. National Parks Proclamation
 - c. Tualatin Valley Fire and Rescue (TVF&R) State of the District Presentation
 - d. Homeless Solutions Coalition of Clackamas County Presentation
 5. Consent Agenda [5 min]
 - a. Agenda Bill 2018-10-08-01: Approve Draft Notes for June 18, 25, July 9, 23, August 6, and September 10
 6. Business Meeting [60 min]
 - a. Agenda Bill 2018-10-08-02: Willamette Park Softball Field Contract Award and Findings Supporting an Exemption to Public Bidding Process
 - b. Agenda Bill 2018-10-08-03: Willamette Locks Intergovernmental Agreement with Clackamas County
 - c. Agenda Bill 2018-10-08-04: Council Rules Changes – Code of Conduct and Other Changes
 7. Mayor and City Council Reports [20 min]
 - a. Appointment to the Economic Development Committee
 8. City Manager Report [10 min]
 9. City Attorney Report [5 min]
 10. Adjourn

PROCLAMATION

“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 October 26, 2018, the teams representing these schools will renew their annual rivalry for the 98th 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 October 26, 2018, 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

October 2018

PROCLAMATION

West Linn, Oregon

WHEREAS, America's National Park System is a living testament to our citizens' valor, our nation's hardships, our victories, and our traditions as Americans, and has been called "America's Best Idea;" and

WHEREAS, the National Park System preserves the diversity, culture, and heritage of all Americans, and serves as a living classroom for future generations; and

WHEREAS, in 2016, the National Park Service celebrated its centennial and currently manages more than 400 nationally significant sites and an invaluable collection of more than 75,000 natural and cultural assets that span 84 million acres across all 50 states, the District of Columbia, and several U.S. territories and insular areas; and

WHEREAS, the National Park Service's mission is to "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations;" and

WHEREAS, in 2015, the National Park System had more than 307 million visits and the National Park Service estimates indicate that park visitors spent more than \$16.9 billion at the sites and in the states and local communities adjacent to national parks; and

WHEREAS, the National Park Service has the obligation to preserve our nation's history; promote access to national parks for all citizens; stimulate revenue to sustain itself and nearby communities; educate the public about America's natural, cultural and historical resources, and provide safe facilities and environs to enjoy these resources; and

WHEREAS, in 2016, the National Park Service estimated a deferred maintenance backlog of nearly \$12 billion, which includes repairs to aging historical structures, trails, sewers, drainage, thousands of miles of roads, bridges, tunnels, and other vital infrastructure; and

WHEREAS, it is the responsibility of Congress to maintain America's national parks to ensure our natural places and our history is preserved and documented for future generations, and for the adjacent communities that rely on the direct and indirect economic benefits generated by visits to national park sites.

NOW, THEREFORE, BE IT PROCLAIMED, that the City of West Linn strongly encourages Congress to create a reliable, predictable stream of resources to address deferred maintenance needs in America's National Park System.

DATED THIS 8TH DAY OF OCTOBER, 2018.

RUSSELL B. AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

Agenda Bill 2018-10-08-01

Date: September 25, 2018

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

From: Kathy Mollusky, City Recorder *KM*

Through: Eileen Stein, City Manager *ES*

Subject: Draft Notes

Purpose

Approval of City Council Notes

Question(s) for Council:

Does Council wish to approve these City Council Meeting Notes?

Public Hearing Required:

None required.

Background & Discussion:

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

Budget Impact:

N/A

Sustainability Impact:

Council continues to review minutes online, reducing paper waste.

Council Options:

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

Staff Recommendation:

Approve Council Notes

Potential Motions:

I move to approve the June 18, 25, July 9, 23, August 6, and September 10 Council Meeting Notes.

Attachments:

1. June 18, 2018 Council Meeting Notes
2. June 25, 2018 Council Meeting Notes
3. July 9, 2018 Council Meeting Notes
4. July 23, 2018 Council Meeting Notes
5. August 6, 2018 Council Meeting Notes
6. September 10, 2018 Council Meeting Notes



CITY OF
West Linn

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

**WEST LINN
CITY COUNCIL MEETING
NOTES
June 18, 2018**

[Call to Order and Pledge of Allegiance to the Flag](#)

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, Assistant to the City Manager Dylan Digby, Citizen Engagement Coordinator Courtney Flynn, City Attorney Tim Ramis, Deputy City Recorder Teresa Zak, Finance Director Lauren Breithaupt, Public Works Director/City Engineer Lance Calvert, Parks and Recreation Director Ken Worcester, Deputy City Manager/Community Development Director John Williams, Associate Planner Jennifer Arnold, Assistant Parks and Recreation Director Ken Warner, and Captain Neil Hennelly.

[Approval of Agenda](#)

Council President Brenda Perry moved to approve the Agenda with the following changes: only one item will remain on the Consent Agenda, Resolution 2018-13 certifying the results of the May 15, 2018, primary election. The approval of meeting notes for May 7 and May 14, 2018, will be postponed to next meeting. Other items will be moved to the Business Meeting as follows: The Department of Transportation intergovernmental agreements will become 6a and the Clackamas County Youth Project intergovernmental agreement will become 6b. On the

Business Meeting, West Linn Refuse and Recycling rate increase will become 6c., Annexation at 22864 Weatherhill will become 6d., Annexation at 22870 Weatherhill will become 6e., Parks Master Plan will become 6f., Ordinance 1674 prohibiting smoking will become 6g., Resolution 2018-08 revising bylaws for the Committee for Citizen Involvement will become 6h., Resolution 2018-14 revising fees and charges will become 6i., and adopting community grants will become 6j. 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

[Public Comments](#)

There were no public comments.

[Proclamations, Recognitions and Scheduled Presentations to the Council \[10 min\]](#)

[West Linn Old Time Fair Princess Proclamations](#)

[Princess Proclamations](#)

Mayor Russ Axelrod recognized Queen Grace Heaton and Princesses Leah Culbertson, Sarah Talbert, Payton Heth, and Lila Skates. Council President Perry read the proclamation. Mayor Axelrod remind everyone that the fair is July 20 to 22.

[Consent Agenda \[5 min\]](#)

[Agenda Bill 2018-06-18-01: RESOLUTION 2018-13, CERTIFYING THE RESULTS OF THE MAY 15, 2018, PRIMARY ELECTION](#)

[RES 2018-13 Election Certification](#)

Council President Brenda Perry moved to approve the Consent Agenda for the June 18, 2018, West Linn City Council Meeting which includes Resolution 2018-13 certifying the results of the May 15, 2018, primary election. 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

[b. Agenda Bill 2018-06-18-02: Approval of Meeting Notes for May 7 and 14, 2018](#)

[Draft Notes Information](#)

Business Meeting [90 min]

[Agenda Bill 2018-06-18-03: Oregon Department of Transportation Intergovernmental Agreement – Oregon Motor Carrier Safety Action Plan Amendment](#)

[ODOT IGA Amendment Information](#)

Police Captain Hennelly gave the staff report on the truck inspection grant we have with ODOT. Captain stated how due to staffing issues the department has not been able to support this effort as budgeted at \$45,000.00. Because of the staffing issues ODOT has requested the amount be reduced to \$43,000 and in the next agenda item will move the extra into next year's budget.

Council President Brenda Perry moved to approve the Oregon Department of Transportation Intergovernmental Agreement – Oregon Motor Carrier Safety Action Plan Amendment. 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 Bill 2018-06-18-04: Oregon Department of Transportation Intergovernmental Agreement – Oregon Motor Carrier Safety Action Plan](#)

[ODOT IGA Information](#)

Council President Brenda Perry moved to approve Oregon Department of Transportation Intergovernmental Agreement – Oregon Motor Carrier Safety Action Plan. Councilor Teri Cummings seconded the motion.

There was no additional staff report or discussion before the Council voted to approve the Motor Carrier Safety Action Plan.

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

Mayor Russ Axelrod stated he understands that this brings in extra income for the department.

Police Captain Neil Hennelly explained the Oregon Department of Transportation (ODOT) pays \$113.75 per completed truck inspections. The City currently has three officers who do this

work off shift. He stated this makes for a safer community, making sure the freight traffic running through 205, and surface streets as well, are complying with all the laws. Inspections are done at a higher degree of inspection than a standard road officer could do. He stated it is great for the City to have these officers on staff and the City has a good reputation with the trucking industry; it is a win-win.

Mayor Russ Axelrod thanked Police Captain Neil Hennelly for his comments and also for his service.

Councilor Richard Sakelik asked what the budget was last year.

Police Captain Neil Hennelly replied last year the budget was \$45,000, this year the City expects only to receive \$43,000.

[Agenda Bill 2018-06-18-05: Clackamas County Youth Project Payback Intergovernmental Agreement](#)

[Youth Project Payback IGA](#)

Parks and Recreation Director Ken Worcester gave the staff report on the youth offender work program and stated this is just a renewal of an existing agreement with have with Clackamas County. This program pays for about 30 crews per year so the City gets a lot of work at \$340.00 per crew. If you ever get a change to walk the Willamette Greenway Trail from Bernert Landing towards the Falls you will see the clearing and opening up to the river frontage, that is all a result of our project payback. This project is SDC eligible and is not paid for out the City's general fund budget and it is a great program, the City gets a lot of work out of. The IGA is for this year with two on year extensions. As the City budgets in the next biennium the City can decide to continue the program or not.

Council President Brenda Perry moved to approve the Clackamas County Youth Project Payback Intergovernmental Agreement. 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 Bill 2018-06-18-13: West Linn Refuse and Recycling Rate Increase](#)

[WL Refuse Information](#)

Deputy City Manager John Williams gave the staff report that this agenda item is for Council to acknowledge the rate increase by West Linn Refuse and Recycling. He stated this is the tenth year in the franchise agreement and the increases are laid out in the agreement. The last rate increase to West Linn customers was in 2016, this rate increase starting July 1, 2018 will \$00.92

a month for standard residential service with other numbers for other types of services. He also stated there are no impacts to the City's budget as this is a rate charge to customers. Deputy City Manager introduced Mr. Kahut from West Linn Refuse and Recycling available to answer any questions.

Councilor Teri Cummings and Councilor Richard Sakelik thanked West Linn Refuse and Recycling for their service.

Council President Brenda Perry moved to Acknowledge the West Linn Refuse and Recycling Rate Increase. Councilor Bob Martin seconded the motion.

Mayor Russ Axelrod stated he loves the service provided by West Linn Refuse and Recycling but requested their drivers slow down.

Mr. Kahut replied he will bring this up with their drivers at their next safety meeting.

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 Bill 2018-06-18-06: Public Hearing - Annexation of 2.35 Acres at 22864 Weatherhill Road \(ANX-18-01\)](#)

[ORD 1679 & 1680 Information](#)

Mayor Russ Axelrod opened the public hearing and explained the City is holding a public hearing regarding application number ANX-18-01 for the annexation of property at 22864 Weatherhill Road. Mayor Russ Axelrod stated annexations are a two-step process; step one is the quasi-judicial land use decision and quasi-judicial rulings must be grounded in the relevant code, if the application meets the code, the Council must approve the application. Step two is the legislative decision.

City Attorney Tim Ramis explained the two-step process. Step one is a land use decision. The Council determines whether the proposed annexation is consistent with the intent of the West Linn Comprehensive Plan and CDC Chapter 81. The Council will designate a zone for the property in step one. Step two review for annexation proposals is a legislative or policy decision that applies the standards of WLMC 2.930. During step two the Council, in its discretion, may: 1) decide to set a public hearing for the annexation request; 2) delay a public hearing on the requested annexation; or, 3) pass a resolution placing the annexation request on a ballot for an advisory vote. At the conclusion of step two, the Council may approve an annexation request if it finds that the annexation is in the best interest of the City based on the report prepared by the Planning Department; testimony and evidence presented at the public hearing; and any other information, evidence, or analysis the City or the Council deems

relevant to the application. The applicant has the burden of proving that the application is consistent with the approval criteria of ORS 222.111, West Linn Municipal Code 2.930, Community Development Code (CDC) Chapter 81 and Metro Code section 3.09.

City Attorney Tim Ramis asked if any members of Council wished to declare a potential or actual conflict of interest or bias or wish to report any site sites or ex parte contacts. There were no challenges; Mayor Axelrod stated he had driven by the site. There were no challenges from the audience on the impartiality or ex parte discloses on any member of Council.

Associate Planner Jennifer Arnold gave the staff report of the request to annex 2.35 acres at 22864 Weatherhill Road with a zoning designation of R-7. She also stated this property is one of several Clackamas County islands located inside the urban growth boundary. Planner Jennifer Arnold also explained the property has been included in the City's adopted long range facility and capital improvement plans, and all necessary utilities are available to serve the property.

[Staff Presentation ANX-18-01](#)

Li Wei, Attorney, representing the owner, Hsiao Chun Chiang (Vivian), discussed the old Oregon Revised Statute (ORS) about annexations that gave cities the right to hold a vote for each annexation. In 2015, the Oregon Legislature passed a bill that changed the ORS to no longer allow a vote to decide annexations. Mr. Wei stated he does not believe the City's Charter to allow for an advisory vote is consistent with the statute. He suggested that the City's Charter should be adjusted. He discussed the impacts of the proposed annexations on schools, taxes, system development charges (SDCs), and the general characteristics of the property. He stated that once Satter Street is made a through street, the traffic on Weatherhill will be lessened. He reminded Council about the results of the advisory vote in May and the overwhelming support for the Sloop property to be annexed. He included a slide presentation and hoped this decision could be made in one night without being referred to a vote.

Councilor Bob Martin asked about the legislative process on the advisory vote and for clarification on the empowerment of City Council to make a decision. City Attorney Ramis replied the statute is silent on the question of the advisory vote. The Council should retain its discretion to vote yes or no based upon the Council's best judgment in the best interest of the City and what the right policy direction should be. City Attorney Tim Ramis stated there is not a limitation on the information Council uses to make a decision.

Council President Brenda Perry asked about the Stater Street connection and she believes there will be traffic issues that will be need to be taken into consideration. Mr. Wei discussed how Weatherhill will be easier to travel until Stater Street is opened up when the area is fully developed. Councilor Bob Martin stated he feels the traffic questions will be answered when there is a land use application.

Councilor Teri Cummings asked about protected resource areas and SDCs. Associate Planner Jennifer Arnold confirmed there are no streams or wetlands on this property. There will be no significant impact to the school district and the district has already calculated for additional houses. She explained the difference between SDC's and a separate tax paid on permits that go to the outside agencies.

Public Testimony

David Sloop gave testimony on the excise tax and rates charged on permits by the school district. Councilor Teri Cummings asked if the Fire Districts and Fire Districts also have excise taxes. David Sloop explained what SDC's cover. Councilor Teri Cummings stated she was glad the schools are able to have charges and the public in West Linn is very supportive of the schools when the district passes levies. Council President Brenda Perry explained that schools get 60% of our property taxes and she does not believe they are short of funds, and fire districts get a good portion of those dollars as well; there is pre and post building fees and after building is when the schools and fire district start getting tax dollars. David Sloop then explained the operating levy and the portion of the fixed capital costs that are covered with a bond levy.

Mayor Russ Axelrod closed the public hearing.

Councilor Teri Cummings stated she believe it is appropriate to zone the property for R-7 and supports the motion Mayor Russ Axelrod agreed that R-7 is a fitting zone for the surrounding areas.

The first and second reading of ORD 1679 to establish R-7 zoning was approved.

Mayor Russ Axelrod called for discussion on ORD 1680 to approve the annexation. Councilor Teri Cummings stated this was a difficult decision for the Council as the City's Charter still states the vote would go before the citizens and the State has taken away our home rule rights. She also stated that it is time appoint a group of people to look at our charter. Councilor Teri Cummings does not object to not putting this annexation to a vote of the people.

Mayor Russ Axelrod discussed the Charter. Councilor Martin stated he believes the Charter is very clear on representation of the citizens and takes away unnecessary burdens when there is no interest from the public to take to a vote. Councilor Bob Martin stated the Charter is abundantly clear that the City Council has the discretion to have an advisory vote; it is a burden on the City, applicant, and voters to participate in elections when there is no question what the citizens want. Councilor Bob Martin stated he sees no need to modify the Charter. Council President Brenda Perry stated she agrees with Councilor Martin and islands within the City limits need to be annexed in the City and it for moving forward with the annexation. Councilor Richard Sakelik, and Mayor Russ Axelrod also expressed agreement with Councilor Bob Martin. Mayor Russ Axelrod stated if we were expanding the City growth boundaries, we should put to a citizen vote. He stated our comprehensive plan, development plans, and

schools include the growth of the islands and is comfortable moving forward with a decision to annex.

The first and second reading for Ordinance 1680 to annex the property was approved.

ORDINANCE 1679, ESTABLISHING THE ZONING DESIGNATION AS R-7 UPON ANNEXATION OF THE PROPERTY LOCATED AT 22864 WEATHERHILL ROAD

Council President Brenda Perry moved to approve first reading for Ordinance 1679, establishing the zoning Designation as R-7 upon annexation of the property located at 22864 Weatherhill Road, and set the matter for second reading. 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

Council President Brenda Perry moved to approve second reading for Ordinance 1679, establishing the zoning designation as R-7 upon annexation of the property located at 22864 Weatherhill Road, and adopt the ordinance. 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

ORDINANCE 1680, APPROVING THE ANNEXATION OF REAL PROPERTY LOCATED AT 22864 WEATHERHILL ROAD; REMOVING THE PROPERTY FROM SPECIAL DISTRICTS; AND ADDING THE PROPERTY TO SPECIAL DISTRICTS

Council President Brenda Perry moved to approve the first reading for Ordinance 1680, approving the annexation of real property located at 22864 Weatherhill Road; removing the property from special districts; and adding the property to special districts, and set the matter for second reading. 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

Council President Brenda Perry moved to approve the second reading for Ordinance 1680, approving the annexation of real property located at 22864 Weatherhill Road; removing the

property from special districts; and adding the property to special districts, and adopt the ordinance. 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 Bill 2018-06-18-07: Public Hearing – Annexation of 2.56 Acres at 22870 Weatherhill Road \(ANX-18-02\)](#)

[ORD 1681 & 1682 Information](#)

Mayor Axelrod explained we are holding a public hearing regarding application number ANX-18-02 for the annexation of property at 22870 Weatherhill Road. Annexations are a two-step process. Step one is the quasi-judicial land use decision. Quasi-judicial rulings must be grounded in the relevant code, and if the application meets the code, the Council must approve it. Step two is the legislative decision.

Mayor Axelrod opened the hearing.

City Attorney Ramis explained the two-step process. Step one is a land use decision. The Council determines whether the proposed annexation is consistent with the intent of the West Linn Comprehensive Plan and CDC Chapter 81. The Council will designate a zone for the property in step one. Step two review for annexation proposals is a legislative or policy decision that applies the standards of WLMC 2.930. During step two, the Council, in its discretion, may: 1) decide to set a public hearing for the annexation request; 2) delay a public hearing on the requested annexation; or, 3) pass a resolution placing the annexation request on a ballot for an advisory vote. At the conclusion of step two, the Council may approve an annexation request if it finds that the annexation is in the best interest of the City based on the report prepared by the Planning Department; testimony and evidence presented at the public hearing; and any other information, evidence, or analysis the City or the Council deems relevant to the application. The applicant has the burden of proving that the application is consistent with the approval criteria of ORS 222.111, West Linn Municipal Code 2.930, Community Development Code (CDC) Chapter 81 and Metro Code section 3.09.

City Attorney Ramis asked if any members of Council wished to declare a potential or actual conflict of interest or bias or wish to report any site sites or ex parte contacts. There were none.

Mayor Russ Axelrod stated he had driven by the site.

Associate Planner Jennifer Arnold gave the staff report of the request to annex 2.56 acres at 22870 Weatherhill Road with a zoning designation of R-7. She also stated this property is one of several Clackamas County islands located inside the urban growth boundary. Planner Jennifer Arnold also explained the property has been included in the City's adopted long range facility and capital improvement plans, and all necessary utilities are available to serve the property.

[Staff Presentation ANX-18-02](#)

The applicant representative Steve Miller, Director of Planning Services with Emerio Design, stated he believes the R-7 is appropriate and consistent with the direction of the City. As the voting issue has already been discussed in the prior annexation agenda item, he doesn't believe there needs to be an advisory vote.

Public Testimony

David Sloop spoke favor of the annexation.

Jeremy Rower stated he lives directly behind the property. He is concerned about schools being at the bursting point, traffic, the stream, trees, and drainage issues.

Councilor President Perry explained issues such as these will be addressed at the land use hearing.

Applicant Rebuttal

22870 Weather property owner David Dean, stated the stream is drainage with water about 2 to 3 months a year, it is not a stream. He has been trying to get the line removed from maps for years. He also discussed duplication of services and this would correct that confusion. This property is not significantly different then the last property.

Mayor Axelrod said this should be mapped as a femoral stream if it actually is. Is there an open channel to street below? It is mapped as a pipe, is there an intake structure?

Mr. Dean explained there is no pipe, it is an open channel that goes under the road and then goes into a pipe.

Mayor Axelrod closed the public hearing.

ORDINANCE 1681, ESTABLISHING THE ZONING DESIGNATION AS R-7 UPON ANNEXATION OF THE PROPERTY LOCATED AT 22870 WEATHERHILL ROAD

Council President Brenda Perry moved to approve the first reading for Ordinance 1681, establishing the zoning designation as R-7 upon annexation of the property located at 22870 Weatherhill Road, and set the matter for Second Reading. 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

Council President Brenda Perry moved to approve the second reading for Ordinance 1681, establishing the zoning designation as R-7 upon annexation of the property located at 22870 Weatherhill Road, and adopt the ordinance. 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

ORDINANCE 1682, APPROVING THE ANNEXATION OF REAL PROPERTY LOCATED AT 22870 WEATHERHILL ROAD; REMOVING THE PROPERTY FROM SPECIAL DISTRICTS; AND ADDING THE PROPERTY TO SPECIAL DISTRICTS

Council President Brenda Perry moved to approve the first reading for Ordinance 1682, approving the annexation of real property located at 22870 Weatherhill Road; removing the property from special districts; and adding the property to special districts, and set the matter for second reading. 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

Council President Brenda Perry moved to approve second reading for Ordinance 1682, approving the annexation of real property located at 22870 Weatherhill Road; removing the property from special districts; and adding the property to special districts, and adopt the ordinance. 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 Bill 2018-06-18-08: Public Hearing - Parks Master Plan](#)

[ORD 1678 & 1683 Information](#)

[Proposed Revisions for Adoption](#)

[Public submittals re: Parks Master Plan](#)

Mayor Axelrod explained this is a public hearing on land use case PLN-18-01, Ordinance 1678 and Ordinance 1683, a proposal to adopt an updated Parks, Recreation, and Open Space plan, amend Community Development Code Chapters 2 and 56, and amend the Comprehensive Plan Goals 2, 5, and 8. The testimony and arguments heard will be used to come to a decision on these amendments and updated plan either tonight or at a later date. He explained how the hearing would proceed and called the hearing to order.

City Attorney Ramis explained the Council's decision must be based on consideration of: 1) the statewide planning goals and administrative rules adopted under ORS Chapter 197, 2) applicable federal or state statutes or rules, 3) applicable plans and rules adopted by Metro, and 4) on the City's comprehensive plan and development code. Council may consider any relevant testimony received. Failure to raise an issue during the City's hearing on this matter precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue. Any party with standing may appeal the decision of the City Council to LUBA according to the rules adopted by that Board. Persons with standing include those who submit written comments or present oral arguments.

City Attorney Ramis asked if any members of Council wish to declare a potential or actual conflict of interest. There were no declarations.

City Attorney Tim Ramis asked if any member of the audience wished to challenge the ability of any member of the Council to participate in this decision. There were no challenges.

Associate Planner Jennifer Arnold gave the staff report of the request to adopt the update to the plan along with updates to the Comprehensive Plan. She stated the process began in December of 2016 and engaged stakeholders from external agencies and members of the public. She stated a survey conducted in 2017 received 1,898 responses and the data collected was helpful in creating new park and recreational goals. She said changes to the Comprehensive Plan and Community Development Code will ensure consistency and compliance and eliminate inconsistencies.

[Staff Presentation PLN-18-01](#)

Council President Perry noted the correction that needs to be made to the Comprehensive Plan map for Savanna Oaks where the new area for the park was recently added. Mayor

Axelrod noted the McLarty property pocket park and the new Burnside Park piece also need to be added to the map. Parks & Recreation Director Worcester stated there is open space off Hidden Springs that will be added to correct the map

Mayor Russ Axelrod asked if Ken Worcester wanted to explain the process to updates to the plan. Parks and Recreation Director Ken Worcester gave a brief summary of the work session and hearing with the Planning Commission and a work session with the City Council. The Park Board was reconvened last week and the last minute recommendations are stated in the June 15th Parks Board memo to City Council. He also stated there are conflicting recommendations that Assistant Parks and Recreation Director Ken Warner will walk through.

Assistant Parks and Recreation Director Ken Warner discussed the two recommendations given to the Parks Board. The Board made a motion to support adopting the master plans with the board's recommendations. The Board wanted to make sure the objective analysis data collection and all community input was recognized. There were concerns about a trail that was listed as a river front trail that was not recognized. Other proposed changes centered around satellite centers versus a single community recreation center in the Master Plan. The Board felt it was important to keep the community recreation center in the plan as that is what the data showed. The Parks Board also felt that Bolton Station, Robinwood Station and the old City Hall do not meet the definition of a community-wide center and the Board wants to make sure the community recreation concept is carried through.

Mayor Russ Axelrod verified that there is not an actual conflict between a community recreation center and satellite centers, the Board want to make sure the concept of a community-wide center is still in the plan. Parks and Recreation Director stated that there is nothing that

Councilor Richard Sakelik stated he needs time to compare the memo and the email forwarded to them by the City Manager on June 15th. He also does not see some changes the Planning Commission recommended, such as for including the satellite centers. He asked if the survey was an anonymous survey and believes the integrity of the data is not pure; the survey may have been done over and over by the same person. He thinks this information should have gone back to the Planning Commission to ask if this what they meant. Parks & Recreation Director Ken Worcester stated he thinks this is a process questions, with two different advisory groups. He stated staff was aware the Planning Commission made recommendations, but not aware they had the authority to change the plan, He stated all staff can do is present the recommendations from both groups and Council is the arbitrator of that.

Mayor Russ Axelrod stated he likes the Planning Commission packet summary and disagrees with a lot of the Parks Advisory Board. Also, he has some language changes.

Councilor Cummings stated she has concerns about the process and requested a redline version.

Councilor Sakelik stated he agrees and would like to have a long work session after Planning Commission approval.

Council President Brenda Perry stated she disagrees with Councilor Sakelik, she stated these are advisory boards, it is up to the Council to decide. She stated she is not so keen on the Parks Boards recommendation but does like the Planning Commission packet version. Council has not disregarded their work, but Council is the decision maker, she does not want to keep shuffling it off.

Councilor Bob Martin discussed it is hard to compare a redline, to a redline; this is a basis of confusion. He stated the boards are clearly at odds with each other. He would like to have the Planning Commission and the Parks Board sit down together and come to an agreement on community centers and recreation.

City Manager Eileen Stein offered the option of staff incorporating both groups input and making a new redline version or creating a working group.

Councilor Teri Cummings stated she thinks the Planning Commission should have another hearing on the Parks Master Plan.

Council President Brenda Perry said the Council should have both their inputs and it should go to staff to create a redline version for Council.

Mayor Russ Axelrod stated he assumed the Planning Commission likes what was put together as no one was here to disagree. He was also surprised by the memo from the Parks Board, he could see minor tweaks but felt they were wholesaling everything the Commission asked for. He does not know how to bring the groups together to rectify that. He has language suggestions on how to merge the ideas of satellite centers versus essential recreation centers. The price tag is troublesome, let's put it in context for future if the City wants to develop. He also thinks it should go to staff to merge the advisory bodies work.

Parks & Recreation Director Ken Worcester discussed how the Parks Board did an extensive analysis on available recreation space and satellites compared to the community needs and that is how they came to these recommendations. The Parks Boards focus is on a larger facility. He also suggested a Public Facility's Plan and believes the Parks Board is worried about one larger center and indoor recreation. He believes with a little direction staff can come back with a document for Council to work with.

Councilor Bob Martin stated he also wants a facility plan to include our historical buildings.

Mayor Russ Axelrod asked for a formal statement from the Planning Commission.

City Manager Eileen Stein stated staff could craft a document containing all the proposed changes, email it to the Planning Commission and Parks Board and if there is no comment or

objection it would not be necessary to convene a meeting.

Mayor Russ Axelrod asked Council to send comments and language suggestions in by the end of this week.

Public Comment

Stacy Epstein's testimony was read into the record. Her testimony revolved around parks and open space being the true jewels of the City, the importance of the Parks Master Plan, and this represents a work product that represents the majority of the citizens. She urges Council to adopt the plan.

Council President Brenda Perry moved to continue the hearing to a date certain until staff can put these suggestions into the document into a redline form and come to Council for approval. Mayor Russ Axelrod 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

ORDINANCE 1678, ADOPTING THE WEST LINN PARKS, RECREATION, AND OPEN SPACE PLAN UPDATE AS AN ATTACHMENT AND SUPPORTING DOCUMENT OF THE WEST LINN COMPREHENSIVE PLAN; AND AMENDING THE WEST LINN COMPREHENSIVE PLAN GOALS 2, 5, AND 8.

ORDINANCE 1683, AMENDING THE COMMUNITY DEVELOPMENT CODE CHAPTERS 2 AND 56.

[Agenda Bill 2018-06-18-09: ORDINANCE 1674, PROHIBITING SMOKING, VAPING, AND TOBACCO USE ON CITY OWNED OR OPERATED PROPERTIES OPEN TO THE PUBLIC, AND ADDING SECTION 5.012 TO THE WEST LINN MUNICIPAL CODE](#)

[ORD 1674 Information](#)

Parks and Recreation Director Ken Worcester reported the City is joining forces with other municipalities prohibiting these activities in public spaces. He also discussed the reasonable requests involved with this ordinance.

Council President Brenda Perry moved to approve the First Reading for Ordinance 1674 Prohibiting Smoking, Vaping, and Tobacco Use on City Owned or Operated Properties Open to the Public, and Adding Section 5.012 to the West Linn Municipal Code, and set the matter for Second Reading. Councilor Teri Cummings seconded the motion.

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

Nays: Councilor Bob Martin.

The motion carried 4 - 1

City Manager Eileen Stein announced without a unanimous approval the second reading will be set over to July 9th.

[Agenda Bill 2018-06-18-10: RESOLUTION 2018-08, ESTABLISHING REVISED BYLAWS FOR THE WEST LINN COMMITTEE FOR CITIZEN INVOLVEMENT](#)

[RES 2018-08 CCI Bylaws Information](#)

Council President Brenda Perry moved to approve Resolution 2018-08, Establishing Revised Bylaws for the West Linn Committee for Citizen Involvement. 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 Bill 2018-06-18-11: RESOLUTION 2018-14, REVISING FEES AND CHARGES AS SHOWN IN ATTACHMENT A AND UPDATING THE MASTER FEES AND CHARGES DOCUMENT OF THE CITY OF WEST LINN](#)

[RES 2018-14 Information](#)

Council President Brenda Perry moved to approve the Resolution 2018-14 revising fees and charges in the Master Fees and Charges document. 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 Bill 2018-06-18-12: Adopting Community Grants for Fiscal Year 2019](#)

[Community Grant Information](#)

Mayor Axelrod discussed the two options discussed in the work session modifying the Citizen Budget Committee grants and if Council is interested in supporting grad night or retaining the Citizen Budget recommendation.

Council President Perry said after receiving additional information since the work session she is inclined to stay with the Budget Committee recommendations.

Council President Brenda Perry moved to assign the grants as recommended by the citizen members of the Budget Committee. 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

[Mayor and City Council Reports \[5 min\]](#)

[Appointment to the Utility Advisory Board](#)

Mayor Axelrod placed before Council appointing Jocelyn Pease to the Utility Advisory Board.

Council President Brenda Perry moved to approve the Mayors appointment to the Utility Advisory Board 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

Council President Brenda Perry talked about the Clackamas County Coordinating Committee (C4) which met this week to talk about transportation financing and wants the Council to consider that there will be transit dollars to be allocated around the area and areas that are already set up will be receiving money. As the City is under Tri-Met we get nothing and believes Council needs to forward something to Tri-Met and get recognition. She stated money that should come to West Linn goes to Tri-Met and the City has no decision making power. The City also needs to decide if the City does or does not support the METRO bond measure. The City does not have the capacity for affordable housing, jobs, or transportation; however, the City is part of a bigger unit, and the City has until November to discuss. The final decision meeting for value pricing is next week, Council President Brenda Perry requested citizens to go online to submit testimony. Council President Brenda Perry and Mayor Russ Axelrod will also be attending a meeting with WES on further steps toward governance and will report back to

Council. City Manager Eileen Stein suggested a presentation by METRO, consensus to inquire.

Mayor Russ Axelrod discussed how to leverage dollars to benefit the City. Discussion around how Forest Grove negotiated with Tri-Met to get some of the money for their city.

Councilor Bob Martin stated he is going to start monthly coffee again, the first and third Wednesdays.

Mayor Russ Axelrod stated last week's American Water Works Association conference was a great opportunity to connect and see how other agencies address issues. He stated he is going to come back to Council with a few ideas and summary points in the next few weeks to share with Council. Councilor Richard Sakelik concurred.

Mayor Russ Axelrod reminded citizens there is an open position on the Public Safety Advisory Board.

[City Manager Report \[10 min\]](#)

City Manager Stein gave an update on the League of Oregon Cities (LOC) and their legislative priorities for vote setting for 2019. The LOC would like Council to identify the Council's top and bottom four priorities. The City has it scheduled for July to come up with a consolidated list from Council to give to the LOC.

City Manager Eileen Stein stated the email the Council received over the weekend was in regards to an air bnb rental with several violations of code enforcements and staff will be following up on the violations.

City Manager Eileen Stein stated she met with the School Superintendent to consolidate bullet points in a letter to be sent to the School Board regarding high school parking and wanted to clarify that some questions would be responded to by the board and some by City staff. Councilor Sakelik was surprised the letter was not sent two weeks ago as worded. City Manager Stein replied they wanted the letter to be well perceived. Council President Brenda Perry thanked City Manager Eileen Stein for her work on the letter to get the reposes the City needs. Councilor Bob Martin agreed with Council President Brenda Perry.

City Manager Eileen Stein questioned the scope of the field trip to the City of Forest Grove, the plan was only for Council to attend and the Mayor of Forest Grove Mr. Truax extended an invitation to take the Council to dinner. She understood this was a trip without advisory boards or citizens; if she misunderstood let her know. Council President Brenda Perry stated originally the plan was to go as a council and then Councilor Teri Cumming and Councilor Richard Sakelik made their own arrangements, so the Council did not go. She stated if the Council is invited again, it needs to be as a council, look at the options bring those options back the boards and if they want look they can go out; Councilor Bob Martin agreed. Councilor Teri Cumming stated after Mr. Mills of TriMet suggested in December that the City should look at the Grove Link

System, Councilor Teri Cummings and Councilor Richard Sakelik met Forest Grove Councilors who invited them to come look at the Grove Link System. The date suggested by Forest Grove was right before the Council's meeting with the school board and the two decided to go to Forest Grove, with no involvement from Mayor Truax. After the trip to Forest Grove they were very excited and mentioned the experience to the School Board and Economic Development Committee (EDC). The EDC thought a program like this could help getting people around to businesses. She stated a program like this might help address school transportation and parking issues. She stated the Transportation Advisory Board and the Sustainability Advisory Board are also interested in coming along on a trip to Forest Grove. Councilor Teri Cummings stated she did not know of an invitation for Council to attend as a group. Mayor Russ Axelrod stated this trip originated from a meeting with Mayor Truax last year and it was identified on Council Goals attending as a council. Mayor Axelrod stated he thinks it is reasonable to honor Mayor Truax's request and attend as a council. He stated after this visit, depending on the outcome we could have follow up visits and if the City feels the interest we could rent a bus at that time. Council President stated the rest of Council was disappointed that arrangements were made without the rest of Council as it was planned to go as a group visit. She stated she believes the whole Council needs to go and get an assessment, making it look like we are working together on this, a team effort. Councilor Richard Sakelik stated since when is it disappointing to be proactive? He stated he thoroughly disagrees and believes Council President Brenda Perry has a poor attitude. He agrees Council had been discussing and as nothing had happened they were invited by a key gentleman and it was a productive meeting and not just review it. He stated getting discussion taken care of with 10 people is much more difficult than with two or three. Councilor Richard Sakelik resents the accusation that himself and Councilor Teri Cummings were usurping the rest of Council. Council President Brenda Perry stated if she was given that invitation she would have suggested let's make arrangements for the whole Council to go. She stated it is done now but moving forward the whole Council needs to go.

[City Attorney Report \[5 min\]](#)

City Attorney Ramis reported on the challenge to the City's authority to have residential parking zones. In one case there is a court challenge with argument set for August 8th at 1:30 pm in Clackamas County Circuit Court in Oregon City. Second is the effort to achieve this limitation through initiative petition and City Attorney Tim Ramis has issued a ballot title for that measure. Councilor Richard asked City Attorney Tim Ramis if he knew the deadline date for getting the signatures. City Attorney Tim Ramis stated he did not know but would get the information to Council.

[Adjourn](#)



CITY OF
West Linn

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

WEST LINN CITY COUNCIL MEETING NOTES June 25, 2018

Call to Order

Council Present:

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

Staff Present:

Finance Director Lauren Breithaupt, Public Works Director Lance Calvert, City Manager Eileen Stein, Assistant to the City Manager Dylan Digby, Deputy City Recorder Teresa Zak, City Attorney Tim Ramis, and Citizen Engagement Coordinator Courtney Flynn.

Public Comment

There were no public comments.

Business Meeting

[Agenda Bill 2018-06-25-01: Public Hearing - RESOLUTION 2018-16, ADJUSTING THE BUDGET FOR THE 2018-2019 BIENNIUM BY ADOPTING THIS SUPPLEMENTAL BUDGET AND REVISING APPROPRIATIONS AND BONDED DEBT PROPERTY TAX LEVY](#)

[Supplemental Budget & Tax Information](#)

Project Listing Information

Mayor Russ Axelrod explained there will be a two part public hearing, one part for the supplemental budget and the second part the bonded debt property tax levy.

Mayor Russ Axelrod opened the first public hearing regarding the supplemental budget. He asked Council if there were any conflicts of interest. There were no conflicts.

Finance Director Lauren Breithaupt gave the staff report explaining the background of the approval of Measure 3-527 on May 18, 2018 and how Resolution 2018-06-25 requests Council approval to adjust the budget through a supplemental budget and increase bonded debt property tax levy to proceed with the general obligation debt issuance. She also reviewed the Council's June 5, 2018 approval of allocation of bond proceeds. She stated this resolution reflects the budget change to increase the overall budget by \$20,658,000.00 for additional capital projects and debt service funded by the debt issuance to be received in FY 2019. She stated the City is expecting to spend is 6.2 million out of the bond fund; the debt service over and above is \$658,000.00. She stated the bond debt fund is increasing \$368,000.00 more than expected; part of the debt service will be covered from property taxes and part will be covered by the bond for a portion of the first year.

Councilor Bob Martin asked if the portion of debt services covered from property taxes is the same amount as in the past. Finance Director Lauren Breithaupt answered the levy rate is remaining at \$0.42 per thousand per bonded tax levy portion.

Mayor Russ Axelrod asked for verification on the total amount of about 20 million. Finance Director Lauren Breithaupt explained the City will know at the end of August how much the City will receive.

There was no public comment.

Mayor Axelrod closed the public hearing.

Council President Brenda Perry moved to approve Resolution 2018-16, adjusting the budget for the 2018-19 biennium by adopting this supplemental budget and revising appropriations and bonded debt property tax levy. Councilor Teri Cummings seconded the motion.

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

Nays: None.

The motion carried 5 - 0

Agenda Bill 2018-06-25-02: RESOLUTION 2018-15, AUTHORIZING THE ISSUANCE, SALE, EXECUTION AND DELIVERY OF GENERAL OBLIGATION BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000, IN ONE OR MORE SERIES, TO FINANCE IMPROVEMENTS TO ROADS, PARKS, AND CITY FACILITIES; DETERMINING ELECTION RESULTS; CLASSIFYING THE AD VALOREM TAX LEVY AS TAXES TO PAY PRINCIPAL AND INTEREST ON GENERAL OBLIGATION INDEBTEDNESS EVIDENCED BY THE BONDS AND PROVIDING FOR NOTICE OF ADOPTION OF THIS RESOLUTION; DESIGNATING AN AUTHORIZED REPRESENTATIVE; DELEGATING RESPONSIBILITIES; AND RELATED MATTERS.

RES 2018-15 GO Bond Information

Mayor Russ Axelrod opened the public hearing.

Finance Lauren Director Breithaupt stated this is procedural as the City has to hold two public hearings.

There were no questions or public comment.

Mayor Axelrod closed the public hearing.

Council President Brenda Perry moved to approve Resolution 2018-15, authorizing the issuance, sale, execution, and delivery of general obligation bonds in an aggregate principal amount not to exceed \$20,000,000 in one or more series, to finance improvements to roads, parks and city facilities; determining election results; classifying the ad valorem tax levy as taxes to pay principal and interest on general obligation indebtedness evidenced by the bonds and providing for notice of adoption of this resolution; designating an authorized representative; delegating responsibilities; and related matters. Councilor Teri Cummings seconded the motion.

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

Nays: None.

The motion carried 5 - 0

Agenda Bill 2018-06-25-03: RES 2018-18 CONSENTING TO THE ASSIGNMENT OF THE CONTRACT FOR OPERATION OF THE DAN DAVIS YARD DEBRIS RECYCLING FACILITY

Transfer of Dan Davis Yard Debris Recycling Facility Information Revised

Citizen Correspondence re Recology

Public Works Director Calvert gave the staff report explaining the City had been notified by

Recology for business purposes Recology no longer wished to operate the Dan Davis Yard. Under the terms of franchise agreement Recology can transfer the operations to another provider and contacted S&H Logging. The City met with S&H Logging representative and received confirm S&H Logging was interested in taking over the yard. He stated this would continue the franchise with no changes or revisions. Public Works Director Lance Calvert explained the City has a franchise on that facility for two reasons; one, it provides residents of the City of west Linn and residents of the surrounding area a place to dispose their green waste. He stated the second and big part of the agreement is the City's own disposal and saves the City a considerable amount in disposal cost. The franchise is set to expire in 2020 assuming franchise renewals are set. The property is owned by Portland General Electric (PGE) not th City, the lease rates are reimbursed by the franchisee; and is all about minimizing the City's cost. He also stated this works very well for the City, particularly Public Works for disposal for emergency needs, and cost and efficiency. He stated Marcy and Casey Stroup from S&H Logging are here today to answer any questions.

Mayor Russ Axelrod asked Public Works Director Lance Calvert to briefly characterize the agreement and opportunities to pursue other options in the future. Public Works Director Calvert explained it is unique as it allows assignment from one provider to another. City Attorney Ramis explained the transfer cannot happen without council approval; Council can terminate on performance; and Council can cancel once a year by notification by July 1. Council can also do a Request for Proposals (RFP) for other providers which would need to done in conjunction with the termination.

Director Calvert explained from an operations stand point, it needs approval. Staff uses the facility daily and this could interrupt their ability to do even simple tasks.

Mr. Stroup of S&H Logging, 20200 Stafford Road, gave a brief history of when S&H ran the yard before Recology.

Councilor Martin was glad to see a local company and wanted to thank them for picking up the slack to keep the Yard running. He clarified the operation and hours are remaining the same.

There were no more questions of Mr. Stroup, Mayor Russ Axelrod stated he would accept a motion. Council President Brenda Perry read the motion, Councilor Bob Martin seconded.

Mayor Russ Axelrod asked for discussion and stated Mayor Axelrod added they are a good environmental steward, the City is looking forward to working S&H.

Council Richard Sakelik stated his only misgivings were that the City did not do it due diligence and do an RFP. Councilor Teri Cummings agreed with Council Richard Sakelik and asked the contract be added to the record of this meeting.

Councilor Martin wanted to clarify that the City was not negligent as the contract allows for assignment to another company with consent of Council. He asked City Attorney Tim Ramis for

clarification. City Attorney Tim Ramis stated the contract is assignable with the consent of the Council and explained the Council would have the ability to terminate and RFP for another operator after allowing the assignment or they could do before. The process is to do due diligence to determine if S&H is capable of fulfilling the contract, which staff did.

Councilor Teri Cummings stated it would be expensive for the City to take debris to another facility.

Councilor Richard Sakelik stated he agreed with Councilor Bob Martin and does not want any misperceptions, he asked City Attorney Tim Ramis to clarify that even though the contract state it can be reassigned, it not prohibit the City from doing an RFP. City Attorney Tim Ramis stated that is correct, it would be another way to conduct the review before the assignment.

Council President Brenda Perry moved to approve Resolution 2018-18, consenting to the assignment of the contract for operation of the Dan Davis Yard Debris Recycling Center Councilor Bob Martin seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Adjourn to Work Session](#)

[West Linn Lake Oswego Neighbors Helping Neighbors Presentation \(15 min\)](#)

Marjorie Synakiewicz and Christine Kennedy of West Linn Lake Oswego (WLLO) Village co-leaders, gave a presentation on an aging in place program. The key description of the project is neighbors helping neighbors stay neighbors. They discussed the plan of the non profit organization helping people stay home as they age. Marjorie Synakiewicz thanked the Council for the opportunity to present the program. Christine Kennedy shared the vision for the project; and asked Council if they had any questions.

Councilor Richard Sakelik thanked the presenters for coming and thinks it is a wonderful idea. He encouraged them to apply for a West Linn community grant.

Mayor Russ Axelrod commented as a society we do not care of our elderly. He stated he is excited about the program and curious how big the staff is compared to participating the program. Christine Kennedy explained the structure of the group and plans for growth. Mayor Russ Axelrod asked about the volunteer opportunity.

Council President Brenda Perry thanked the WLLO presenter for all they do.

Councilor Richard Sakelik asked to be written down as a volunteer, and to contact him when they are ready.

[WLLO Presentation](#)

[Grant of Telecommunications Franchise to MCImetro \(Verizon\) \(30 min\)](#)

Special Guest Attorney Megan Thornton discussed the back haul franchise agreement with Verizon that will be on the Council agenda July 9, 2018.

[Community Development Code Amendments \(CDC-18-01\) \(30 min\)](#)

[CDC-18-01 Amendments Information](#)

Associate Planner Darren Wyss gave the staff report on Community Code Amendments pertaining to lot lines, day care definitions, correct errors/incorrect reference/duplicate references. The public hearing to be held July 9, 2018.

[Willamette Neighborhood Mixed-Use Transitional Zone Working Group Proposal \(CDC-18-02\) \(30 min\)](#)

[CDC-18-02 Code Amendment Information](#)

Associate Planner Darren Wyss gave a staff report on a briefing on the Comprehensive Plan and Community Development proposed amendments for the Willamette Neighborhood Mixed Use Transitional Zone. The public hearing is be held July 9, 2018.

[City Manager Report \(10 min\)](#)

[Council Request Tracking Log](#)

[Council Request Tracking Log Information](#)

[City Building Status Memo and Value Report Information](#)

[Public Comment](#)

Cathy Vase, a teacher from West Linn Community Pre-School, looking to the use the old Bolton Fire Station for the pre-school explained the pre-school needs to know where it will be for the 2018-19 school year by July 1st. They need time to promote it to families, prepare information for their booth at the fair, and have classrooms ready for September 4, 2018, the first day of school. They have met with City Manager Eileen Stein and had a phone conversation with Councilor Teri Cummings and Councilor Richard Sakelik providing information and answering questions on how a parent cooperative pre-school works. Ms. Vase thanked Council for their time and consideration.

Adjourn

Draft Notes.

DRAFT



CITY OF
West Linn

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

**WEST LINN
CITY COUNCIL MEETING
NOTES
July 9, 2018**

[Call to Order and Pledge of Allegiance to the Flag](#)

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, Assistant to the City Manager Dylan Digby, Citizen Engagement Coordinator Courtney Flynn, Associate Planner Darren Wyss, Parks & Recreation Director Ken Worcester, Assistant City Engineer Erich Lais, and City Attorney Dan Olsen.

[Approval of Agenda](#)

Council President Brenda Perry moved to approve the agenda for the July 9, 2018, West Linn City Council Meeting. 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

Public Comments [10 min]

Carol Bryck spoke about the staff report from the last meeting about infill. Staff has added things not required for remodels. She asked Council to direct staff to comply with the Community Development Code (CDC) as written.

Joe Durbin thanked the City Manager for the new Police Chief. He thinks Rosemont Road is too narrow, the design is poor, and it was done for bike riders. His daughter has to get up at 5:30 am to get to school, he supports kids on getting the parking zone opened up.

Rory Bialostosky spoke regarding the high school parking issue. Citizens would like a compromise rather than take the whole parking zone away.

Alice Richmond thanked citizens for coming to the 4th of July event. She thanked Tualatin Valley Fire & Rescue (TVF&R) and the local shops for their contributions.

Andrew Brown spoke regarding the high school parking issue. He stated the Council sent the Youth Advisory Council (YAC) to explore solutions to the parking problem a year ago. He is part of the initiative process and there is overwhelming support for this issue. They tried and explored compromise; hopefully, Council comes up with a solution.

David Baker stated he supports the hiring of Chief Kruger. He thanked Council President Perry for attending their meeting. When Council is considering the Code of Conduct, this needs to be supported by victims that have been sexually harassed. He provided three suggestions: 1) Make sure the process includes where victims may say something. 2) Mediation needs to be allowed where facts can be found and it needs to be voluntary by both parties. 3) Investigators hired by the City can be biased, there needs to be a way the participants can feel they are going to get fair hearing.

Business Meeting [60 min]

[Agenda Bill 2018-07-09-01: Public Hearing - Annexation of 23190 Bland Circle \(ANX-17-01\) - ORDINANCE 1671, APPROVING THE ANNEXATION OF REAL PROPERTY LOCATED AT 23190 BLAND CIRCLE; REMOVING THE PROPERTY FROM SPECIAL DISTRICTS; AND ADDING THE PROPERTY TO SPECIAL DISTRICTS](#)

[Annexation 23190 Bland Circle Information](#)

Mayor Russ Axelrod explained Council is having step two of the public hearing regarding application number ANX-17-01 for the annexation of property at 23190 Bland Circle. Annexations are a two-step process. Step one was held on February 12, 2018. At that date, the Council assigned a zone designation of R-7 and passed a resolution to hold an advisory vote on May 15, 2018. The results of the non-binding advisory vote showed 67 percent of West Linn voters in favor of the proposed annexation. Step two is the legislative decision. He explained how the hearing would proceed.

He called to order the public hearing and asked the City Attorney to cover the preliminary legal matters.

City Attorney Dan Olsen explained the two-step process. Step one hearing was held on February 12, 2018, where Council assigned a zone designation of R-7 and passed a resolution to hold an advisory vote on May 15, 2018. Step two review for annexation proposals is a legislative or policy decision that applies the standards of WLMC 2.930. At the conclusion of step two, the Council may approve an annexation request if it finds that the annexation is in the best interest of the City based on the report prepared by Planning; testimony and evidence presented at the public hearing; and any other information, evidence, or analysis the City or the Council deems relevant to the application. The applicant has the burden of proving that the application is consistent with the approval criteria of ORS 222.111, West Linn Municipal Code 2.930, Community Development Code (CDC) Chapter 81 and Metro Code section 3.09. As the City Council is sitting quasi-judicially, any testimony, argument or evidence that speakers give the Council must be directed at these criteria. He explained if citizens would like the opportunity to appeal the decision, they must sign the Testimony Form. Only those who have appeared before the City Council, in person or in writing, will have standing to appeal this item to the Land Use Board of Appeals (LUBA). Failure to raise an issue accompanied by statements or evidence sufficient to allow the Council and the parties an opportunity to respond to the issue precludes appeal to LUBA on that issue.

He asked if any members of the City Council wish to declare a potential or actual conflict of interest or bias. There were none.

He asked if any members of the City Council wished to report any site visits or ex parte contacts. Council President Perry visited the Sloops before the annexation vote, so has visited the site. Councilor Sakelik was at a neighborhood association meeting where Mr. Sloop presented. He also had a phone call with him. Councilor Cummings had a phone call with Mr. Sloop, they did not discuss if she supported it or not. Mayor Axelrod visited the area, he has not been to the residence or walked the property. Council received emails, they are in the record.

City Attorney Dan Olsen asked if any member of the audience wish to challenge the jurisdiction of the City Council to hear this matter. There were none.

He asked if any member of the audience wish to challenge the impartiality or ex parte disclosures of any member of the Council. There were none.

Associate Planner Darren Wyss entered the Andrew Tull letter into the record. It was handed out to Council during the pre-meeting.

[Andrew Tull Letter](#)

Associate Planner Darren Wyss gave the staff report [Presentation](#)

Councilor Richard Sakelik thanked staff for defining costs and fees and the benefit to the City of about \$1.3 million.

Councilor Teri Cummings stated she appreciates all the detail, the cost analysis is required per our Code.

Applicant Testimony

Andrew Tull, 3J Consulting, submitted a letter acknowledging staff put together a succinct and detailed analysis. He reaffirmed his client wants to annex his property into the city.

David Sloop stated at the last Council meeting that the school excise tax was \$1.23, it is actually \$1.26. He stated that Associate Planner Spir put a lot of time into this and did a great job.

Council President Brenda Perry thanked the applicant for their patience. The vote showed the citizens approve of annexations.

There were no public comments.

There were no questions of staff.

Mayor Russ Axelrod closed the public hearing.

Council President Brenda Perry moved to approve the first reading for Ordinance 1671, an ordinance approving the annexation of real property located at 23190 Bland Circle; removing the property from Special Districts; and adding the property to Special Districts, and set the matter for second reading. 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

Council President Brenda Perry moved to approve the second reading for Ordinance 1671, an ordinance approving the annexation of real property located at 23190 Bland Circle; removing the property from Special Districts; and adding the property to Special Districts, and adopt the ordinance. 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

Mayor Russ Axelrod explained if anyone would like to appeal this decision to LUBA, they must file an appeal in accordance with the Rules of the Land Use Board of Appeals and any applicable provisions in the Community Development Code.

[Agenda Bill 2018-07-09-02: Public Hearing - Community Development Code Changes \(CDC 18-01\) - ORDINANCE 1675, AMENDING COMMUNITY DEVELOPMENT CODE CHAPTERS 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, 23, 25, 34, 37, 38, 43, 46, 48, 52, 54, 55, 56, 58, 59, 68, 81, 85 and 99 TO MAKE THE CODE CONSISTENT WITH OREGON REVISED STATUTE, TO MAKE NECESSARY CORRECTIONS AND CLARIFICATIONS AND TO RE-ORGANIZE TEXT](#)

[Community Development Code Change Information CDC-18-01](#)

Mayor Russ Axelrod explained this public hearing is on a proposal to amend multiple chapters of the West Linn Community Development Code (CDC) to clarify lot line adjustment policy, create consistency with state statute, and perform a general clean-up of the code. He opened the public hearing and explained how the hearing would proceed.

City Attorney Dan Olsen explained the Council's decision must be based on consideration of: 1) the statewide planning goals and administrative rules adopted under ORS Chapter 197, 2) applicable federal or state statutes or rules, 3) applicable plans and rules adopted by Metro, and 4) on the City's comprehensive plan and development code. The Council may consider any relevant testimony received.

Failure to raise an issue during the City's hearing on this matter precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue. Any party with standing may appeal the decision of the City Council to LUBA according to the rules adopted by that Board. Persons with standing include those who submit written comments or present oral arguments.

He asked if any members of the Council wish to declare a potential or actual conflict of interest. There were none.

He asked if any member of the audience wish to challenge the ability of any member of the Council to participate in this decision. There were none.

Associate Planner Darren Wyss gave the staff report.

[Presentation](#)

There were no public comments.

Mayor Russ Axelrod closed the public hearing.

Council President Brenda Perry moved to conduct the first reading of Ordinance 1675 as recommended by the Planning Commission. Councilor Richard Sakelik 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

Council President Brenda Perry moved to conduct second reading of Ordinance 1675 as recommended by the Planning Commission and adopt the ordinance. 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 Bill 2018-07-09-03: Public Hearing - CDC Amendments Mixed Use Working Group (CDC-18-02)

[ORDINANCE 1685, RELATING TO THE AMENDMENT OF WEST LINN COMPREHENSIVE PLAN INTRODUCTION GLOSSARY TO IMPLEMENT THE RECOMMENDATIONS FROM THE CITY COUNCIL APPOINTED WILLAMETTE NEIGHBORHOOD MIXED-USE TRANSITIONAL ZONE WORKING GROUP](#)

[Transitional Zone Mixed Use Information](#)

Mayor Russ Axelrod explained a public hearing on a proposal to amend the West Linn Comprehensive Plan Glossary and Chapters 2, 19, and 59 of the West Linn Community Development Code, as recommended by the Council appointed Mixed-Use Working Group, is called to order. The testimony and arguments we hear will be used to come to a decision on these amendments either tonight or at a later date.

City Attorney Dan Olsen explained how the hearing would proceed. The Council's decision must be based on consideration of: 1) the statewide planning goals and administrative rules adopted under ORS Chapter 197, 2) applicable federal or state statutes or rules, 3) applicable plans and rules adopted by Metro, and 4) on the City's comprehensive plan and development

code. The Council may consider any relevant testimony received. Failure to raise an issue during the City's hearing on this matter precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue. Any party with standing may appeal the decision of the City Council to LUBA according to the rules adopted by that Board. Persons with standing include those who submit written comments or present oral arguments.

He asked if any members of the Council wish to declare a potential or actual conflict of interest. There were none.

He asked if any member of the audience wished to challenge the ability of any member of the Council to participate in this decision. There were none.

Associate Planner Darren Wyss gave the staff report.

[Presentation](#)

Mayor Russ Axelrod stated the entire Council is pleased with how the working group performed and thanked them for their time.

Councilor Bob Martin added three years ago, staff would write the Community Development Code to create a city they thought the citizens wanted. Chapter 98 opened it up to let the citizens write the Code along with staff. People come together, work together and have a dialog.

Mayor Russ Axelrod explained there are a lot of code changes. In the historic district, businesses had to apply for a Conditional Use permit, which is expensive. This change gets to this end point through accessory use. The mixed use is a transitional zone between commercial and residential areas. This opens up opportunity for development that is fitting in this area. He wanted to know why, under Conditional Use 59.060, community center was eliminated.

Associate Planner Darren Wyss explained a lot of the things that are crossed out do not have definitions, so staff is trying to eliminate things that did not have definitions. For instance, Community Centers for civic or cultural events - a community center, as defined, is exactly what that is. Rather than creating definitions for them, they were eliminated since they fall under a general category.

Councilor Bob Martin asked if a daycare center was under community use. He would like the word "certified" added to daycare center.

Mayor Russ Axelrod replied it is a conditional use.

City Attorney Dan Olsen explained it is covered in the definitions. A daycare is defined as certified.

Mayor Russ Axelrod stated the back side of the Willamette General Store is zoned residential. This place is commercial, it was never residential. He would like this changed to commercial.

Council President Brenda Perry suggested Council looks at the docket and prioritizes projects.

Public Testimony

Matt Truax, mail order business owner, stated he went through the mixed use process and attended all meetings. Staff kept the group on task. He is concerned about his orphan property. He thinks his property was originally industrial, but he sees it as general commercial.

Mayor Russ Axelrod asked where mail service fits under this category.

Associate Planner Darren Wyss said it would fit under one of the categories in permitted use or conditional use. Most uses in existence would fit in permitted use category.

Mayor Russ Axelrod closed the public hearing.

Council President Brenda Perry moved to conduct and approve the first reading of Ordinance 1685 as recommended by the Planning Commission relating to the amendment of the West Linn Comprehensive Plan Introduction Glossary to implement the recommendations from the City Council appointed Willamette Neighborhood Mixed-Use Transitional Zone Working Group with minor editorial changes as noted. Councilor Richard Sakelik 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

Council President Brenda Perry moved to conduct the second reading of Ordinance 1685 with the minor change from CIC to CCI, relating to the amendment of the West Linn Comprehensive Plan Introduction Glossary to implement the recommendations from the City Council appointed Willamette Neighborhood Mixed-Use Transitional Zone Working Group. Councilor Richard Sakelik 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

Mayor Russ Axelrod thanked for all who participated and staff for their work.

ORDINANCE 1686, RELATING TO THE AMENDMENT OF WEST LINN COMMUNITY DEVELOPMENT CODE CHAPTERS 2, 19, AND 59 TO IMPLEMENT THE RECOMMENDATIONS FROM THE CITY COUNCIL APPOINTED WILLAMETTE NEIGHBORHOOD MIXED-USE TRANSITIONAL ZONE WORKING GROUP

Council President Brenda Perry moved to approve First Reading of Ordinance 1686, recommended by the Planning Commission, relating to the amendment of West Linn Community Development Code Chapters 2, 19, and 59 to implement the recommendations from the City Council appointed Willamette Neighborhood Mixed-Use Transitional Zone Working Group with the correction in the whereas clause to CCI from CIC and also updating the definition of certified childcare center to align with Ordinance 1675. 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

Council President Brenda Perry moved to approve Second Reading of Ordinance 1686, recommended by the Planning Commission, relating to the amendment of West Linn Community Development Code Chapters 2, 19, and 59 to implement the recommendations from the City Council appointed Willamette Neighborhood Mixed-Use Transitional Zone Working Group with the correction in the amendment to the whereas clause to CCI from CIC and updating the definition of certified childcare center to align with Ordinance 1675. 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 Bill 2018-07-09-04: Second Reading ORDINANCE 1674 PROHIBITING SMOKING, VAPING AND TOBACCO USE ON CITY OWNED OR OPERATED PROPERTIES OPEN TO THE PUBLIC](#)

[ORD 1674 Smoking Prohibited Information](#)

Parks and Recreation Director Ken Worcester explained this is just a second reading from the last meeting. The ordinance failed to receive a unanimous vote at its first reading on June 18.

Council President Brenda Perry experienced someone smoking at the July 4 event, it was frustrating there was nothing she could do about it.

Parks and Recreation Director Ken Worcester said they are receiving more complaints, which is why this ordinance was created.

Council President Brenda Perry moved to approve second reading for Ordinance 1674, prohibiting smoking, vaping, and tobacco use on City owned or operated properties open to the public, and adding Section 5.012 to the West Linn Municipal Code, and adopt the ordinance. Councilor Teri Cummings seconded the motion.

Councilor Bob Martin explained he voted no last time because he didn't see how second hand smoke presented health problems. He did some research and found second hand smoke studies have been done and it is a health hazard if someone is exposed to it for two to three hours. He does not smoke, he does not like to smell it; however, smoking is legal. He asked if this is infringement on freedom. We need to protect our citizens.

Council President Brenda Perry stated she understands someone's right to smoke. It is also her right to breathe clean air. One person smoking intrudes upon a huge area. If someone drinks alcohol, it does not impact her. Smoke infringes upon her space and her rights.

Councilor Bob Martin replied a lot of people infringe on his space. Unless it is doing harm, the government does not have a right to pass a law to prevent me from doing something. He stated the City can regulate Water Resource Areas because the stream belongs to the public. Speed limits and other laws are police power of the state. He does not like to smell smoke, he believes it is more and more rare.

Mayor Russ Axelrod challenged the no harm comment. He invited Councilor Martin to sit down and talk about exposures. He asked Councilor Martin to consider young children and workers at the park. They could be exposed six to eight hours. Someone might have to stay at a facility and serve, a vendor who cannot walk away.

Councilor Bob Martin stated he is convinced. He was thinking about someone walking by smoking, which is transient. There are situations where someone would not be able to walk away.

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

Council President Brenda Perry commented she does not know why cigarette smokers do not think the butt of the cigarette is trash.

Mayor Russ Axelrod said people choose to smoke. Council does not take issue with that, only

the protection of public space. He asked people to please be careful when they are done smoking. Things are drying out, he does not want fires.

[Agenda Bill 2018-07-09-05: Ballot Referral - Park and Open Space Impact at 5350 River Street \(McLean House and Park\); RESOLUTION 2018-17, TO SUBMIT TO THE VOTERS TO AUTHRORIZE TEMPORARY CONSTRUCTION AND CONSTRUCTION ACCESS FOR THE OREGON DEPARTMENT OF TRANSPORTATION \(ODOT\) WIDENING AND SEISMIC IMPROVEMENTS PROJECT TO INTERSTATE 205 ALONG OPEN SPACE LOCATED AT 5350 RIVER STREET](#)
[Resolution 2018-17 Ballot Measure Information](#)

Parks and Recreation Director Ken Worcester gave the staff report.

Mayor Russ Axelrod stated he wants to address site restoration. There is nothing in the ballot language about site restoration when ODOT is finished with the project.

Parks and Recreation Director Ken Worcester explained it is included in a later step in the process. He received the information today and it talks about site restoration requirements. At the end of River Street, where the McLean House is, it would meet standards of a two-way driveway. It is a bonus to us to be able to access the area below the bridge.

Mayor Russ Axelrod said people are going to want to see it in the ballot measure, in the explanatory statement. After construction, the City property will be restored to current conditions or improved, as approved by the City.

City Attorney Dan Olsen stated he recommends putting it in the explanatory statement.

Councilor Bob Martin wanted to know if the plans that require access have been coordinated with the waterfront planning group and if they include the removal of the northbound ramp.

Parks and Recreation Director Ken Worcester replied the coordination is for temporary access for construction for the bridge widening. They are not involved in the right-of-way design, access to the bridge, or Highway 43. The construction process is for the widening of the bridge.

Bob Hadlow, Senior Historian, ODOT, stated ODOT staff have had regular meetings with City staff. ODOT is aware of West Linn's efforts and ideas for the interchange. He stated there have been preliminary discussions so ODOT's work doesn't preclude other work.

Councilor Bob Martin asked if they will widen the supports.

Bob Hadlow replied the project will involve widening Abernathy Bridge and the bridge will be done with the highest seismic standards to withstand a Cascadia event. They need access to the river and there will be temporary impacts while they are working on the bridge. The Oregon City side has soil that liquefies, the West Linn side has basalt rock.

Councilor Bob Martin said they will have to look at what they are doing with the access ramps. ODOT's plans may be different than the City's waterfront planning. This may eliminate some of the City's options. He stated he is nervous about the degree of cooperation. He stated he needs to know ODOT is supporting and not impacting planning in an adverse way.

Community Development Director John Williams said they have all been talking about short and long range plans. ODOT's planning and the waterfront planning is far down the road. This action does not impact agreements or plans, it is just interim access.

Councilor Bob Martin stated he just needs assurance that it is being coordinated.

Community Development Director John Williams replied the I-205/Abernethy Bridge project is important and in the City's best interest. Staff will make sure the City's waterfront planning project works with it.

Council President Brenda Perry said if we want this to go through, it will have to be sold to West Linn citizens. She is concerned about the City's waterline that runs under the bridge. This waterline needs protection and citizens need to know; the seismic work should be done as soon as possible. She would like discussion about this in the explanatory statement.

Mayor Russ Axelrod asked if there was room to add the points Council is raising into the ballot measure language and asked about the 4F process.

Parks and Recreation Director Ken Worcester replied he will have the 4F information ready by the next meeting. It is what the Federal Highway Administration requires after the project is completed.

Mayor Russ Axelrod stated he wants to see the final wording and requested this be brought back to the next meeting.

City Manager Eileen Stein expressed concern about what the Secretary of State will do with the new language suggestions without this sounding like advocacy. She would like to have additional time and schedule a meeting down the line.

Mayor Russ Axelrod would like the statement about the City's waterline added. He wants to make sure the restoration conditions are acceptable to the City and that the City has the final decision. This item will be brought back and discussed at the next meeting.

Agenda Bill 2018-07-09-06: Ballot Referral - Park and Open Space Impact at 5300 River Street (West Bridge Park); RESOLUTION 2018-18, TO SUBMIT TO THE VOTERS TO AUTHORIZE TEMPORARY CONSTRUCTION AND CONSTRUCTION ACCESS FOR THE OREGON DEPARTMENT

OF TRANSPORTATION (ODOT) WIDENING AND SEISMIC IMPROVEMENTS PROJECT TO INTERSTATE 205 ALONG OPEN SPACE LOCATED AT 5300 RIVER STREET

[Resolution 2018-18 Ballot Measure Information](#)

This item will be brought back and discussed at the next meeting.

Agenda Bill 2018-07-09-07: Contract Award for 24-inch Pipe Restraint Project (PW 18-01)

[AB 24-inch Pipe Restraint Project Information](#)

Assistant City Engineer Erich Lais gave the staff report.

Councilor Richard Sakelik asked for an explanation about pipe joints. He asked if the pipes are seismic. He recently learned about a pipe material that costs twice as much as other pipes; however, it went through an earthquake in Japan without a failure. He asked if there were any plans to replace this pipe.

Assistant City Engineer Erich Lais explained joints are where the pipes are put together. According to the as-builts, the joints are supposed to be restrained; however, staff is not sure if that actually happened. He explained the work that will be done this summer. The pipes were laid in 1971. He is not aware of any plans to replace these pipes. This work needs to be done now. The City can work a new pipe into the future Master Water Plan; however, there is not sufficient funding for that now.

Mayor Russ Axelrod asked if Murray, Smith and Associates (MSA) Engineering did a more recent project estimate.

Assistant City Engineer Erich Lais said the estimate is for this year, this project.

Mayor Russ Axelrod said there are two issues, earthquake and slope stability. This bid amount is substantially higher than the estimate. He wants to send this to South Fork Water Board (SFWB) to take a look at and then revisit the cost estimate. It is worth taking two more weeks to get others to look at this.

Assistant City Engineer Erich Lais explained MSA Engineering went through their numbers and double checked. Everything is more expensive, from mobilization to valves. Not everyone stocks 24-inch valves. They were going to start ordering the long lead items so everything is in place. There was only one bid received for this project. He explained street projects and if they bump the subcontractor, they do not make the date, they are out a month because everyone is so busy.

Councilor Bob Martin asked what the date was.

Assistant City Engineer Erich Lais replied mid-September. They are looking at having this water

pipe offline for 20 days.

Council President Brenda Perry stated she is concerned about waiting, there is a lot of work coming up, the City should move ahead. She stated that staff made a recommendation, they have done the research. She stated she believes the Council should make policy and let staff move ahead with this project, especially if lead time is needed.

Councilor Teri Cummings stated she supports waiting a week or two.

Councilor Richard Sakelik suggested giving a conditional approval while Council does its due diligence.

City Manager Eileen Stein suggested she will wait to sign the contract until individual Council members have the assurance they need. Next time, she would appreciate knowing if there is a need for review of a project by SFWB so there is coordination.

Mayor Russ Axelrod stated he is not comfortable approving this contract award tonight.

Councilor Bob Martin said it could take two to three weeks for the contractor's signature. If the information could be gathered and Council could approve on July 23, it is simpler than a conditional approval tonight. He asked if a contract could be produced in one week.

Assistant Engineer Erich Lais explained the bid process and approval process. He reminded Council that only one bid was received and the City has money in the Water Fund. He asked for clarification of what SFWB wanted or needed.

Mayor Russ Axelrod stated he wants the input of the SFWB General Manager on the bid.

Council President Brenda Perry suggested making a conditional approval. She hoped Council can trust the City Manager and staff.

Councilor Bob Martin stated that Council President Perry's suggestion is reasonable and supports it. He asked what happens if the review turns up something. There is work that needs to be done, it will be put off, and this is substantial risk. This is our main water supply from Lake Oswego.

Council President Brenda Perry asked what the repair cost last year.

Assistant City Engineer Erich Lais stated it was under \$10,000. One 24" valve is \$20,000. He explained they have to television the inspection work to identify where the joints are and how many there are. They also have to de-water the pipe. He stated that the bids are posted online, and expressed concern that the contractors are busy.

City Manager Eileen Stein wondered if cost reduction is Council's goal, maybe SFWB can take a

look at the project from a value engineering standpoint and staff can ask the contractor to reduce the price, for cost savings.

Mayor Russ Axelrod said there may be a need to use a different joint, this is not about cost reduction.

City Manager Eileen Stein informed Council that the Mayor's suggestion is tantamount to redesigning the project.

Councilor Bob Martin agreed this is wandering into City staff work. He does not think this time should be expanded and asked if there a better way or better joint to do this.

Council President Brenda Perry moved to approve the contract with Matton Utility, Inc. in the amount of \$225,000 for the 24-inch Pipe Restraint project and authorize the City Manager to sign it on contingency that John Collins reviews the project first. 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

[Mayor and City Council Reports \[20 min\]](#)

Appointment to Public Safety Advisory Board

Appointment to Committee for Citizen Involvement

Mayor Russ Axelrod explained there was one applicant to the Public Safety Advisory Board. The applicant wants to attend some meetings before committing. He added the Council has not received any applications for the Committee for Citizen Involvement and he encouraged citizens to apply.

Council President Brenda Perry reminded everyone that the comment period for the Oregon Department of Transportation Value Pricing Committee is on Thursday, July 12 between 4:00 to 8:00 pm. She reported the Rosemont Ridge Neighborhood Association passed a resolution on the Airbnb code enforcement issue. Council has to look at licensing it and putting controls on it; what is acceptable and how it is going to fit with the neighborhood.

City Attorney Dan Olsen suggested Council can approach this through the land use code, licensing, or both, it varies by jurisdiction.

Councilor Teri Cummings said one of the main considerations is whether it is owner occupied or not. In the interest of getting going on the Arts & Culture Committee, Council President

Perry and Councilor Cummings would like to post applications and have events where people can come together and brainstorm. Money will probably be coming in when city projects are completed.

[City Manager Report \[10 min\]](#)

City Manager Eileen Stein reported she will be out of the office the rest of the week at a conference. John Williams will be acting in his role as Deputy City Manager.

West Linn Community Preschool at Bolton Station

City Manager Eileen Stein stated the question has come up about using Bolton Fire Station for the West Linn Community Preschool this year.

Mayor Russ Axelrod stated he is waiting for a report from the City's insurance company and fire marshal before having an opinion on this matter.

Councilor Bob Martin said there are many pieces of information needed. Does it meet all the standards of a certified child care center if the city going to be involved. The Oregon Children Services Division (CSD) provides a service where they will look at the facility, go through the checklist, and tell you if it will be licensed or not. He needs to know what does it meet and what does it not meet? What is the cost of making it meet the standards? He wants CSD to come out and do an inspection.

Council President Brenda Perry stated she wants all this information before Council makes a decision, she has concerns about using this building for a child care facility.

Councilor Teri Cummings wants to know more about the building. She stated there are six nonprofits using it, it is time for the City to ensure it is safe for people to be going in and out of it. She asked what is the integrity of that building? There is not a fire alarm system, it concerns her.

Mayor Russ Axelrod said the City Manager is having the fire marshal and City/County Insurance Services (CIS) come out, he is expecting a report back.

Councilor Bob Martin suggested the Adult Community Center (ACC) might be useful for the preschool, it will meet code requirements.

City Manager Eileen Stein reported she has been informed the use of the ACC for a preschool would not meet community development block grant requirements, as it was built as a senior center. Classes are held here, but in the late afternoon. This preschool would be in direct conflict with the use as an ACC because this would be a morning preschool. She discussed other city facilities that pre-school representatives have been asked to consider.

Councilor Bob Martin stated he would like to apply same standard to these buildings. He wondered if the problems at the ACC were insurmountable. For instance, could they have the preschool in the afternoon? He asked if the entire building was used the entire time.

Council President Brenda Perry discussed the designated time for seniors is until 3:00 pm. Other classes start after that. There is card playing and different activities in each room, it is very busy there.

Councilor Richard Sakelik said the insurance coordinator for the preschool thought the Bolton facility would be great after it was cleaned up, they have had only had two or three liability complaints. He wants detail on the transportation projects (for the GO bond) Council received, it just says design and construction. He wants the cost for design and what staff believes should be constructed.

Councilor Teri Cummings replied to the citizen asking staff to apply the Community Development Code (CDC), she agrees.

Street Improvements for Residential In-fill Projects

City Manager Eileen Stein discussed public testimony raised earlier in the meeting. She stated a section of the CDC which requires street improvements for residential in-fill projects. She stated an issue has come up with a project in the Robinwood area and that the project involves a replacement of a home, not a remodel. She reported she is making this determination and needs direction if the Council interprets the code otherwise.

Councilor Bob Martin asked whether there is one set of code that applies to the whole city or whether there are instances where the code can be different. If Council decides to have subsets, he suggested each neighborhood can have an overlay that address sidewalk and street improvements. He wondered whether neighborhoods want this and would it be beneficial to them. This is a topic to discuss with the Neighborhood Association Presidents. The neighborhoods should update their plans to indicate how they feel about sidewalks and then Council can create this structure in the CDC. In the meantime, there should be a moratorium, allowing them to proceed without having to build a sidewalk and a commitment to do it, if desired by the neighborhood, when resolved.

City Manager Eileen Stein reminded Council this does not address the Bryck situation, unless the property owner waits until the CDC is changed or Council could direct her to consider this a remodel, not a replacement.

Council President Brenda Perry stated this is not on the agenda, she would like to notice it and address it at that time.

Councilor Bob Martin agreed.

Mayor Russ Axelrod said Council is not making a decision, just giving the City Manager

feedback.

City Manager Eileen Stein said the property owners came to Council looking for direction.

Councilor Teri Cummings referred to a June 24 letter received by the Council that said there was language in the Code in conflict with each other, that commercial standards are being applied to this replacement. Clarification is needed.

Mayor Russ Axelrod said the criteria in the Code are clearly outlined when street improvements are needed. It is important to evaluate what is in the Code that forces a decision one way or another. There is an "and" between the bullets and in A through D, none of those criteria are met. It does not warrant street improvements, does not change use or expand the need. It is just replacing one home with another. To force it in this case, does not agree with Code.

Community Development Director John Williams explained the clarity staff looking for is Council direction on what you would like to see. (1) What do different Neighborhoods have. (2) What remodeling or replacements trigger those improvements. If Council desires one single home replaced by another, no matter what the size, does not warrant street improvements in West Linn, staff can interpret the Code in that way for now and can return to Council with Code changes that make that clear to everyone.

Mayor Russ Axelrod stated he believes that is what Council wants. He read the section of the Code that said, "if it creates additional need for onsite parking." There are no additional transportation needs when you replace one home with another. It does not change the use for onsite parking. The broader issue is maybe we have to revisit the neighborhood plans to ask what is the character you really want. But he added there is an immediate situation here.

Council President Brenda Perry asked staff to look at the CDC to make sure it is clear. She is concerned every citizen that has an issue with a decision will come and testify and expect it to be added to the agenda every night.

Community Development Director John Williams said West Linn will continue to be a tear down and rebuild community and this is one way to get sidewalks. There are probably five to six of these cases in the office right now.

City Manager Eileen Stein said this (the Council's direction) will set a precedent. If Council desires to make code changes, the planning docket is the right way to go about it. Staff will need direction as to what they are handling in what order.

Council President Brenda Perry stated she is concerned about the precedent issue because maybe some of those projects need sidewalks. We need to be fair to all of the citizens of West Linn and we have to follow our Code.

Councilor Bob Martin agreed and that is why the idea of a moratorium on the requirement to build sidewalks is so attractive to him, it gives them time to do all this other work before they make a decision that might set a precedent.

City Manager Eileen Stein said the ones pending in the office will not be required to do sidewalks, if the Council interprets the code language in this manner.

Councilor Bob Martin replied for now, but sometime in the future they might be required to build one.

City Attorney Dan Olsen said the Code could be interpreted to not require sidewalks in this circumstance. Staff would operate under that Council interpretation until it hears otherwise from Council or the Code is amended. It is not a moratorium because you cannot just decide you are not going to apply part of the Code. Staff will not require sidewalks in this circumstance.

Councilor Bob Martin explained if there is a moratorium and the decision is made that neighborhood should have a sidewalk, they can do it at that time. The neighborhood plans needs to address this. If they say they do not want sidewalks, he does not want to make people build them or make them have to tear them out. He wants to maintain leverage.

City Manager Eileen Stein said this would create an expectation that someone will have to build a sidewalk where they would not have to before, that will take some kind of legal document. How is a new homeowner going to understand they will need to make sidewalk improvements if the moratorium is lifted?

City Attorney Dan Olsen explained if it is not done at the permit stage, you will not get this. Council cannot say we are not going to enforce part of the Code without an ordinance. This does not fit under the very specific moratorium circumstance. Council could amend the Code to address this issue and it will apply to anyone in the future. To indicate it is not going to be required now, but may require retroactively, is going to be a problem. There is no Code language that says you may be required to construct a sidewalk within 30 days of notice from the city or a right to have a Local Improvement District (LID) where all the sidewalks are done at the same time to share the cost.

Council interpreted that a single-family home replaced with a single-family home will be considered a remodel and not a replacement.

Citizen Advisory Group Recognition

Councilor Teri Cummings would like to have a volunteer picnic for the Citizen Advisory Groups in September.

Councilor Richard Sakelik suggested Saturday, September 8.

Mayor Russ Axelrod asked Councilor Cummings to be in charge of the barbeque.

Other Business

Councilor Teri Cummings discussed her meeting with Mayor Axelrod met with the attorney and Community Development Director Williams in April regarding the Stafford Intergovernmental Agreement (IGA), she asked for an update and would like to be included in future meetings. Also, Council needs advice on the percentage for arts in regards to the General Obligation (GO) Bond.

City Manager Eileen Stein said the City Attorneys are working together on a draft IGA. City Attorney Conduit volunteered to take the lead on the draft agreement and the work is in progress. She will have information regarding the percentage of the arts program at the July 23rd meeting.

7. City Attorney Report [5 min]

[Adjourn](#)

Draft Notes

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**WEST LINN
CITY COUNCIL MEETING
NOTES
July 23, 2018**

Call to Order

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, Citizen Engagement Coordinator Courtney Flynn, Parks and Recreation Director Ken Worcester, Public Works Director Lance Calvert, Finance Director Lauren Breithaupt, and City Attorney Tim Ramis.

Approval of Agenda

Council President Brenda Perry moved to approve the agenda for the July 23, 2018, West Linn City Council Meeting with the addition of Item 7. Discussion and Sale of 6175 & 6123 Skyline Drive. 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

Public Comments [15 min]

There were none.

Agenda Bill 2018-07-23-03: Section 4(f) Process for Parks Temporary Occupancy [20 min]

4(f) Process for Parks Temporary Occupancy Information

Parks and Recreation Director Ken Worcester gave the staff report.

Councilor Bob Martin asked if the temporary occupancy referred to three or four years? He thought he saw something that said three and something that said four.

Parks and Recreation Director Ken Worcester replied three years.

Council President Brenda Perry stated she wants to make sure this item does not get delayed. There is no funding right now, and she does not know when the project is going to start. She suggested there should be a timeline that they must start in three years, she does not want them to wait 15 years. She stated she wants language that says they start within five years.

Parks and Recreation Director Ken Worcester said ODOT needs quick access to drill a hole, then will back out. The actual construction will be two years.

Mayor Russ Axelrod agrees if ODOT does not move forward in five years, it must be re-evaluated. In five years, there could be entirely different conditions the City would want to consider.

Parks and Recreation Director Ken Worcester says funding is the issue. He could go back to ODOT and have them add to the letter the five year clause.

Councilor Teri Cummings stated she does not want to be in limbo too long, she wants flexibility to move on.

Mayor Russ Axelrod would like "as determined by City" added to Item 4 in the five temporary occupancy criteria.

Council President Brenda Perry agreed.

Council President Brenda Perry moved to approve and authorize temporary construction and construction access letters with the Oregon Department of Transportation (ODOT) widening and seismic improvements project to Interstate 205 along open space located at 5300 and 5350 River Street with the condition that the City has the opportunity to revisit these conditions if the project does not start within five years and authorize the City Manager to sign the letters. 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 Bill 2018-07-23-01: RESOLUTION 2018-17 TO SUBMIT A MEASURE TO VOTERS TO AUTHORIZE TEMPORARY CONSTRUCTION AND CONSTRUCTION ACCESS FOR THE OREGON DEPARTMENT OF TRANSPORTATION \(ODOT\) WIDENING AND SEISMIC IMPROVEMENTS PROJECT TO INTERSTATE 205 ALONG OPEN SPACE LOCATED AT 5350 RIVER STREET \[10 min\]](#)

[RES-2018-17 Parks Use Ballot Measure 5350 River Street Information](#)

Parks and Recreation Director Ken Worcester gave the staff report.

Councilor Bob Martin asked if this project took 5 to 10 years, will the City continue to move forward to develop West Bridge Park?

Parks and Recreation Director Ken Worcester replied some things could move ahead. A lot of the park plan assumes we will be able to use property under the bridge for parking and stuff. After a year or two, if they are not closer to a construction date, we would move forward with perimeter improvements that will not be torn out. This will allow for better usage of the river.

Council President Brenda Perry moved to approve Resolution 2018-17, to submit a measure to voters to authorize temporary construction and construction access for the Oregon Department of Transportation (ODOT) widening and seismic improvements project to Interstate 205 along open space located at 5350 River Street. 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 Bill 2018-07-23-02: RESOLUTION 2018-18 TO SUBMIT A MEASURE TO VOTERS TO AUTHORIZE TEMPORARY CONSTRUCTION AND CONSTRUCTION ACCESS FOR THE OREGON DEPARTMENT OF TRANSPORTATION \(ODOT\) WIDENING AND SEISMIC IMPROVEMENTS PROJECT TO INTERSTATE 205 ALONG OPEN SPACE LOCATED AT 5300 RIVER STREET \[10 min\]](#)

[Res 2018-18 Parks Use Ballot Measure 5300 River Street Information](#)

Parks and Recreation Director Ken Worcester gave the staff report.

Council President Brenda Perry moved to approve Resolution 2018-18, to submit a measure to the voters to authorize temporary construction and construction access for the Oregon Department of Transportation (ODOT) widening and seismic improvements project to

Interstate 205 along open space located at 5300 River Street. 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

[Discussion and Sale of 6175 and 6123 Skyline Drive](#)

Public Works Director Lance Calvert gave the staff report.

Mayor Russ Axelrod is pleased to see the sale of these properties finally moving forward. He stated he believes this is the highest, best use for the property. He discussed the benefits of the sale to the City. He is interested in seeing the mobile home on the property be reused once the owner is done using it.

Council President Brenda Perry moved to authorize the City Manager to execute the proposed addendum which adjust the combined sale price of the properties at 6175 and 6123 Skyline Drive to \$620,000. Council would also like the developer to make every attempt to find some sustainable or affordable housing reuse for the temporary structure currently on 6175 Skyline Drive. Councilor Teri Cummings 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

[Adjourn to Work Session](#)

[General Obligation Bond Project List \[60 min\]](#)

[GO Bond Project List Information](#)

[Citizen Correspondence](#)

Parks and Recreation Director Ken Worcester reported on the parks projects and Public Works Director Lance Calvert reported on the transportation projects.

[LOC Legislative Priorities for 2019 \[20 min\]](#)

[LOC Legislative Priorities Information](#)

Lobbyist Doug Riggs gave the report.

[High School Parking Status & Discussion \[60 min\]](#)

[School Board Letter](#)

[YAC HS Parking Recommendation](#)

[Citizen email re HS Parking Permit Zone](#)

[YAC HS Parking Map](#)

[11. Mayor and City Council Reports \[10 min\]](#)

[City Manager Report \[30 min\]](#)

[Robinwood Station Update & West Linn Community Preschool Request](#)

City Manager Eileen Stein gave the staff report.

[Public Comments](#)

Leanna Meier appreciates all the work done on this and wanted to say thank you.

Jennifer Eustaquio, president of the West Linn Community Preschool board. The Preschool is a state recorded program, it is except from state childcare licensing because of the following required criteria: 1) Children are between 36 months and school age, 2) The program is educational, and 3) No child is there for more than four hours per day. The preschool does not provide for napping, diapering, breakfast or lunch, and do not administer medication. All the adults complete an annual background check and are family members of one of the students. The teacher also has a background check and is CPR and First Aid certified. The insurance has been provided to the city. Preschools with parental supervision in the classroom has less risk. The city's insurance company says a lease between the preschool and Robinwood is more advantageous to the city than if the preschool leased space from city, it provides a buffer of liability for the city.

[City Attorney Report \[5 min\]](#)

City Attorney Tim Ramis sent Council an email today addressing Councilor Cummings questions regarding the risk of staff providing information on subjects related to ballot measures.

[Adjourn](#)

Draft Notes



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**WEST LINN
CITY COUNCIL MEETING
NOTES
August 6, 2018**

Call to Order

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, Assistant to the City Manager Dylan Digby, Citizen Engagement Coordinator Courtney Flynn, City Attorney Tim Ramis, Community Development Director John Williams, and Public Works Director Lance Calvert.

Planning Docket Review and Direction [30 min]

Planning Docket Information

Public Comment

Karie Oakes regarding CDC 98.030(2) for setting the docket. It says each year staff shall present the proposed list to the Planning Commission. The new proposed projects on this list have not been before the Planning Commission. She asked Council to follow the law, the intent is to go to the Planning Commission first.

Mayor Russ Axelrod explained Council has been coordinating with the Planning Commission.

Community Development Director John Williams explained all four items have been discussed in meetings with the Planning Commission. Planning Commission had a Work Session and held a hearing on the mixed-use transitional and the recommendation on the next steps came from that discussion. In the joint meeting with the Planning Commission, Council discussed the review of zoning. The Planning Commission looks at this list annually.

Community Development Director John Williams gave the staff report.

Mayor Russ Axelrod would like to use the same task force for the Willamette considerations. He would like to remove the residential zone on the back of the general store property and turn it into commercial. He wants to take care of items that can be done quickly.

Council President Brenda Perry would like regulations for Airbnbs and a consistent sign code. Developers are doing signs of different sizes and colors in different areas. She want more information distributed about the Haggens site and Parker site.

Councilor Teri Cummings wants the Planning Commission and Parks and Recreation Advisory Board to get together on the Parks Master Plan prior to Council receiving it.

Councilor Bob Martin would like the Historic Master Plan added to the bottom of the docket and Chapter 96 (Street Improvement Construction) changes. He suggested adding a chapter for each neighborhood association to the code, to have a different code for each neighborhood.

[Council Rules Changes: Code of Conduct and Other Sections \[30 min\]](#)

[Council Rules Information](#)

[Citizen Correspondence re: Council Rules](#)

City Manager Eileen Stein and City Attorney Tim Ramis gave the staff report.

Mayor Russ Axelrod would like the section on Compensation/Reimbursement word changed from compensated to compensation. Under public members, item b, Council will accept items for posting if received by 5:00 pm two days prior to the meeting. Change stipend to salary to be consistent.

Councilor Teri Cummings would like items posted up to one day prior to the meeting.

Council President Brenda Perry does not think workplace is a good description for Council since their workplace is out in the community.

Councilor Bob Martin believes the policy is regarding conduct, not where it happens. He suggested eliminating the word workplace and just say appropriate conduct.

Mayor Russ Axelrod wants to remove Council from any decision making in this one, the findings will be found by an independent body and Council will address how the outcome is handled. Remove the word actions and just use sanctions. He would like to have three investigators for the parties to choose from.

[Robinwood Station Master Use Agreement \[30 min\]](#)

[Robinwood Use Agreement Information](#)

[FORS Drafted Agreement](#)

Mayor Russ Axelrod explained this is not ready for Council tonight and it is being dropped from the agenda. He would like to come up with an agreement fairly quickly.

Councilor Richard Sakelik reviewed the Friends of Robinwood Station's suggested agreement and it looks good and simple. He would like a Special Meeting to finalize next week.

Councilor Bob Martin wants to make sure they are not endangering the tax-free status of the bond money since they are planning to put a lot of money into improving Robinwood Station which will benefit the non-profit.

[Adjourn to Special Meeting](#)

[Approve Agenda](#)

Council President Brenda Perry moved to approve the agenda for the August 6, 2018, West Linn City Council Special Meeting. 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

[Public Comment \[10 min\]](#)

There were none.

[Agenda Bill 2018-08-06-01: City Council Meeting Notes: May 7 and 14, and June 5 \[5 min\]](#)

[City Council Meeting Notes Information](#)

Councilor Bob Martin corrected a misspelling on page 4 of the June 5 notes, tives should be ties.

Councilor Teri Cummings asked to add to the May 14 public comments, Peggy Kirkendall

offered an opinion, she expressed her concerns about comments by city staff she viewed as electioneering.

Council President Brenda Perry moved to approve the meeting notes for May 7, 14, and June 5 as amended. 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 Bill 2018-08-06-02: Residential Parking Permit Zone Amendment. Resolution 2018-19: A RESOLUTION OF THE WEST LINN CITY COUNCIL AMENDING THE RESIDENTIAL PARKING ZONE FOR CITY STREETS AROUND AND NEAR WEST LINN HIGH SCHOOL \[90 min\]](#)

[Residential Parking Permit Zone Information](#)

[8-2-18 Memo and Attachments](#)

[Citizen correspondence re: HS Parking](#)

Mayor Russ Axelrod explained the two general issues Council is trying to address: (1) The parking issue developed because the high school has expanded; they meet the permit requirements. (2) West A is in need of traffic control/traffic calming. West A does not have sidewalks, the students need safe passage to school. The issue has brought out the best and worst in our community. No one on Council wants to create adverse livability in a neighborhood. Council is faced with a legal challenge and a petition that has the basis to remove the parking zone entirely. Council started looking at this issue last summer, the goal is to achieve a compromise to come up with additional spaces and continue to work on programs to reduce parking and alternatives to get to school. There are opportunities for the school to get more effective policies and procedures in place, to better manage onsite parking so it is utilized better. The latest communication from the school district says they need 100 spaces. Staff approached the Oregon Department of Transportation (ODOT) about parking on the West A and Broadway bridges. ODOT is going to allow parking on the bridges which is about 60 spaces. One of the bridges is going to be removed when they redo I-205; however, that is years away. This gives us time to come up with other alternatives. Council asked the Youth Advisory Council (YAC) to come up with a proposal. They proposed half street parking and came up with around 170 spaces. If parking spaces on the street could be assigned to students, it would avoid the issue of students driving around looking for spaces. If there were open parking, he could see a lot of undesired activity. The feedback was this is unmanageable and it is a legal issues because the school cannot control these spaces. The Petitioners said if the proposal is less than what is on the map, they would proceed with the petition. We could open parking on the east side of West A to keep all the activity on West A. Council has heard from the community, the majority inside the parking zone are not in favor of it. Council is not taking away the zone, just want to open up some spaces.

Public Comment

William Relyea said we all have shared values and hopefully the right priorities like building healthy communities, strengthening our schools, and building strong economies. Public education is on the forefront to build those neighborhoods and a vital community. No matter what the decision is on this matter, he hopes Council brings it to some of the other volunteer groups in the City to use volunteer time to help resolve the issues. Some options are teachers could park offsite, the Bolton Reservoir surplus property could have been used to create overflow parking, and the waterfront project is coming up. Staff is asked to do more with less, share the burden with community members. This needs to be collaborative with the school district.

Don Carver said students are asking for 100 additional parking spaces. The Mayor has offered space inside the parking zone. One hundred and fifty residents in the parking zone have petitioned to leave the zone unchanged. The residents said the zone provides safety and livability, adding parking in the zone is not the best compromise, this would result in substantial loss for residents. They want a win for students, without a loss for residents. Utilize all parking resources, reduce overall demand, drive responsibly, ride a bus, use carpool programs. Add parking programs that have little to no adverse effect by not adding congestion. The Mayor's proposal promotes more unsafe, undesirable spaces. It puts the burden on the neighbors instead of the district.

Ed Moeller regarding students parking on K Street. He has to pick up garbage, there is speeding, there is damage done to City property that he is responsible to maintain. K Street is already being used by illegally parked students. This leadership is not up to the challenges.

Ron Chappell, WLHS Teacher and Coach. WLHS has great kids who excel in many ways, he understands the sacrifices students and parents make. He wants to talk about preserving the livability of a neighborhood. Studies and the Oregon neighborhood street design guide speak to traffic and livability. Speed and amount of traffic affect the community perceptions of comfort. While it may be intangible, it is no less real. On the website four out of five councilors mentioned livability, his family and neighbors chose West Linn for the same reasons.

Jan Chappell said the map Mayor Axelrod showed does not accurately reflect First Court. These homes are 100 years old, some neighbors share a driveway, they could not park in the driveway or they would block their neighbor. She has one spot in her driveway and one car in the street. They would not be able to park their own vehicles if Council removes the parking.

Peggy Dickston shares a driveway, they like the idea of assigning a few parking spaces. Their side of the street could be parked on, not the other side. There would be no place for people coming to do work at the house. Kids for the most part are good to the neighborhood. She likes the idea of knowing who is parking in front on their house.

Doug Dickston said First Court does not have sidewalks. McKillican has sidewalks on one side, although sometimes people walk in the street next to the cars.

Roger Strous likes the idea of using the bridges, it is a fair compromise. He agrees with doing a traffic safety and impact study. He likes assigned parking spaces, alternative transportation, and investing in the planet to keep the community livable and safe.

Pam Martin is disappointed in the school district. They pride themselves in getting through academics, she wants them to teach accountability. She moved there knowing there were parking restrictions. She has not had issues until the last four to five years. She had an issue with a student and gave the name to Officer Halverson who took care of the issue. If she does not leave house before 8:00 am, she might as well stay until 8:45 am because she cannot get out. She likes the compromise if there could be accountability with assigned parking spaces so they could go to the school when there is a problem.

Tom Neff stated the school has not made concessions, he would like to see more pressure put on the school, he likes accountability.

Peter Eddy thinks the school is remiss. People are supportive of assigned parking; however, there is going to have to be something besides the Bolton neighborhood.

Lotte Edgel congratulated Council on the 60 spaces, she asked where will the 40 more come from. If the students do not get the plan, they will go forward, they are looking for it all. The school district needs to be in on this conversation. Give the staff lot to students. Everyone in the parking zone has their own safety story. She has a short, narrow downward dipping driveway and cannot see oncoming vehicles if someone is parked in the street when she is backing out. She is not the only one with this kind of driveway. On all streets there needs to be sidewalks. On K street, there is not room for a sidewalk. The City does not have the power to make this work if the school district is not helping.

Joe Durbin said it is disheartening to hear some community members call our teenagers scofflaws. Council is representative of the community, not the Bolton neighborhood. Their disdain of the automobile is apparent. He understands Bolton's frustration, however, he pays for streets too and would like to use them. Council cannot be selective, give special rights to some people, they need to be fair and equal. These kids work hard and have every right to drive to where they are going to get their work done. If it is unsafe, it is unsafe for everyone, not just kids. No one should get to use it if it is unsafe. Council cannot have it both ways. Analyze this and do the right thing, represent your entire constituency. If Council does compromise, do the right one. Kids have been better behaved. The West Linn under 13 baseball team has qualified for the World Series. In the future, he recommends Council attend an event like that.

Dylan Pakes called the police because he needed help on West A. He checked out a radar gun and monitored the traffic before school, at lunchtime, and when school got out. He took pictures. The highest speed was 65 mph in the school zone. He sent it to the police and they did a stakeout. He wants students to have a safe solution. Letting kids park on West A street is not a solution. He does not feel comfortable walking down the street due to speeding. The whole street is lined with drive like your kids live here signs.

Richard Dickey said this neighborhood is unique. Four of the eight homes on his street have single car driveways, only one house has a garage. Every single house is using the street for parking. The parking district has served them well. There are issues with increasing population in the school. He feels like they are at the bottom of the hill so it rolls down to them to take care of. The streets do not have room.

Rory Bialostosky has seen a lot of Council inaction. This is the fourth meeting opened with the statement we do not have to make a decision tonight. We have spent 16 months fighting this. I have been called a name tonight and have received nasty emails. He supports the resolution, half of six streets would be opened up and the rest would remain residential. He believes the 2,000 parents from the high and middle schools will side with the kids. Some of these neighbors would put trash next to cars, photograph it, and send it in. He hopes the resolution passes, if not he will put in the petition.

Diane Brown thanked Council President Perry for her comment on how the kids conducted themselves. It is a disgrace how some citizens treated these kids. Kids that have to get to school early and stay late are tutors and band students. She appreciates the school district not putting money in this, we want them educating our students. She applauded the school district. They are meeting the parking amounts they are supposed to have. This is a City issue, these are public streets, and this is the only area that has restricted parking. This is part of living in the City. She is empathetic to people in the neighborhood. If there is an issue of safety, call the police and they deal with the problem. She would like Council to compromise tonight.

Andrew Brown agrees with Mr. Bialostosky. It seems like a fair compromise and he supports the compromise. He thanked Mr. Bialostosky for being a partner and the community for their support. He does not want to bring this to a vote because it is not in the best interest of the City. They have a solution of 100 spots, if it goes to a vote, it will open more.

Karie Oakes is disappointed this was on the agenda tonight. The Agenda Bill was incomplete because it did not have the Mayor's proposal until four days prior to this meeting. The information was insufficient to weigh in on. This is a reaction to a lawsuit filed by the student that goes to court Wednesday. She has seen Council working hard and long to come to a solution. She sees this as a school district problem. The school district information on the discussion is not public unless make you make a records request. She does not share the Mayor's concern that they will lose parking district authority if the petition succeeds and goes to a vote. She thinks the majority of citizens want to maintain safety. The Mayor's and

student's proposals are insufficient, there are no traffic studies. Sixty places are now available on the bridge, the rest of the parking should be done by the school district. Could be on an as-needed basis rather than lottery. She supports sustainability and does not support either of these.

Mayor Russ Axelrod thanked everyone for their time and for giving testimony.

Councilor Bob Martin thanked everyone involved in this. This is not an easy problem. A solution for 200 spaces is not going to work for a 600 space problem and vice versa. Council, staff, the school board, and school administration are trying to solve this problem. The school board is not in power to tell the school superintendent how to solve the problem. The letter sent to the school board in June received a response. They are engaged, feel a responsibility, and want to work with Council. It is all of our problem to work together to solve. He is a little disheartened about the back and forth and some of the testimony. We do want to preserve the livability. He gave kudos to Mayor Axelrod for getting the bridge parking. He likes the idea of assignable spaces.

Council President Brenda Perry said this started a year ago when high school students came to Council and asked for more parking. Council increased the parking zone. The students have been getting tickets for parking in areas that were not even zoned. Council made it harder. She sees both sides. She does not like everyone painted with the same brush. Some teenagers litter, but not all of them, the majority of them are responsible. There is trash in parks, a few people do it. Council has had multiple emails and they heard the testimony. What she is not hearing is neighbors getting together, looking at areas, and bringing suggestions to Council. It is your neighborhood. We hear concerns about speeding on A Street. If we put parking there, it will narrow the street and will slow down traffic. We can police it as much as we like, but it still does not stop it. It is a cut-through to get to Sunset so it is not always students. They need to make it safer for residents. She wants to hear more about compromise. The students have been very respectful. This is a very difficult place to get to school. It is not easy for parents to be available to pick up and drop off students. She would prefer to do this with the neighborhood. There will be a better solution if they work together. She would love to hear suggestions of what would work. If the petition goes through, you might lose. Who would police assigned spots on the street? We do not have police to do it and the school district cannot police our streets. It would be extremely costly to police or it will be abused. Let's compromise.

Councilor Richard Sakelik asked how did this problem occur? The school district added students. We can look at our Code. Mr. Bialostosky testified in June 2017. Council wanted to meet with the school board. Council spoke with Mr. Bialostosky. Council met with the school district nine months later. A resident brought up that we have not done a traffic study. I have not seen any experts that could give us good guidance in this room. We have been working with ODOT. The City stepped up and found 60 spots. That is more than we had a year ago. The school board said they can do an additional 40 spots; however, they do not have the money.

Maybe an inexpensive 25 spots could be done, we do not know. The school board should do an analysis. If they come back and say it will be \$1 million, that is not reasonable, \$75,000 is reasonable. They have until February before it gets on the ballot. He has not seen the school board engage, he would like to see that, more facetime and collaboration. He would like to help the students out. It is an incredible, different task to please everyone. A traffic study is the first step.

Councilor Bob Martin said we have many potential solutions. Until we zero in on one solution, how could you do a traffic study? It is premature until we have a solid proposal.

Councilor Teri Cummings supports the idea of the student body and City working together. It is a complicated situation. It is up to the City on how we regulate streets and up to the school how they manage the daily schedule, bus schedule, and budget. We have entertained 20 meetings and a lot of time and emails. This is a very emotional issue both for people who live in the area and the students. She understands West Linn High School has always had a tradition of providing parking spaces for the students. That is no longer possible. There is only 277 parking spaces. The process outlined in the handbook is no longer the case. A lot of schools have managed their parking without adding spaces, our district could too. There are carpools. Those who carpool, get a space. Portland Community College signs says parking in the neighborhood kills unicorns and rots teeth. Not really, but will cost you \$25. Residential zones are specifically for the purpose of livability have been upheld in the supreme court. There is a permit zone around the high school for seven hours. If there is a basketball or football game, it is a free for all. That is a compromise. Most colleges ask you to not bring your car to college. Riding a bus is fun and relaxing. She would partner with the school to carpool, ride a bus, bike, or walk. What can we do to encourage kids to use the busses more? The City's job is regulation. She would support School Board Chair Fitch's recommendation adding another 42 spaces. With the 60 spaces we have on the bridge, that is getting pretty close. If not, she would see if Council would agree to reconfigure parking spaces on their property. This is a Conditional Use. Churches have contained their site. The petition would be very harmful. The Willamette area has been asking for some protection. We have to be able to do this kind of thing to maintain livability and sustainability in West Linn.

Councilor Bob Martin said it is not appropriate to talk about conditional use here. Once the school is built, there is no applicability of conditional use to this problem. The school board said it was possible to build 42 spaces; however, they do not have the money to do it. We have to take responsibility for this and do something, that is the relationship we have with the school district that we want to continue to cultivate. What can we do, in our power, to solve this problem to get those 42 spaces.

Mayor Russ Axelrod appreciates Council President Perry's comments about coming up with a solution. He does not think Council made it harder or more difficult. Council put resolutions together where there were deficiencies and added a couple of houses on West A. Using Wilderness Park is not the right thing to do, it is not appropriate use of our park space and safe

for the students. We cannot use our own building, the mill is striping those spots, they are not in our control. On traffic studies, he agrees he would like to have a better idea what we are doing for changes before implementing a traffic study. Different striping, safe access for pedestrian pathways, parking on West A could help calm traffic down. We are all onboard with encouraging the school district and student body with ways to reduce demand on parking. He heard there is interest in assigned parking, we have been pushing this on residents. Who would be willing to have assigned parking in front of their house? Could we come up with 40 to 50 people in the community to offer those spaces? It is not going to be some stranger throwing trash out of their car. There are some places that make sense for parking and some that do not make any sense at all. The bridge can be accessed from the other streets. They will walk through the neighborhood, not drive through it. If we could get 100 spaces now, we could work on these other pieces to move forward.

Councilor Bob Martin suggested setting up a website so people can contact the City who feel they could do that and see how many we could get.

Mayor Russ Axelrod suggested direct mailing to the neighbors.

Councilor Richard Sakelik previously suggested this. He told the Youth Advisory Council (YAC) to walk through the neighborhood to ask if spots were available. It would be a good thing for the YAC to do, that would solve the problem for now. We are looking at an inner-city shuttle. The need might be reduced or go away. Everyone in the city could get behind an inner-city shuttle. I know there are people who would give up a spot.

Mayor Russ Axelrod said a lot of these other places that have restricted zones have alternative modes of transportation, we do not, we need to get creative. Smart is coming here from Wilsonville, perhaps we can work out a deal with them.

Councilor Teri Cummings said students have a choice with a bus, but they do not use it. The students do not like to use it because sometimes it can take an hour to get home. Some of the letters we received were because their kids have to go to school early. Does our city have a fee for a parking permit? It is common to charge a fee, it helps offset some of the cost of administering it. We do not want the students paying the residents for that. She still wants to see carpooling, it will prepare our kids for life in the world. I wonder if our students have even ridden the bus.

Council President Brenda Perry said carpooling is great, but a car full of teenagers driving through the streets is distracted and not safe. She does not think it is safe to send our students door-to-door, have staff handle that.

Councilor Teri Cummings suggested a working group would be better, people who listen to each other.

Mayor Russ Axelrod said we have 60 spaces and two resolutions in front of us. Maybe look at West A where it will not have the impacts on the inner neighborhood. The next step is to see what would the community/residents offer voluntarily? Could the school district restripe some of their areas? Can they come up with 20 to 40 spots? Maybe we can get 30 to 40 from residents volunteering, working together as a community. This could go to a vote.

City Manager Eileen Stein spoke with the superintendent at the break, she would like to explore more with the superintendent. New drivers are prohibited from riding with other people due to state law. There has been a lot of ideas and information requests, this became a big issue with a lot of people involved. There is not a YAC right now. There are bits and pieces coming together, like parking on the bridges. In a good faith effort, the petition and litigation were withdrawn.

Council President Brenda Perry would like to ask the Bolton neighborhood who would be willing to give up spaces in front of their house by October. If we have sufficient spaces and can move forward, it will not need to go to a petition.

Mayor Russ Axelrod asked if we could have the Traffic Safety Group get together on strategies to calm traffic on West A.

Councilor Teri Cummings asked what level of interest there is in a working group look at different carpool policies, sign up services, liability. This is intended for juniors and seniors, it would be signed by parents, as kids drive with parent's permission.

Councilor Bob Martin would like to cooperate with the school district to solve what might be a larger problem.

Mayor Russ Axelrod said this is a long-term thing, it is good to have stakeholders. He does not want to form another group. He asked citizens to send thank you emails for the bridge parking to Rian Windsheimer, ODOT, rian.m.windsheimer@ODOT.state.or.us.

Mayor Russ Axelrod thanked the public and youth for their patience.

Councilor Teri Cummings acknowledged the superintendent for staying at the meeting so late. \$271,234 is what we spend on bussing for West Linn High School.

[Agenda Bill 2018-08-06-03: Oregon Department of Transportation Right-of-Way Services IGA \(OR-43 Multimodal Improvement Project\) \[10 min\]](#)

[ODOT Hwy 43 Multimodal Improvement ROW IGA Information](#)

Public Comment

William Relyea stated he does not agree that comments should be for or against an agenda item. Sometimes it is about bringing issues to light so Council is aware of them and can address

them. Having a mechanism in the code to allow for each of the neighborhoods to address based on their demographics should be allowed and also, allowing common interests to be addressed. He felt the City is conceding its right-of-way to ODOT. There is a lack of oversight in departments that are given the authority to control projects that are different than how the project was asked for by the community. He discussed Rosemont Road as an example.

Public Works Director Lance Calvert explained the background on this project.

Councilor Richard Sakelik said for the Highway 43 Concept Plan, the church testified it was going to be a hardship. He asked how their concerns were mitigated.

Public Works Director Lance Calvert explained there has been much conversation with the church and the daycare. All their concerns have been addressed. He discussed the status of the project and plans for public outreach. In 2020, there will be right-of-way details and utility coordination. Construction will probably begin in 2021. He reminded the Council that there are federal dollars on this project which requires a lot of process and steps involved.

Council President Brenda Perry moved to approve the IGA with ODOT for right-of-way services for the OR-43 Multimodal Improvement Project and direct the City Manager to sign the agreement. 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

[Business from the City Council \[10 min\]](#)

a. Public Safety Advisory Board Appointment

Council President Brenda Perry gave an updated on the Clackamas County Coordinating Committee (C4) meeting about the Urban Growth Boundary (UGB) expansion for Wilsonville. During the meeting, she discussed West Linn's concerns on Stafford. She abstained on the vote for the Metro housing bill since she does not have clear direction from Council. She also reported on the County vehicle registration fee and the RTP letter which the mayors put together.

Mayor Russ Axelrod said the mayors want to vote on the housing bond measure in September, he needs feedback by September 5. He suggested to Wilsonville that a cycle track is important on Stafford.

Councilor Richard Sakelik commented on the parking discussion being posted on Nextdoor, the City should do that for everything.

Citizen Engagement Coordinator Courtney Flynn replied it was just to inform the public that the parking discussion would begin around 6:30 pm.

City Manager Eileen Stein added she thought people might come out at 5:00 pm so she wanted to let them know.

Councilor Richard Sakelik said the Citizen Advisory Group party is delayed until October. They will do it at the Adult Community Center or Youth Music Project. He asked what the budget is for the party.

City Manager Eileen Stein said it is a new event, so there is no budget. She asked Council to identify how much and prioritize their spending.

Mayor Russ Axelrod suggested \$500 to \$2,000.

Councilor Teri Cummings stated she would like it to be comparable to the casino night for parks volunteers, around \$3,000 which works out to \$35 to \$40 per person if they invite 75 people.

Council President Brenda Perry reminded Council they need to be fiscally responsible. She suggested \$1,000 to \$1,500.

City Manager Eileen Stein said to invite 75 people is around \$2,000.

Council President Brenda Perry would like to keep it to \$1,000.

Councilor Richard Sakelik said last year \$20,000 was put aside for things that come up and it was not used. He suggested a \$2,000 maximum with a goal to not spend it all.

Council President Brenda Perry reminded him that was an emergency contingency, not money for a party.

Councilor Bob Martin thinks Council should kick in money from their stipend, he is willing to do \$500. He suggested they take the average.

City Manager Eileen Stein suggested perhaps \$1,500 to be a target budget.

Mayor Russ Axelrod said the Oregon Mayor's Association meeting is coming in September.

City Manager Report [5 min]

City Manager Eileen Stein asked Council if they were interested in having a work session on September 4 since September 3rd is Labor Day. She suggested an afternoon meeting at 1:00 pm. The Council's next regular business meeting is September 10.

City Attorney Report [5 min]

City Attorney Tim Ramis will speak to Oregon City's legal counsel about a common interest confidentiality agreement with Oregon City. He stated there will need to be an executive session on litigation in September.

Adjourn

Draft Notes

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CITY OF
West Linn

22500 Salamo Road
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WEST LINN CITY COUNCIL MEETING NOTES September 10, 2018

Call to Order and Pledge of Allegiance to the Flag

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, Assistant to the City Manager Dylan Digby, City Attorney Tim Ramis, Public Works Director Lance Calvert, Parks and Recreation Director Ken Worcester, and Library Director Doug Erickson.

Approval of Agenda

Council President Brenda Perry moved to approve the agenda as amended for the September 10, 2018, West Linn City Council Meeting. 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

Public Comments [10 min]

Randall Fastabend re: Robinwood Station. They hired an Architect/Engineer from Mackenzie to evaluate and provide plans for renovation. They do not know what is in the walls, in terms of rebar. They are moving forward with the seismic plan and will get the engineer to provide a schematic with where rebar is located. Police Chief Kruger is removing the rest of the equipment located in the storage building. They would like to open a tool lending library, first in Clackamas County. They want it for storage for the garden and station while the renovation is happening. September 22 is the Repair Fair from 10 am to 1 pm. October 27 is the chili cook off and pumpkin carving contest. The garden is overflowing and the extra food is going to the food pantry. It is a cooperative garden, you are not assigned a bed; however you get some of the food. He thanked the Police for their presence at the beginning of school around Cedaroak school.

Proclamations, Recognitions and Scheduled Presentations to the Council [20 min]

American Public Works Association (APWA) Accreditation Presentation

Public Works Director Lance Calvert stated that West Linn is the 139th accredited agency, the fourth in Oregon, and the first in the Portland Metro area.

Nav Otal, APWA Council Chair, congratulated West Linn and explained what accreditation means and why cities do it. Public Works Director Calvert, Management Analyst Coffie and the entire Public Works staff is to be commended. The accreditation is good for four years. Agencies find it valuable, it is discretionary, not required. They develop practices, procedures, and standards to follow. The benefits are cost savings of man power, coordinated efforts, purchasing of materials, and reduction of costs. There is a savings in insurance claims by reducing liability. The external validation of processes adds credibility to citizens.

Public Works Director Lance Calvert thanked and recognized his staff.

Mayor Russ Axelrod asked about going through it again in another four years.

Public Works Director Lance Calvert explained it is less arduous since they have procedures in place. They are instituting new asset management requirements which we will have to address.

Nav Otal said the first effort is huge. After that, it is a much reduced effort.

City Manager Eileen Stein acknowledged Public Works Director Calvert, his staff, and the department for all their work.

Constitution Week Proclamation

Proclamation

Council President Brenda Perry read the Constitution Week Proclamation.

[Home Inventory Proclamation](#)

[Proclamation](#)

[2018 Flyer](#)

Councilor Richard Sakelik read the Home Inventory Proclamation.

[Business Meeting \[60 min\]](#)

~~a. [Agenda Bill 2018-09-10-01: ORDINANCE 1677, ESTABLISHING A CODE OF CONDUCT FOR THE CITY COUNCIL, APPOINTED OFFICIALS AND CITY VOLUNTEERS](#)~~

~~***Moved to September 17 Work Session. To be approved at October 8 Council Meeting.***~~

[ORD 1677 Information](#)

[Agenda Bill 2018-09-10-02: ORDINANCE 1687, ESTABLISHING FAIR REPRESENTATION OF ALL SERVED LIBRARY PATRONS ON THE LIBRARY ADVISORY BOARD](#)

[ORD 1687 Information](#)

Library Director Doug Erickson and Greg Williams, Clackamas County Library Network Director Manager, explained the Clackamas County Tax District. Fair representation, according to the intergovernmental agreement (IGA), is representation from all areas of our service district. This will allow members to serve on our board that are in our library tax district, but not in our City limits. In our case that equals one person.

Council President Brenda Perry moved to approve First Reading for Ordinance 1687 establishing fair representation of all served library patrons on the Library Advisory Board, and set the matter for Second Reading. 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

Council President Brenda Perry moved to approve Second Reading for Ordinance 1687 establishing fair representation of all served library patrons on the Library Advisory Board, and adopt the ordinance. 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 Bill 2018-09-10-03: RESOLUTION 2018-20, SUPPORTING A CLACKAMAS COUNTY-WIDE TOBACCO RETAIL LICENSE](#)

[RES 2018-20 Information](#)

[Councilor Cumming's Questions](#)

City Manager Eileen Stein reminded Council that the County asked for support on the County-wide license this summer.

Council President Brenda Perry moved to Adopt Resolution 2018-20 supporting a Clackamas County-wide tobacco retail license program. 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 Bill 2018-09-10-04: Library District Master Intergovernmental Agreement](#)

[Library IGA Information](#)

Library Director Doug Erickson and Greg Williams, Clackamas County Library Network Director Manager, explained when the IGA was written, the intent was for Gladstone to construct a library to serve both Oak Lodge and Gladstone. That did not happen. Clackamas County is going to construct and manage two new libraries, one in Gladstone and one in Oak Lodge. Because of this, they need to amend the IGA. The amendment needs to be approved by 2/3 of the library cities.

Council President Brenda Perry moved to approve Amendment three to the Cooperative Intergovernmental Agreement between the Library District of Clackamas County and Library Cities. 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 Bill 2018-09-10-05: Fields Bridge Shelter Contract](#)

[Fields Bridge Shelter Information](#)

[Link to Fields Bridge Park Shelters Project](#)

Parks and Recreation Director Ken Worcester explained they are circling back to complete parks that were started 20 years ago. The proposed budget was put together two years ago, they advertised for bids, and bids came in higher than the proposed budget. We have standardized designs for shelters and restrooms. He thinks the bids came in higher due to the

construction climate and the tariffs being applied to different commodities, like steel. Council has a couple of options, they can award the bid at the higher rate since we do have money available in the System Development Charge (SDC) funds. Another option is to work with the apparent low bidder to see if we can bring the project down closer to budget. This would probably mean eliminating one of the shelters.

[Fields Bridge Park](#)

Mayor Russ Axelrod asked Parks & Recreation Director Worcester why he would want shelter one over two. He prefers shelter two by the river.

Parks and Recreation Director Ken Worcester explained people will drive right into the parks to offload their picnic baskets and coolers and then we have to repair the park land. Shelter one is right by the parking lot.

Council President Brenda Perry sees the shelters being used and thinks we should put in all three. It would cost more if it was decided to put the shelter in later.

Councilor Teri Cummings likes the one closer to the river. She asked how subject is it to flooding? If we do not do all three, we could complete the trail.

Parks and Recreation Director Ken Worcester explained these are designed to flood, they had to do that with the whole park.

Councilor Bob Martin prefers the path rather than doing the additional shelter. Marylhurst is built, he has not heard any talk about putting the practice fields in. Will that require some of this money? He would like to do the path and hold back money for the hard times that are coming.

Parks and Recreation Director Ken Worcester stated the fields are in. They could turf the lower area if it is not needed for parking for kick and chase soccer or we can put seed over the top and irrigate.

City Manager Eileen Stein reminded Council of the mobilization costs. The ask is to go ahead with all three shelters. Money will be replenished due to development coming in. If they complete the trail and shelters, we will have one completed park and that is compelling. The trail could be paid for with the General Obligation (GO) Bond. The SDC money will be used for the shelter.

Councilor Richard Sakelik asked how much the path costs? He prefers to do two shelters and the path. He recommends taking shelter one out.

Parks and Recreation Ken Worcester believes the sidewalk would be concrete, which is cheaper than asphalt, so it would be about \$25,000.

Mayor Russ Axelrod asked about the path width and if we could go with two shelters or if we only did one big one, would it fit the site?

Parks and Recreation Director Ken Worcester answered the path width will be six feet, it is just a connection. One big one would feel squeezed in.

Councilor Teri Cummings asked if there was any other paved road from the parking lot to shelter two?

Parks and Recreation Director Ken Worcester stated there is a paved route under the bridge after you get into parking area, they could use it and go all the way around the park.

Council President Brenda Perry is onboard with doing the shelters and path to get the park finished. All the parks in West Linn are different. This one is busy due to the playground, playfields and community gardens.

Mayor Russ Axelrod understands this was put together some time ago and the costs have gone up. He thinks the path is important. He likes the shelter closer to river. We are going to have budget issues. SDC funds have to be used for SDC eligible projects.

Councilor Bob Martin asked if there are other projects out there that are prioritized over this one path?

Parks and Recreation Director Ken Worcester stated the next project is Maddox Woods. Once we complete the master plan for Maddox Woods, we have met all our promises and obligations. We are almost built out, we do not have that many SDC eligible projects out there.

Councilor Bob Martin stated we do not know what is going to happen and we have to be ready. There is a tort filed against the City. Do we have projects that this would preclude?

City Manager Eileen Stein said if you are asking if we need to SDCs to pay for a future tort claim, the answer is no. SDCs can only pay for a limited number of things. A tort claim would not be an eligible expense. SDCs can only be used for SDC eligible projects. Sunset Park is not even eligible, it will be paid for out of bond funds. We cannot use them for operational expenses.

Parks and Recreation Director Ken Worcester stated once we wrap up construction on the SDC eligible parks, the remaining projects will be for property acquisitions. If you think about a 20-acre park at roughly \$400,000 an acre, it is going to take more than build out to fund these.

Councilor Bob Martin stated if two shelters is a viable option, he would like to keep the options open. He hears the desire to finish something, we can add that piece later.

Parks and Recreation Director Ken Worcester stated the parks board is looking at remnant parcels. The key is if they make a good connection for the neighborhood to get to an open space they never had before. We are not spending down the whole balance, they want to keep a reserve.

Mayor Russ Axelrod asked about the waterfront plan, the areas of the old ponds, and having recreation on the river. The ski team wants to set up a place there. Those would be financed by other money like future bonds or deals with properties that might come out of settlement agreements and putting parcels together.

Parks and Recreation Director Ken Worcester believes that project is SDC eligible. Some of the property is owned by PGE and some by WES. The parcel the Water Ski Spectacular is targeting is Mill property.

Councilor Richard Sakelik stated Maddox Woods shows \$150,000 to finish the restroom and other improvements. If we did not do this shelter, could we finish it off? Tanner Creek Park would be covered for about \$50,000 and Marylhurst completed. He prefers two shelters, finish the path, and move the funds for something else.

Parks and Recreation Director Ken Worcester explained we have \$50,000 in this biennium for Maddox Woods. There is always going to be a project. White Oak Savanna is on hold, we could not get it done. The money still there. Tanner is complete, at Marylhurst they have to plant grass. Some neighbors prefer grass, others want parking. Parking is provided on Valley View.

Council President Brenda Perry has confidence in the staff recommendation to get this done. She does not want to look at all the parks and direct Mr. Worcester to do this one first or that one.

Council President Brenda Perry moved to Authorize the City Manager to enter into a contract with 3Kings Environmental Inc. of Battleground, Washington for the Fields Bridge Park Shelters Project at the full bid price of \$397,000. 0 seconded the motion.

There was no second.

Mayor Russ Axelrod stated that the options are to build all three shelters and not the path or build two shelters and the path.

City Manager Eileen Stein reminded Council the path is not part of this project.

Mayor Russ Axelrod stated the park could be completed with two shelters. Having an extra \$100,000 could be valuable. We already have a very nice park and he is hearing everyone wants the path for an extra \$25,000.

Parks and Recreation Director Ken Worcester stated the specific motion would be just toward contract. Council can give us direction about the path if they would like that to be done. He would not use this contractor for the path.

City Attorney Tim Ramis stated Council needs a motion to approve the contract and gives direction of which shelters you want. If you want to build a trail, you will need a second motion.

Councilor Richard Sakelik moved to Authorize the City Manager to enter into a contract with 3Kings Environmental Inc. of Battleground, Washington for the Fields Bridge Park Shelters Project at the value price of \$325,000. Councilor Teri Cummings seconded the motion.

Councilor Richard Sakelik explained that would be two shelters instead of three, shelter one would be removed.

Council President Brenda Perry has concerns about designating which shelter. Parks recommends one, we recommend something different. She wants to leave it up to Parks to decide. She understands wanting to have one by the river, but if the other one would be used more, she would rather go with the Parks recommendation.

Parks and Recreation Director Ken Worcester explained there may be a difference in cost. Shelter one is right there where everything can be off-loaded, shelter two may require a concrete pump. It will be less expensive to build shelter one than two.

Mayor Russ Axelrod likes the idea of leaving it to staff to determine. If we do not build it there, we have an empty concrete pad already sitting there. We need to amend the motion to include two shelters. Staff will figure out the optimum location.

Council President Brenda Perry moved to amend the motion to Authorize the City Manager to enter into a contract with 3Kings Environmental Inc. of Battleground, Washington for the Fields Bridge Park Shelters Project at the bid price of \$325,000 and have Parks decide which shelter is the most viable to be built. Mayor Russ Axelrod 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

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

Councilor Richard Sakelik moved to Pursue the construction of the path. Councilor Teri Cummings seconded the motion.

There was no vote called.

Councilor Richard Sakelik moved to Authorize the City Manager to enable a path in Fields Bridge Park to complete the park. Councilor Bob Martin seconded the motion.

There was no vote called.

Councilor Bob Martin stated we are approving a path we do not have a cost for. Rather than have the motion say we are approving a path, direct staff to develop plans and bring back to Council.

Parks and Recreation Director Ken Worcester understands this direction as build the path if it is about \$25,000. It is going to be within his signature authority. He will get the best price to build the path. If it turns into a bigger project, he will come back to Council.

Councilor Bob Martin would feel more comfortable if it said pursue the construction of the path if it is within the signature authority of the Parks Director.

Councilor Richard Sakelik moved to amend to approve the City Manager to pursue completing a path to complete Fields Bridge Park plan with a not to exceed \$35,000. Councilor Bob Martin seconded the motion.

There was no vote called.

Council President Brenda Perry does not understand why we are putting a number figure on here. If it exceeds Parks & Recreation Director Worcester's authority, he has to come back to Council. She does not see why we are getting tied up in this. Just pursue the path. If gets it gets a good bid, it will get done.

City Manager Eileen Stein reminded Council she has approval of \$100,000. She hears Council is interested in getting a cost estimate for the path, and she is happy to bring that information back. If it is \$30,000, the Parks & Recreation Director can sign the contract. If it is \$45,000, she can sign the contract. If it is \$125,000, you probably do not want to do it.

Councilor Richard Sakelik moved to amend to allow the City Manager to pursue the construction of a new path at Fields Bridge Park. 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

[Mayor and City Council Reports \[20 min\]](#)

Appointment to the Public Safety Advisory Board

Appointment to the Library Advisory Board

Mayor Russ Axelrod placed before Council appointing Michael Megrath to the Public Safety Advisory Board and Martha Swanson to the Library Advisory Board.

Council President Brenda Perry moved to approve the Mayor's appointments. Councilor Richard Sakelik 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

Councilor Teri Cummings announced it is National Arts and Education Week September 9 to 15. The Town Hall is September 20 at 7:00 pm at the Adult Community Center. Cheryl Snow from Clackamas Arts Alliance will do a presentation on how West Linn has benefited from local arts, economically and socially. We are going to be talking about the next steps for forming an Arts & Culture Commission.

Council President Brenda Perry stated she and Councilor Sakelik had an audit meeting. We are going to be receiving the certificate for achievement for excellence in financial reporting for the ninth year in a row. Clackamas County Coordinating Committee (C4) talked about the vehicle registration tax. The County is planning on a \$30 rate. West Linn will receive 40% of that, which is about \$525,000 a year to fix West Linn Roads. Saturday night is the Living History Tour.

Councilor Richard Sakelik stated the Public Safety Advisory Board (PSAB) has invited the two council candidates to speak at their next meeting on September 24 at 6:00 pm at the Police Department. The Chamber has a new president, Noelle Brooks, they are still looking for a Vice Chair.

Mayor Russ Axelrod was going to ask the candidates to do a forum at the high school. Tomorrow at the new Tualatin Valley Fire & Rescue (TVF&R) Station 55 on Hidden Springs Road, there will be a 911 ceremony. It is a City sponsored event and he will be speaking along with Representative Parrish at 6:00 pm. The Emergency Response Fair will be at the Ladder Day

Saints (LDS) church from 4:00 to 7:00 pm. The Stafford Fialia Fest is on Saturday from 10:00 am to 4:00 pm.

City Manager Report [10 min]

Nothing to report tonight.

City Attorney Report [5 min]

Nothing to report tonight.

Adjourn

Draft Notes.

DRAFT

Agenda Bill 2018-10-08-02

Date: September 25, 2018

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

From: Ken Worcester, Parks and Recreation Director *KW*

Through: Eileen Stein, City Manager *ES*

Subject: Contract Award and Findings Supporting an Exemption to the Public Bidding Process for the Willamette Park Infields Project.

Purpose: Acting as the West Linn Local Public Contracting Review Board, adopt findings in support of an exemption to the public bidding process under the Local Public Contracting Rules and award a contract for the Willamette Park Infield Project to the West Linn Softball Association.

Question(s) for Council:

Shall the Review Board grant this exemption and award the contract for the above mentioned project?

Public Hearing Required:

None required.

Background & Discussion:

During the development of the recently passed GO Bond Measure, the City Council adopted a category of projects identified as Athletic Field Improvements. One of the sub-projects within this category, was to provide artificial turf infields on two of the Willamette Park ball diamonds and to provide drainage and soil improvements to a third field in the park. Using a process similar to the one used with the West Linn Baseball Association for the artificial turf infields at Fields Bridge Park, we have developed a similar scope of work

The West Linn Softball Association has conducted fundraising efforts to obtain donations of materials and services to help provide artificial turf infields at Willamette Park and to provide drainage and soil improvements to a third field in the park at a savings to the taxpayers approaching \$70,000. Our original cost forecast for this project was \$300,000.

To move forward, an exemption to the Local Contracting Rules is necessary which will be effectuated with the adoption of the attached findings.

Budget Impact:

\$230,000 to the FY2019 Bond Fund.

Sustainability Impact:

The artificial turf and system material is made of recycled plastics and rubber.

Council Options:

Options for the Council to consider are.

- Adopt the findings and award the contract to West Linn Softball Association.
- Do not adopt the findings and send the project out to bid under the City's bid templates.
- Do not adopt the findings and cancel the project.

Staff Recommendation:

Staff recommends the City Council Adopt the findings and award the contract to West Linn Softball Association.

Potential Motion:

"I move that acting as the Local Contract Review Board, we adopt the Local Public Contracting Rules Exemption Findings and award the contract for the Willamette Park Infields Project to the West Linn Softball Association."

Attachments:

1. Findings of the West Linn Local Contract Review Board

Findings

In support of an exemption to the public bidding process under West Linn Local Public Contracting Rule Board Local Public Contracting Rules

Background

The West Linn Softball Association (WLSA) through fundraising efforts and donations of materials and services has offered to provide artificial turf infields fields at Willamette Park and to provide drainage and soil improvements to a third field in the park at a savings to the taxpayers approaching \$70,000.

To move forward, an exemption to the Local Contracting Rules is necessary.

Rules

PCR 10.000 COMPETITIVE PROCESS REQUIRED, EXEMPTIONS

10.010 Competitive Process, Exemptions and Definitions

A. All public improvement contracts shall be based upon competitive bidding and all other public contracts shall be based upon competitive bidding or competitive proposals (collectively “formal competitive process”), except the following:

10.070 Single Seller of Product or Service

A. General

The City may purchase without a formal competitive process if there is only one seller of a product or service of the quality required, or if the efficient utilization of existing equipment or supplies requires specification of a compatible product for which there is only one seller, The determination of a sole source must be based on written findings as required by ORS 279B.075. A sole source contract may be awarded only after approval of the findings by the City Manager or acting, interim or temporary City Manager. To the extent reasonably practical, the City shall negotiate with single sellers to obtain the best possible contract terms for the City.

Findings

1. The “product” that the City will be “buying” from the WLSA is artificial turf infields for the two softball fields at Willamette Park, made possible due to the goodwill and volunteerism of supporters of the WLBA. The supporters of the WLBA will be providing \$70,000 worth of labor and materials which could not have been procured elsewhere. This offer is unlikely to affect competitive procurement and competition and thus, it is unlikely that this exemption will encourage favoritism or substantially diminish competition in the

awarding of public contracts.

2. The awarding of this public contract pursuant to the exemption will result in substantial cost savings to the City. The cost to the City is 76% of the total project cost.
3. This exemption otherwise substantially supports the public interest in a way that could not be achieved under existing rules. Without this exemption and agreement, this project could not move forward at the projected cost.
4. The West Linn City Council therefore finds that it is in the City's best interest to grant this exemption and to award this project directly to the West Linn Softball Association in the amount of a City contribution of \$230,000

These findings are adopted this 8th day of October 2018.

Eileen Stein, City Manager

Agenda Bill 2018-10-08-03

Date Prepared: September 18, 2018

For Meeting Date: October 8, 2018

To: Russ Axelrod, Mayor
West Linn City Council

From: John R. Williams, Deputy City Manager/Community Development Director *JRW*

Through: Eileen Stein, City Manager *ES*

Subject: Willamette Locks Intergovernmental Agreement with Clackamas County

Purpose

Approval of Intergovernmental Agreement (IGA) with Clackamas County in support of Willamette Falls Locks project work.

Question for Council:

Does the Council wish to approve an IGA with the County to implement the transfer of budgeted funds in support of the Willamette Falls Locks project?

Public Hearing Required:

None required.

Background & Discussion:

The City of West Linn is one of many partners supporting the effort to repair and reopen the Willamette Falls Locks. Council approved the expenditure of \$15,000 per year for the 2018-2019 biennial budget towards this purpose. These funds were allocated with the intention of hiring a team of consultants to support the Willamette Falls Locks Commission, established in 2017 by Oregon Senate Bill 256. As shown in Attachment 2, the majority of funds are coming from other sources.

After securing financial commitments from all of the parties, Clackamas County hired the consultant team, Summit Strategies, and now it is time for West Linn to transfer the promised funds. The County has an unusual requirement in its charter that any funds received from another government must be preceded by an IGA with that government. The proposed IGA, drafted by the County and reviewed by West Linn staff and the City Attorney, serves that purpose.

In addition to providing the basis for a transfer of funds to Clackamas County the IGA also notes (Section 3) that West Linn is leading the effort to raise funds from other cities. However, it does not create any penalty if we are unable to secure those funds. West Linn's \$30,000 payment is the only action required by the proposed IGA. Currently, we have received commitments from Lake Oswego, Oregon City, Wilsonville and Canby to join in the funding. Efforts continue to bring Portland, Milwaukie, and Newberg onto the team.

Budget Impact:

\$30,000, to be taken from “Non-Departmental” Fund. These funds were approved for this purpose by the City Council in the 2018-2019 Budget.

Sustainability Impact:

Repair and reopening of the Willamette Falls Locks offers the opportunity for a variety of environmental gains regionally and locally. For example, the 2018 Economic Benefits study completed by ECONorthwest found that shifting expected amounts of aggregate transport from trucking to barging would reduce the production of CO₂ by 46%, with a total reduction of up to 32,000 metric tons over 30 years. Similarly, barging would reduce the production of NO_x by 93 percent over 30 years, with a total reduction of up to 15,400 metric tons over 30 years.

Council Options:

- West Linn is not legally bound to provide the funds to Clackamas County, however the City did previously confirm the funds would be provided. Non-payment would result in a reduction of potential services by the consultant team in support of the Locks Commission.

Staff Recommendation:

Staff recommends approval of the IGA. This action simply implements previous policy and budget decisions made by the City Council.

Potential Motion:

“I move the City Council approve the Intergovernmental Agreement between Clackamas County and the City of West Linn in support of the Willamette Falls Locks project.”

Attachments:

1. Proposed IGA
2. Project financial overview including expenditures and funding sources

**INTERGOVERNMENTAL AGREEMENT
BETWEEN CLACKAMAS COUNTY
AND THE CITY OF WEST LINN**

This Intergovernmental Agreement (“Agreement”) is entered into by and between **Clackamas County** (“County”), a political subdivision of the State of Oregon, and the **City of West Linn** (“City”), an Oregon municipal corporation, for the provision of project management and due diligence services provided to the **Oregon State Commission for Willamette Falls Locks**, (“Commission”), formed under 2017 SB 256, 2017 Oregon Session Laws Ch. 734, ORS 358.640 (Temporary provisions relating to Willamette Falls Locks Commission). This Agreement is authorized pursuant to ORS 190.010, and ORS 190.110.

1. **Effective Date and Duration.** This Agreement shall become effective upon signature by City representative. Unless earlier terminated or extended, this Agreement shall expire on June 30, 2019 (“Expiration Date”). This Agreement may be otherwise extended by mutual written agreement of the parties at any time prior to its Expiration Date.
2. **Statement of Work.** County agrees to perform the project management and due diligence work in accordance with the terms and conditions of this Agreement as reflected in Attachment 1. County agrees that it shall use the contributions from the funding partners in support of consulting services pertaining to and in support of the Commission and the goals of the Project as defined in 2017 Oregon Session Laws Ch. 743, Section 2. The County agrees to solicit through a competitive process the required project management and due diligence consulting services. The County further agrees to convene the staff from the contributing partners to provide guidance and support to the Commission and consultants.
3. **Consideration.** City agrees that it shall contribute Thirty Thousand and no/100 Dollars (\$30,000.00) and to provide staff support to the County to support the project management and due diligence facilitation upon execution of this agreement. West Linn will work with other cities to obtain donations towards the project with a goal of an additional \$90,000. This does not create an obligation of the part of West Linn to obtain a defined amount of donations. Cities choosing to donate will contribute funds for the project directly to County to be memorialized with individual Intergovernmental Agreements with each contributing city.
4. **Schedule of Performance.** The delivery schedule for the provision of these services is intended to be completed by June 30, 2019.
5. **Project Managers; Notice.** Each party has designated a project manager to be the formal representative for this Agreement. All reports, notices, and other communications required under or relating to this Agreement shall be directed to the appropriate individual. To be effective, any notice required to be given under this Agreement may be given by personal delivery to the address below or may be

sent by certified mail, return receipt requested and if sent via certified mail return receipt requested such notice will be deemed delivered three (3) business days after postmark. Notice may also be given by overnight delivery service, effective upon receipt of such delivery.

City of West Linn
John Williams
Deputy City Manager
City of West Linn
22500 Salamo Rd.
West Linn, OR 97068
(503) 742-6063

Clackamas County
Gary Schmidt
Director, Clackamas County
Public and Government Affairs
2051 Kaen Rd., Suite 450
Oregon City, OR 97045
(503) 742-5908

6. **Amendments.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except by written instrument signed by both parties.
7. **Termination.**
 - A. The parties may agree to an immediate termination of this Agreement or at a time certain upon mutual written consent.
 - B. Either party may terminate this Agreement effective not less than 30 days from delivery of written notice for any reason. City shall be responsible for any costs of Work done on its behalf prior to the effective date of the termination.
 - C. Either party may terminate this Agreement in the event of a breach by the other party. However, prior to such termination, the party seeking termination shall give the other party written notice of the party's intent to terminate. If the breaching party has not cured the breach within 10 days or a longer period as granted in the cure notice, the party seeking compliance may terminate this Agreement.
8. **Funds Available and Authorized.** Both parties certify that at the time the Agreement is written that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within each party's current appropriation and limitation through fiscal year 2018-2019. Both parties understand and agree that payment of amounts under this Agreement attributable to Work performed after the end of the current fiscal year is contingent on either party receiving appropriations, limitations, or other expenditure authority. This Contract is expressly subject to the debt limitation of Oregon counties set forth in Article XI, Section 10, of the Oregon Constitution, and is contingent upon funds being appropriated therefore. Any provisions herein which would conflict with law are deemed inoperative to that extent.
9. **Captions.** The captions or headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions of this Agreement.

10. **Access to Records.** Both parties and their duly authorized representatives shall have access to the documents, papers, and records which are directly pertinent to the specific Agreement for the purpose of making audit, examination, excerpts, and transcript.
11. **Compliance with Applicable Law.** Both parties shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the Work under this Agreement. Both party's performance under this Agreement is conditioned upon either parties compliance with the provisions of the Oregon Revised Statutes, including but not limited to ORS 279A, B, and C, which are incorporated by relevant reference herein. Notwithstanding the foregoing, the County is solely responsible for any and all contracts and subcontracts associated with the project management and due diligence work to be funded by this Agreement, including but not limited to procurement under applicable public contracting laws, contract management, and payments to contractors and subcontractors. County acknowledges that other than City's payment of funds to the County, City has no other obligation or responsibility for this the project management and due diligence work.
12. **No Third Party Beneficiary.** The County and City are the only parties to this Agreement and as such, are the only parties entitled to enforce its terms. Nothing contained in this Agreement gives or shall be construed to give or provide any benefit, direct, indirect, or otherwise to third parties unless third persons are expressly described as intended to be beneficiaries of its terms.
13. **Indemnification.** Within the limits of the Oregon Tort Claims Act, each party agrees to indemnify and defend the other and its elected officials, officers, employees, agents and representatives from and against all claims, demands, penalties and causes of action of any kind or character relating to or arising from this Agreement, excluding the cost of defense and attorney fees, arising in favor of any person on account of personal injury, death or damage to property and arising out of or resulting from the negligent or other legally culpable acts or omissions of the indemnitor, its elected officials, employees, agents, subcontractors or representatives.
14. **Merger Clause.** This Agreement constitutes the entire agreement between the parties. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement.
15. **Oregon Law and Forum.** This Agreement shall be construed according to the laws of the State of Oregon, without giving effect to the conflict of law provisions thereof.

16. **Severability.** If any provision of this Agreement is found to be unconstitutional, illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the offending provision shall be stricken. The Court or other authorized body finding such provision unconstitutional, illegal or unenforceable shall construe this Agreement without such provision to give effect to the maximum extent possible the intentions of the parties.

[Signature Page Follows]

DRAFT

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate by their duly authorized officers or representatives as of the day and year first above written.

City of West Linn by:

Clackamas County Board of County Commissioners by:

Eileen Stein, City Manager

Chair

Date

Date

City Recorder

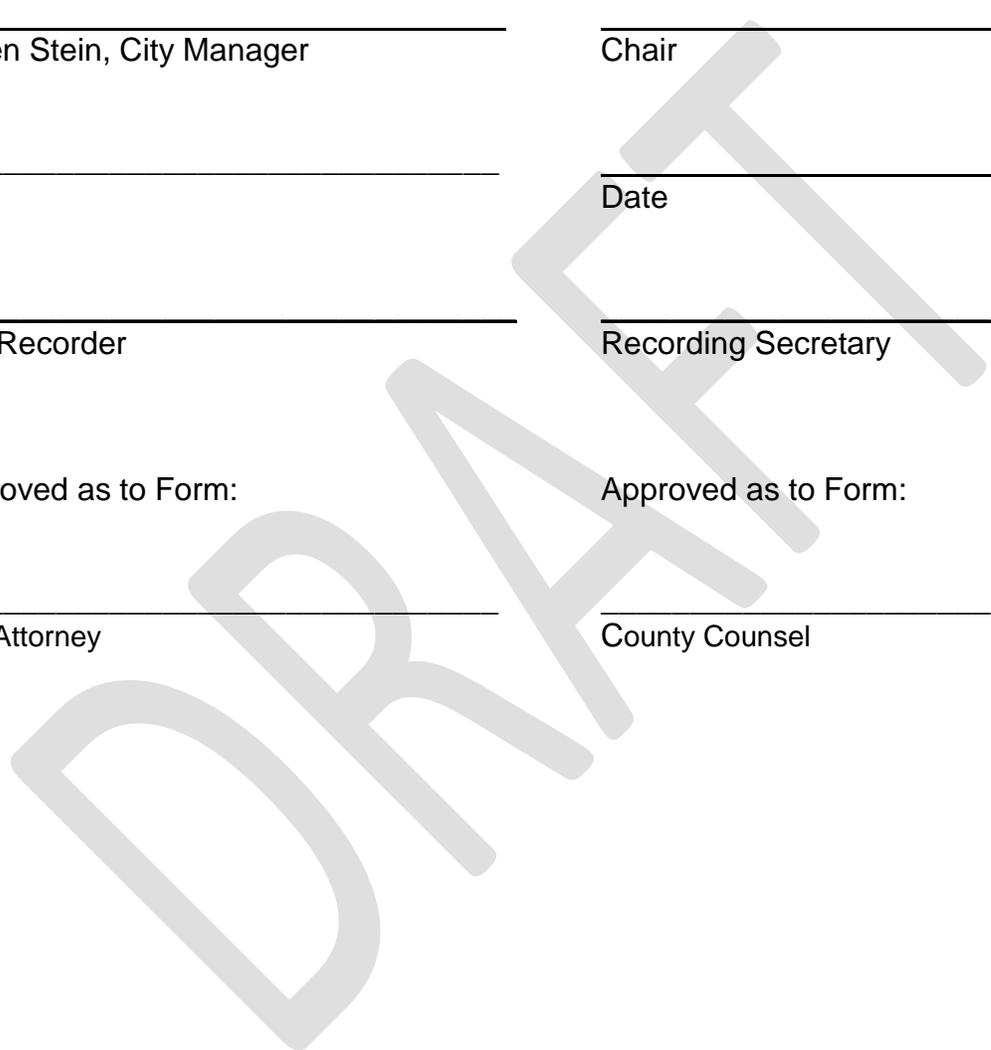
Recording Secretary

Approved as to Form:

Approved as to Form:

City Attorney

County Counsel



Attachment 1

Project Management and Due Diligence Work Program

- Overall Project Management – A single overall project manager should be identified with responsibility to manage the full work program, including work elements being carried out by other consultants and agency staffs.
- Governance – A key conclusion of this effort will be to identify a transferee and the governance structure through which to implement the transfer of the Locks from the Corps to a new owner.
- Funding – The companion conclusion to the governance question will be to determine the appropriate funding strategy to implement needed capital repairs and support ongoing operations, maintenance, and periodic capital improvements.
- Engineering – The Consultant team should include a civil engineer with experience with locks. This person will be responsible for consulting with the Corps to fully understand their engineering assessment, verify the scope of work for each repair item, confirm costs and assist the Locks Commission in finalizing an agreed upon short- and long-term capital repair plan.
- Public Outreach – The Consultant, working with the assistance of the full partners group will design and implement an appropriate public outreach work program with an eye toward building a base of support for ultimate implementation.
- Advocacy – The Consultant will develop and manage the best approach for any state or federal legislative and administrative advocacy stemming from recommendations by the Commission or full partners group.
- Agency Organization Structure and Capabilities – With the assistance of the full partners group and accessing the experience of the Corps, the Consultant will be responsible for defining the staffing and resources required for the transferee to be successful.
- Other studies and issues as required – As the project manager, the Consultant will be required to identify issues to be addressed and ensure that resources from the Consultant and/or the full partners group are assigned to analyze or otherwise address the issue.

Commission Proposal – The Consultant will be responsible for drafting the final Commission proposal

	B	C	D	E	F
1					
2	Willamette Falls Locks Commission Budget				
3					
4	Full Budget as of 1/26/2018				
5			2017	2018	2-Year Total
6	Overall Project Management/Budgeting/Commission interface		\$114,900	\$121,000	\$235,900
7	Governance		\$25,500		\$25,500
8	Funding		\$25,500		\$25,500
9	Engineering		\$50,000		\$50,000
10	Public Outreach		\$30,000	\$30,000	\$60,000
11	State Advocacy, Commission Interface		\$73,100	\$78,000	\$151,100
12	Federal Advocacy		\$60,000	\$60,000	\$120,000
13	Other studies and issues as required*		\$5,000		\$5,000
14	Agency Organization Structure & Capabilities			\$50,000	\$50,000
15	Other studies and issues as required			\$15,000	\$15,000
16	Commission Report			\$30,000	\$30,000
17	Contingency		\$29,000	\$39,000	\$68,000
18	Expenses		\$4,500	\$9,500	\$14,000
19	Travel/Lodging		\$7,500	\$7,500	\$15,000
20					
21	Oregon Solutions facilitation*		\$70,000	\$70,000	\$140,000
22	DOJ Legal Support*		\$50,000		\$50,000
23	Economic Benefit Study**		\$100,000		\$100,000
24	PNWA dues		\$3,680	\$3,770	\$7,450
25	EXPENSE TOTAL		\$648,680	\$513,770	\$1,162,450
26					
27	State Funding:				
28	FY 16-17 Appropriation		\$500,000		\$500,000
29	FY 17-19 SB 256 - Oregon Solutions funding*		\$70,000	\$70,000	\$140,000
30	FY 17-19 SB 256 - DOJ funding*		\$50,000	\$0	\$50,000
31	Subtotal - State Funding		\$620,000	\$70,000	\$690,000
32	Non-State Funding:				
33	Tourism		\$100,000		\$100,000
34	River Users***			\$43,645	\$43,645
35	Local Agencies:				
36	Metro		\$60,000	\$60,000	\$120,000
37	Clackamas County		\$60,000	\$60,000	\$120,000
38	Cities: West Linn, Lake Oswego, Wilsonville, Canby, Oregon City have committed a total of \$37,5000/year (add'l city revenues needed).		\$60,000	\$60,000	\$120,000
39	Subtotal - Non-State Funding		\$280,000	\$223,645	\$503,645
40	REVENUE TOTAL		\$900,000	\$293,645	\$1,193,645
41	Surplus/(Shortfall)				\$31,195
42	*Directly appropriated to Oregon Solutions		\$120,000	\$70,000	\$190,000
43	**Directly contracted thru Clackamas County		\$100,000		\$100,000
44	***Note: Rvenues from the marine industry: \$60,000 in				
45	contributions reduced to reflect costs incurred thru WFHF.				
46					
47					
48					

Agenda Bill 2018-10-08-04

Date: September 18, 2018

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

From: Eileen Stein, City Manager *ES*

Subject: Council Rules Changes: Code of Conduct and Other Changes

Purpose

To make changes to the Council Rules regarding code of conduct and other changes the Council has requested over the past several months.

Question(s) for Council:

Shall the Council Rules document be amended to reflect the changes desired by Council?

Public Hearing Required: None required.

Background & Discussion:

On May 21, staff presented changes to Council Rules and the Municipal Code that collectively would establish a code of conduct for the City Council, other elected officials, the City Attorney, members of advisory groups, and other volunteers. Drafts of these documents were further edited and discussed at meetings on July 2 and 25, August 6, and September 4 and 17.

At the September 17 work session, the Council expressed a desire to keep working on the ordinance language regarding the process for investigating complaints, including how to provide for confidentiality. However, the Council appears ready to make the aspirational commitment to set the behavioral expectations for itself and other parties. The Council also desires to make other modifications to its meeting logistics and procedures, and other changes to ensure consistency with the City Charter:

In summary, the changes in the attached Council Rules (for adoption October 8) include:

- Adds a section on code of conduct indicating the City's personnel policies will be consulted for guidance.
- Reflects policies for compensation and expense reimbursement for members of Council.
- Changes the meeting start time for pre-meeting work sessions to 5:00 p.m.
- Clarifies what meeting minutes shall include.
- Establishes policy and procedure for posting pre-meeting written testimony from citizens.

Budget Impact:

There is no budget impact associated with this action.

Sustainability Impact:

Adopting behavioral expectations for Council members and others is intended to prevent the possibility of costly investigations and litigation in the future.

Council Options:

- 1) Adopt the proposed changes to the Council Rules
- 2) Do not adopt the proposed changes and direct staff otherwise.

Staff Recommendation:

Option 1. Again, as discussed at the September 17 work session, the City Manager and City Attorney will continue to work together on an ordinance which prescribes applicability of the code of conduct, whether complaints can be made confidentially, and how an investigation process will be conducted if a complaint is received.

Potential Motion:

Move to approve adoption of the Council Rules, dated October 8, 2018.

Attachments:

1. Council Rules, dated October 8, 2018

City of West Linn

COUNCIL RULES

Proposed for Adoption October 8, 2018

Adopted _____

TABLE OF CONTENTS

AGENDA	5
AGENDA BILL	5
ANNUAL REPORT OF BOARDS, COMMISSIONS, COMMITTEES, AND NEIGHBORHOOD ASSOCIATIONS	5
ATTENDANCE	5
CENSURE	6
CITY COMMUNICATIONS	6
CITY MANAGER EVALUATION	6
CODE OF CONDUCT	6
COMMUNICATION WITH STAFF	6
COMPENSATION, EXPENSES AND REIMBURSEMENT	7
CONFERENCES AND SEMINARS	7
CONFIDENTIALITY	8
CONSENT AGENDA	8
COUNCIL RULES	9
EMERGENCY MEETINGS	9
ETHICS	9
EXECUTIVE SESSIONS	9

EXHIBITS	10
EX PARTE COMMUNICATIONS.	10
EXPENSES AND REIMBURSEMENT	10
FILLING VACANCIES ON THE COUNCIL	10
FILLING VACANCIES ON BOARDS, COMMISSIONS AND COMMITTEES	10
FLAGS, SIGNS AND POSTERS	11
GIFTS	11
LEGAL ADVICE	11
LIAISON TO BOARDS, COMMISSIONS AND COMMITTEES	11
LITIGATION	11
MAYOR AND CITY COUNCIL REPORTS.	12
MEETING STAFFING	12
MEETING TIMES	12
MINUTES	12
MOTIONS	12
NEWS MEDIA	13
ORDER AND DECORUM	14
ORDER OF BUSINESS	14
ORDINANCE READING AND ADOPTION	15

PARLIAMENTARY PROCEDURE	16
PLANNING COMMISSION TESTIMONY	16
PRESIDING OFFICER	16
PUBLIC COMMENT	16
PUBLIC MEMBERS ADDRESSING THE COUNCIL ON AGENDA ITEMS	17
PUBLIC RECORDS	18
QUESTIONING OF STAFF BY COUNCIL MEMBERS	18
QUORUM	18
RECONSIDERATION OF ACTIONS TAKEN	18
REPRESENTING THE CITY	18
SPEAKING BY COUNCIL MEMBERS	18
SPECIAL MEETINGS	18
TELEVISIONING OF COUNCIL MEETINGS	19
TESTIMONY FORMS	19
VOTING	19
WORK SESSIONS	20

Agenda. The City Manager shall coordinate with the Mayor (or presiding officer) on the preparation of an agenda of the business to be presented at a regular Council meeting. Council Work Session agendas will be published the Thursday prior to the Work Session. The agenda packet containing all agenda bills will be available for the City Council and public ten calendar days before a regular Council meeting. No items will be added to or removed from the agenda after the agenda packet is published without the approval of the City Council, which shall vote to approve the agenda at the beginning of each Council meeting.

- A. A Council member may place or remove an item on a Council agenda by motion at the beginning of each Council meeting, additions and deletions to the agenda must be approved by a majority of the Council. No action shall be taken on items that are not on the agenda without first modifying the agenda by motion. Council members will endeavor to have subjects they wish considered submitted in time to be placed on the agenda, and shall attempt to notify the City Manager in advance of proposing changes to the agenda.
- B. A Councilor who desires major policy or ordinance research should first raise the issue at a meeting under Council Business. The Council should consider items in light of City priorities and workload and agree to proceed with an issue or ordinance before staff time is spent preparing a report. The Councilor may present information or a position paper or ask for a department report or committee recommendation. Councilors who agree that staff time can be spent on a particular item are not bound to support the issue when it comes before the Council for a vote.

Agenda Bill. Each item of Council business requiring Council action shall be accompanied by an Agenda Bill in a format approved by the Council.

Annual Report of Boards, Commissions, Committees, and Neighborhood Associations. Each board, commission, committee, and neighborhood association will annually report to the Council on its activities for the previous year, including their recommendations. The report will be prepared in a format prescribed by the Council.

Attendance. Councilors will inform the Mayor and the City Manager if they are unable to attend any meeting. Additionally, the Mayor will inform the Council President and the City Manager regarding any absence by the Mayor.

Bias and Disqualification. Prior to the commencement of a quasi-judicial hearing, each Councilor must disclose his or her previous pre-judgment, personal interest or participation in any manner or action on the matter to be heard and shall state whether he or she can participate in the hearing with an open mind. If the Councilor deems him or herself unable to hear the matter impartially, the Councilor has a duty to step down from the hearing and participate as a citizen, if so desired.

- A. Any person may challenge the qualifications or impartiality of any Councilor about to participate in the discussion and decision. The challenger must state facts relied upon from which the party has concluded that the Councilor will not likely participate and/or make a decision in an impartial manner. Such challenges shall be made prior to the commencement of the public hearing. The Mayor shall then give the challenged member an opportunity to respond. Any such challenge to

a Councilor shall require a vote of the Council to accept or deny the challenge. The Councilor being challenged shall not vote unless required by the law of necessity to do so. Such challenges shall be recorded into the record of the hearing. If the City Council majority determines that the member is biased, it may disqualify the member by majority vote from participating in a decision. In which case, the Councilor may participate in the proceedings as a private citizen if the Councilor is a party with standing.

Censure.

- A. The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. The Council, acting as a whole, may reprimand or discipline to the extent provided by law, any member(s) of the council, or any member(s) of a board, commission or committee directly associated with the City Council.
- B. To exercise such right, the alleged offender(s) must first be notified of a finding that reasonable ground exists that a substantial violation has occurred prior to referral for investigation of the Council. Council may hold an executive session to consider the complaints or charges unless the person requests an open hearing according [to ORS 192.660\(2\)\(b\)](#) Discipline of Public officers and employees.
- C. The accused member(s) shall have the right to present a defense to the allegations, including the right to have legal representation at such meeting.
- D. Upon finding that a substantial violation has occurred, the Council may, upon unanimous vote of the balance not accused, proceed with censure or impose a proper sanction.

City Communications. As a general policy, the City communication tools (including, but not limited to: newsletter, website, mailers, postcards, bulletin boards, email newsletters and videos) should be used solely for City government related content. Events not sponsored entirely or partially by the City should not be allowed space in City communications. Requests for placement of articles in City communications shall be approved by the City Manager or designee.

City Manager Evaluation. The evaluation of the City Manager will be performed under the terms of the Manager's contract. According to City Charter Chapter 1V, Section 21 (b), the Council shall provide a mechanism for public input at least annually into the evaluation of the City Manager's performance and shall consider such public input in its evaluation of the performance and tenure of the City Manager.

Code of Conduct. ~~Council members commit to conduct themselves in a manner where the dignity and rights of the individual are respected and honored. Harassment in any form will not be tolerated by and between members of City Council, the City Attorney, the Municipal Judge, city boards, commissions and task forces, and persons appointed to service without pay. For guidance as to forms of harassment and other appropriate conduct, the Council shall follow consult the City's Personnel Policies for City employees for guidance. as directed under Section 2.470 of the West Linn Municipal Code, however the Council is not bound to the same employment rights and due process that are afforded public employees under Federal and State law. Instead, instances of harassment and other violations of inappropriate conduct by members of City Council, volunteers, the City Attorney, the Municipal Judge, city boards,~~

commissions and task forces will be processed in accordance with Section 2.480 of the West Linn Municipal Code.

Communication with Staff. Mayor and Councilors shall respect the separation between policy making and administration by:

- A. Supporting the Council-Manager form of government by adhering to the policy of non-interference in the administration of day-to-day City business, which is directed by the City Manager.
- B. Attempting to work together with the staff as a team in a spirit of mutual confidence and support.
- C. At all times respecting the administrative functions of the City Manager and various department heads, and refraining from actions that would undermine the administrative authority of the City Manager or department heads. In all events, the Council will abide by the City Charter and Municipal Code when dealing with the City Manager.
- D. Limiting all inquiries and requests for information from staff or department heads to those questions that may be answered readily or with only the most minimal of research. Questions of a more complex nature shall be addressed to the City Manager or City Attorney. Such questions should, whenever possible, be put in writing. Questions requiring significant staff time or resources (one hour or more) shall require the approval of the majority of the Council. All pertinent information given by the City Manager or City Attorney to the Mayor or a Councilor should be distributed to all the Councilors.
- E. Limiting individual contacts with City officers and employees so as not to influence staff decisions or recommendations, to interfere with their work performance, to undermine the authority of supervisors or to prevent the full Council from having benefit of any information received.
- F. Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages.

Compensation, Expenses and Reimbursement.

Members of Council receive quarterly salaries as compensation for their commitment to elected office. Federal tax regulations consider elected officials to be “public employees” for tax and payment purposes, which is explained at: <https://www.irs.gov/government-entities/federal-state-local-governments/tax-withholding-for-government-workers>. In contrast, an elected official is not an employee for purposes of Fair Labor Standards Act (wage & hour laws), ORPLRA (labor relations), Title VII of the Civil Rights Act (employment discrimination based on protected class), Age Discrimination in Employment Act, the Affordable Care Act (healthcare reform), or the Unemployment Insurance Act.

With the exception of quarterly salaries, Councilors will follow the same rules and procedures for reimbursement as those which apply to City employees, set forth in the policy manual. Councilor

expenditures for other than routine reimbursable expenses (e.g.: conference registration, travel, etc.) will require advance Council approval according to the purchasing rules which apply City wide.

Conferences and Seminars. Members of the Council are urged to educate themselves about local government. To that end, and as funding allows, Councilors are urged to attend the League of Oregon Cities functions. Requests to attend other government related conferences, training seminars and meetings will be presented to the Council for approval. Members of the Council who serve on committees or the boards of the League of Oregon Cities, the National League of Cities or other such government group will be reimbursed for reasonable expenses not covered by the respective body. Councilors should share information upon returning.

Confidentiality. Councilors will keep all written materials marked as confidential in complete confidence to ensure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Councilors, the City Manager or City Attorney.

- A. If the Council, in executive session, provides direction or consensus to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A Councilor will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.
- B. All public statements, information, or press releases relating to a confidential matter will be handled by designated staff, the Mayor, or a designated Councilor.
- C. The Council, by resolution, may censure a member who discloses a confidential matter.

Conflict of Interest. Councilors shall adhere to State laws concerning conflicts of interest. Conflicts of interest arise in situations where a Councilor has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the Councilor, a relative or a business with which the Councilor is associated. [ORS 244.020](#). A Councilor must publicly announce potential and actual conflicts of interest, and, in the case of actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue unless allowed by state law. [ORS 244.120](#).

Consent Agenda. In order to make more efficient use of meeting time, the City Manager shall place all items of a routine nature on which no debate is expected on a consent agenda. Any item placed on the consent agenda shall be disposed of by a single motion "to adopt the consent agenda" which shall not be debatable. With the approval of the Council, any Councilor or the Mayor can remove an item from the Consent Agenda. An item removed from the consent agenda shall not receive public testimony unless agreed to by a majority of the rest of the Council. Any item removed from the Consent Agenda will be discussed and considered as the first business item of the meeting.

Council Rules. Pursuant to Chapter IV, Section 13, of the City Charter, the Council shall adopt Council Rules. The Council shall review its rules at least once every two years. Amendments shall be adopted by a majority vote. The Council rules are not intended to replace or supersede any applicable federal or state laws or regulations, City ordinances or policies, or provisions of the City Charter. These rules may be suspended upon an affirmative vote of the Council.

Emergency Meetings. In the case of an emergency, an emergency meeting may be called by consent of all available Councilors upon such notice as is appropriate to the circumstances. The minutes of the emergency meeting shall describe the emergency justifying less than 24 hours' notice. The City shall attempt to contact the media and other interested persons to inform them of the meeting. Councilors are responsible to inform staff of how they can be reached when out of town.

Ethics. All members of the City Council shall constantly strive to meet the highest ethical standards in their role of City Councilor. The Council may act to discipline a member of the Council for these violations, up to and including approving a resolution censuring the Councilor. Among these standards are:

- I. Councilors shall review and observe the requirements of the State Ethics Law ([ORS 244.010 to 244.390](#)) dealing with use of public office for private financial gain.
 - A. Councilors shall give public notice of any conflict of interest or potential conflicts of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Councilors shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims, and transactions coming before the Council. This general obligation includes the duty to refrain from:
 1. Disclosing confidential information or making use of special knowledge or information before it is made available to the general public.
 2. Making decisions involving business associates, customers, clients, and competitors.
 3. Promoting relatives, clients or employees for boards and commissions.
 4. Requesting preferential treatment for themselves, relatives, associates, clients, coworkers or friends.
 5. Seeking employment of relatives with the City.
 6. Actions benefiting special interest groups at the expense of the City as whole.
- II. Repeatedly violating the Council Rules.

Executive Sessions. An executive session (meeting closed to the public) may be held in accordance with the appropriate statutory limits of [ORS 192.660\(2\)](#). All executive sessions shall be audio recorded as provided for in [ORS 192.650\(2\)](#) unless the Council determines that written minutes should be taken.

Material discussed during an Executive Session should not be disclosed, as provided in [ORS 192.610 and 192.660](#).

Exhibits. Exhibits presented before the Council in connection with its deliberations on a legislative, quasi-judicial or other substantive matter shall be accepted by the Council and made part of the record. The exhibit shall be marked for identification and referenced in the minutes. The exhibit or a copy thereof shall be provided to the meeting recorder.

Ex Parte Communications. When Council receives any ex parte communication, Council should inform the citizen that the Council is interested in his or her perspective; however, because the Council is hearing the associated land use application, Council are advised to refrain from reading and responding to information outside of the public hearing process. Council should inform the citizen that the information received is being forwarded to staff for inclusion in the public record. Council shall then forward all ex parte correspondence received to staff as soon as possible for inclusion in the land use file, and if possible, the record.

Ex-Parte Contacts and Disqualifications. In the case of quasi-judicial decisions, Ex-parte contacts consist of being party to any written or verbal communication by a party about a fact that relates to any issue of the hearing that occurs when other interested parties are not present or able to receive the information.

Councilors are advised to refrain from engaging in discussions about a pending quasi-judicial decision outside of the public hearing. However, if a Councilor partakes in or receives written or oral ex-parte contact prior to any such hearing, the Councilor shall disclose the communication for the record and/or reveal the contact and substance of the contact prior to the commencement of the hearing. The Councilor will state whether such contact affects his/her ability to vote on the matter in an impartial manner and whether he/she will participate or abstain. The presiding officer shall then announce the right of interested parties to rebut the substance of the communication. If the Council determines that the Councilor should step down for the hearing by a majority vote, the Councilor would then be allowed to participate in the proceedings as a private citizen.

Expenses and Reimbursement.

~~With the exception of quarterly stipends, Councilors will follow the same rules and procedures for reimbursement as those which apply to City employees, set forth in the policy manual. Councilor expenditures for other than routine reimbursable expenses (e.g., conference registration, travel, etc.) will require advance Council approval according to the purchasing rules which apply City wide.~~

Filling Vacancies on the Council. Upon declaring a vacancy on the City Council, the Council will fill the vacancy under provisions of the City Charter. The vacancy will be advertised and applications will be accepted. After the filing deadline has passed, the Council may conduct public interviews of applicants. The Council will make a decision to fill the vacancy in a public meeting.

Filling Vacancies on Boards, Commissions and Committees. When a vacancy occurs on any standing commission, board or committee, a public announcement of the vacancy will be made with sufficient time

and information provided regarding the duties of the positions and the process of filing an application. The Council will interview applicants for the Planning Commission and Budget Committee and may also include interviews for other Boards and Committees. The Mayor, with the approval of the Council, shall fill all vacancies of City committees, boards and commissions.

Flags, Signs and Posters. No flags, posters, placards or signs may be carried or placed within the Council chambers in which the Council is officially meeting. This restriction shall not apply to arm bands, emblems, badges or other articles worn on personal clothing or individuals, provided that such devices do not interfere with the vision or hearing of other persons at the meeting or pose a safety hazard.

Gifts. On occasion, and within the approved budget, the Council may wish to purchase a gift or memento for someone with City funds. Expenditures of this type shall receive prior approval from the Mayor or a consensus of the Council.

Legal Advice. Requests to the City Attorney for advice requiring more than fifteen minutes of legal research shall not be made by a Councilor or the Mayor except with the concurrence of the majority of the Council. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the City Manager to ascertain whether the request or action can be accomplished more cost-effectively by alternate means. Outside a Council meeting, a Councilor should make requests of the City Attorney through the City Manager. Exceptions to this are issues related to the performance of the City Manager and unique and sensitive personal, yet City business-related requests. The City Attorney shall in either case provide any written response to the full Council and City Manager, except as noted above.

Liaison to Boards, Commissions and Committees. To facilitate the exchange of information between the Council and its advisory bodies and standing committees, the Mayor will at least annually make liaison appointments with Council approval to City boards, commissions and committees with Council approval. Councilors shall respect the separation between policy making and advisory boards, commissions and committees by:

- A. Not attempting to lobby or influence boards, commissions and committees on any item under their consideration. It is important for the advisory body to make objective recommendations to the Council on items before them.
- B. Attending meetings of assigned liaison bodies, but should avoid becoming involved in the body's discussions without first explaining his or her role as a Council liaison.
- C. Not voting at the body's meeting on any item.

Litigation. The Council will meet in Executive Session with the City Manager and City Attorney within 30 days of the City's receipt of:

- A. A statutory notice of claim, or
- B. A judicial or administrative filing which initiates action against the City.

Mayor and City Council Reports. The Mayor and Councilors will report on the regional meetings they attend on behalf of the city.

Meeting Staffing. The City Manager will attend all Council meetings unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in all Council discussions but shall have no vote. The City Attorney will attend all regular Council meetings unless excused, and will, upon request, give an opinion, either written or oral, on legal questions. The City Attorney, if requested, shall act as the Council's parliamentarian. The City Manager shall designate a staff or contract person as a meeting recorder who will attend all Council meetings and keep the official journal (minutes) and perform such other duties as may be needed for the orderly conduct of meetings. Department directors or other staff will attend Council meetings upon request of the City Manager.

Meeting Times. In accordance with the Chapter IV, Section 13 of the West Linn City Charter, the City Council shall hold a regular meeting at least once each month. It is anticipated that this meeting will take place on the second Monday of each month beginning at 6:30 p.m. Such meetings may be preceded by a work session at ~~5:30~~5:00 p.m. All other Council meetings will be either Work Sessions or Special Meetings and typically scheduled on the first and third Monday of each month beginning at 6:00 p.m. Council meetings which exceed three hours in length shall be continued to the following evening or the following Council meeting unless extended by majority vote of the Council. Should the need arise; any member of the Council may request a short break.

Minutes. Minutes will be taken in accordance with ORS 192.650 (1) which states that meetings of the Council shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. Minutes shall include the following information: (1) Members present; (2) Motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition; (3) Results of all votes and the vote of each member by name; (4) The substance of any discussion on any matter; and (5) A reference to any document discussed at the meeting. All City Council meetings shall be either audio or audio and video recorded unless the Council determines that written minutes are sufficient for a specific meeting. Staff will post Draft Minutes online within two weeks of the meeting. Minutes will remain draft until approved.

Motions. When a motion is made, it shall be clearly and concisely stated by its maker. Councilors are encouraged to exercise their ability to make motions and to do so prior to debate in order to focus discussion on an issue and speed the Council's proceedings. The Presiding Officer will state the name of the Councilor who made the motion and the name of the Councilor who made the second. When the Council concurs or agrees to an item that does not require a formal motion, the Presiding Officer will summarize the agreement at the conclusion of discussion. The following rules shall apply to motions during proceedings of the Council:

- A. A motion may be withdrawn by the maker at any time without the consent of the Council.

- B. If a motion does not receive a second, it dies. Certain motions can proceed without a second, including nominations, withdrawal of motion and agenda order.
- C. A motion that receives a tie vote fails.
- D. A motion to table is not debatable unless made during a land-use hearing and precludes all amendments or debate of the issue under consideration. If the motion prevails, the matter may be taken from the table only by adding it to the agenda of the next regular Council meeting at which time discussion will continue. If an item is tabled, it cannot be reconsidered at the same meeting.
- E. A motion to postpone to a certain time is debatable and amendable, and may be reconsidered at the same meeting. The question being postponed shall be considered at a later time, at the same meeting, or at a specified time in the future. A motion to postpone indefinitely is debatable and is not amendable and may be reconsidered at the same meeting only if it received an affirmative vote. The object of this motion is not to postpone, but to reject the question without risking a direct vote when the maker of this motion is in doubt as to the outcome of the question.
- F. A motion to call for the question shall close the debate on the main motion and is not debatable. This motion must receive a second and fails without a majority vote. Debate is reopened if the motion fails.
- G. A motion to amend can be made to a motion that is on the floor and has been seconded. An amendment is made by inserting or adding, striking out, striking out and inserting, or substituting.
- H. Motions that cannot be amended include motion to adjourn, agenda order, lay on the table, reconsideration, and take from the table.
- I. A motion to amend an amendment is in order.
- J. Amendments are voted on first, then the main motion as amended.
- K. Council will discuss a motion only after the motion has been moved and seconded.
- L. The motion maker, Presiding Officer, or meeting recorder should repeat the motion prior to voting.
- M. A motion to continue or close a public hearing is debatable.
- N. A point of order, after being addressed by the Presiding Officer, may be appealed to the body.

News Media. The Council recognizes the important role of the news media in informing the public about the decisions, activities and priorities of government. Workspace shall be reserved for members of the press at Council meetings so that they may observe and hear proceedings clearly. See also Executive Sessions. The terms “news media” “press” and “representative of the press” for the purpose of these rules are interchangeable and mean someone who:

- A. Represents an established channel of communication, such as a newspaper or magazine, radio or television station; and either
- B. Regularly reports on the activities of government or the governing body; or
- C. Regularly reports on the particular topic to be discussed by the governing body in executive session.

Order and Decorum. A law enforcement officer of the City may be Sergeant-at-Arms of the Council meetings. The Sergeant-at-Arms shall carry out all orders and instructions given by the Mayor for the purposes of maintaining order and decorum at the Council meeting. If the Sergeant-at-Arms determines that the actions of any person who violates the order and decorum of the meeting constitutes a violation of any provision of the West Linn Municipal Code, the Sergeant-at-Arms may place such person under arrest and cause such person to be prosecuted under the provisions of the West Linn Municipal Code, or take other appropriate action as outlined in the West Linn Policy and Procedure Manual.

- A. Any of the following shall be sufficient cause for the Sergeant-at-Arms to, at the direction of the Mayor, or by a majority of the Council present, remove any person from the Council chamber for the duration of the meeting:
 - 1. Use of unreasonably loud or disruptive language, including personal, offensive or slanderous remarks, or actions that are boisterous, threatening or personally abusive.
 - 2. Making of loud or disruptive noise, including applause.
 - 3. Engaging in violent or distracting action.
 - 4. Willful injury of furnishings or of the interior of the Council chambers.
 - 5. Refusal to obey the rules of conduct provided herein, including the limitations on occupancy and seating capacity.
 - 6. Refusal to obey an order of the Mayor or an order issued by a Councilor which has been approved by a majority of the Council present.
- B. Before the Sergeant-at-Arms is directed to remove any person from a Council meeting for conduct described in this section, that person shall be given a warning by the Mayor to cease his or her conduct. If a meeting is disrupted by members of the audience, the Mayor or a majority of the Council present may declare a recess and/or order that the Council chamber be cleared.

Order of Business. The City Manager shall have the authority to arrange the order of business as is deemed necessary to achieve an orderly and efficient meeting with final approval of the Mayor. In general, the order of business will be as follows:

- A. Call to Order and Pledge of Allegiance to the Flag
- B. Approval of Agenda

- C. Public Comments (five minutes per speaker)
- D. Proclamations, Recognitions and Scheduled Presentations to the Council
- E. Consent Agenda
- F. Business Meeting
 - 1. Items removed from the Consent Agenda
 - 2. Public Hearings
 - 3. Ordinances and Resolutions
 - 4. Other Business
- G. Mayor and City Council Reports
- H. City Manager Report
- I. City Attorney Report
- J. Adjourn

The Mayor may use the gavel to commence the meeting, after each vote and to close the meeting.

Ordinance Reading and Adoption. All ordinances and resolutions shall be prepared under the supervision of the City Manager and reviewed and approved as to form by the City Attorney. Ordinances and resolutions may be introduced by a member of the Council, the City Manager, the City Attorney or any department head.

- A. Unless the motion for adoption provides otherwise, resolutions shall be adopted by reference to the title only and effective upon adoption.
- B. The Council may adopt an ordinance in any of the following circumstances:
 - 1. Before being considered for adoption, the ordinance has been read in full at two separate Council meetings.
 - 2. At a single meeting by unanimous vote of the whole Council, after being read twice by title only.
 - 3. Any of the readings may be by title only if no Council member requests to have the ordinance read in full or if a copy of the ordinance is provided for each Council member and three copies are provided for public inspection at the City offices not later than one week before the first reading of the ordinance, and if notice of their availability is given forthwith upon the filing, by written notice posted at City Hall and two other public places in the City or by advertisement in a newspaper of general circulation in the City. An

ordinance enacted after first being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.

4. Upon the enactment of an ordinance the custodian of records shall sign it with the date of its passage and the endorser's name and title of office and thereafter the Mayor, or President of the Council acting pursuant to Section 18 of the City Charter, shall sign it with the date of its passage and the endorser's name and title of office. Failure of the Mayor or the President of the Council to sign it shall not invalidate it.
- C. Ordinances shall be effective on the thirtieth (30th) day following the date of adoption, unless the ordinance provides that it will become effective at a later time. An emergency ordinance which includes a provision that the ordinance is necessary for immediate preservation of the public peace, property, health, safety or morals may provide that it will become effective upon adoption.
- D. Ordinances and resolutions shall be adopted by roll-call vote.

Parliamentary Procedure. The Council should follow parliamentary procedure such as Robert's Rules or Sturgis Parliamentary Procedure.

Planning Commission Testimony. In an effort to maintain the impartiality of the Planning Commission, especially in cases where issues can be remanded by the City Council back to the Planning Commission for review, the following rules are established. For legislative land use matters before the Council, Commissioners may testify as a Commissioner, as a Commission-Representative if so designated by the Commission, or as a citizen. For quasi-judicial hearings or petitions for review before the Council, Commission members, who have participated in the preceding Commission decision, may not testify before the Council on the respective matter.

Presiding Officer. The Mayor shall be the Presiding Officer and conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion on any matter before the Council, subject to these rules. The Council President shall preside in the absence of the Mayor. The Presiding Officer shall not be deprived of any of the rights and privileges of a Councilor. In case of the absence of the Mayor and the Council President, the City Manager shall call the meeting to order and the Council shall elect a chairperson for the meeting by majority vote.

Public Comment. General public comment is established to allow members of the public to speak for five minutes at the beginning of each Council meeting and work session on any community matter other than specific agenda items. The Mayor may adjust comment time according to the length of the agenda or the number of requested speakers. Verbally abusive or slanderous comments are not allowed.

Councilors are not expected to engage in discussions while receiving comments; however may ask clarifying questions with the Presiding Officer's permission. Later, during the business portion of the

meeting, Councilors may discuss concerns and direct questions to the City Manager with the understanding that answers from staff may not be immediately available.

Persons requesting to speak must first submit a completed testimony form to the City Recorder. A neighborhood representative may speak as an individual as well as the neighborhood representative when presenting items voted upon by the neighborhood association. When presenting items on behalf of the neighborhood association, the designated representative will be allowed up to 10 minutes for this testimony. When called upon, speakers shall first state their name and city of residence for the record. Copies of written comments and materials are to be handed to the City Recorder to deliver to the Council and submit to the record. If a speaker wishes to show a presentation, the presentation must be delivered to City staff 48-hours prior to the meeting.

Public Members Addressing the Council on Agenda Items. Each person addressing the Council shall first complete a testimony form and give it to the City Recorder prior to discussion of an item on the agenda. A separate form must be completed for each item desiring to be addressed.

- A. When called by the City Recorder, those wishing to address the Council shall come to the designated area and state their name and city of residence in an audible tone. They shall limit their remarks to five minutes unless the Council decides prior to a particular agenda item to allocate more or less time. A Neighborhood Association President or a designated representative of a Neighborhood Association shall limit their remarks to 10 minutes or less. They should address all remarks to the Council as a body and not to any member thereof.
- B. No person, other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Mayor. Questions from the public shall be asked of a Councilor or staff through the Mayor. No public member will be allowed to speak more than once on a particular agenda item. A member of the public wishing to testify cannot cede their minutes to another.
- C. The Council shall maintain a forum allowing citizens to testify regarding City-related issues, policy, and Council decisions. Any person making personal, offensive, or slanderous remarks, or who become boisterous, threatening, or personally abusive while addressing the Council may be requested to leave the meeting. The Mayor has the authority to preserve order at all meetings of the Council, to cause the removal of any person from any meeting for disorderly conduct, and to enforce the rules of the Council. The Mayor may request the assistance of Sergeant-at-Arms to restore order at any meeting.
- D. The Council will accept pre-meeting written testimony on particular agenda items for posting with the meeting agenda packet as long as the written testimony is received by 5:00 p.m. two (2) business days before the meeting (e.g. testimony for a Monday meeting received by 5:00 p.m. on the prior Thursday will be posted online with the agenda packet). Written testimony received after this deadline will be accepted and reviewed, but will be posted with the post-meeting record.

Public Records. The disposition of public records created or received by Councilors shall be in accordance with Oregon Public Records Law. Written information incidental to the official duties of a member of the City Council, including electronic mail messages, notes, memos and calendars (e.g., Outlook calendars and “Day timers”) are public records and are subject to disclosure under the Public Records Law.

Questioning of Staff by Council Members. Every Council member desiring to question the staff during a Council meeting shall address the questions to the City Manager, who shall be entitled to either answer the inquiry or designate a staff member to do so.

Quorum. The quorum requirement for the conduct of Council business is three Council members.

Reconsideration of Actions Taken. A member who voted with the majority may move for a reconsideration of an action at the same or the next regular meeting. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Council.

Representing the City. When any member of the City Council represents the City before another governmental agency, before a community organization or media, the official should first indicate the majority position of the Council. Upon returning, a reasonable effort should be made by the Council to communicate any information or questions pertinent to City business to the full Council within a reasonable timeframe.

- A. The effectiveness of City lobbying in Salem or in Washington, D.C. depends on the clarity of the City’s voice. When Councilors represent the City in a “lobbying” situation, it is appropriate that the Councilors avoid expressions of personal dissent from an adopted Council policy.
- B. When Councilors attend meetings of organizations such as the League of Oregon Cities or the National League of Cities and their boards and committees, they do so as individual elected officials and are free to express their individual views. If the City Council has an adopted policy relating to an issue under discussion, the Councilor is expected to report that fact.
- C. By resolution, the Council may appoint one or two of its members to act as negotiators with groups, individuals, or other governmental entities. Any agreements made by such negotiators shall require approval of the Council as a whole to take effect.

Speaking by Council Members. Any Councilor desiring to be heard shall be recognized by the Mayor, but shall confine his or her remarks to the subject under consideration or to be considered. Councilors will be direct and candid. Councilors will speak one at a time, allowing one another to finish.

Special Meetings. The Mayor, or in the Mayor’s absence the President of the Council, may, or at the request of two or more members of the Council, call a special meeting for the Council in accordance with state law. Special meetings are to be utilized only when absolutely necessary, and public comment shall be taken at all special meetings.

- A. Written notice of a special meeting shall be given to the Council, media and public, with as much advance (up to 10 days) notice as possible, and no less than 24 hours in advance of the meeting. The notice shall be served on each member personally or electronically, or if the Councilor is not found, left at his or her place of residence. All notice requirements of [ORS 192.640](#) shall be satisfied before any special meeting can be conducted.
- B. Special meetings of the Council may also be held at any time by common consent of all members of the Council subject to notice requirements being met. Councilors shall keep the City Manager informed of their current telephone numbers.

Televising of Council Meetings. Acknowledging that the citizenry of West Linn is generally a sophisticated and interested viewing audience, regular business meetings of the Council will be covered gavel-to-gavel live on the City’s government access cable channel. Video recordings will be kept permanently.

- A. To enhance viewer interest and understanding of the subject matter, televised meetings of the Council shall, whenever practical, employ the highest technical quality and techniques, such as multiple camera angles and informational captioning. The producer/camera operator should set the scene for the viewer of each agenda item with a planned series of shots in accordance with the City’s camera operator’s guide.
- B. It is intended that Council meetings be televised in an unbiased, even-handed manner, using camera shots that are appropriate for individual Councilors, witnesses and audience members and are relevant to the discussion.
- C. Video and audio shall be deleted only for the purpose of conforming with applicable laws governing public broadcasts. Editing for the above purpose and for the insertion of informational titles and graphics will be allowed. Portions of videotaped Council meetings may be used in other news and informational broadcasts provided they are not portrayed out of context.
- D. Regular business meetings of the Council shall be televised live and simultaneously videotaped for subsequent replay on the government access channel. Meetings shall be televised and taped in accordance with policies and procedures approved by the City Manager, including the camera operator’s guide.

Testimony Forms. The testimony forms for land use hearings will have a place for citizens to mark if they are for, against, or neutral on the topic.

Voting. Every Councilor, when a question is taken, shall vote. If a Councilor is planning to abstain, the Councilor must declare the intent to abstain prior to the vote.

- A. No Councilor shall be permitted to vote on any subject in which he or she has a conflict of interest.
- B. The concurrence of a majority of the Council members present at a Council meeting shall be necessary to decide any question before the Council. The meeting recorder shall call the roll, and the order of voting shall be rotated on each question such that each Councilor, excluding the

Mayor, has an equal opportunity to vote first and second to last. Since the Mayor acts as chair, the Mayor in all instances shall vote last.

Work Sessions. Work sessions of the City Council shall be held in accordance with the Oregon Public Meetings Law. [ORS 192.630](#). Whenever circumstances require such a session, it shall be called by the Mayor, City Manager, or two or more Councilors.

Homeless Solutions Coalition of Clackamas County

October 8, 2018 City of West Linn

Presented by

Dan Fowler and Nancy Ide, Homeless Solutions Coalition of Clackamas County

First Meeting: October 5, 2016



Taking Time to Learn – Nov. 30, 2016



Sept. 24, 2018 Community Meeting



The Homeless Solutions Coalition of Clackamas County consists of 160+ representatives from diverse community groups



HSCCC meetings and events are held at the Providence Willamette Falls Community Center

Monthly
Steering
Committee
Meetings

Quarterly
Community
Meetings



During the past several months, the Coalition collaborated to define its Vision and Values

Approaches included a gallery walk, brainstorming, art projects, listening and reflection



The Result: OUR VISION STATEMENT

Oregon City Homeless Solutions Coalition

*Compassionate and respectful solutions to homelessness
through community partnerships*



NEW NAME!

Homeless Solutions Coalition
of
Clackamas County



Presentations to Groups in Clackamas County

- Coalesce the community for conversations on homelessness
- Rally support for a grassroots effort to find solutions
- Build the foundation for a “Service Mall” solution
- Request a resolution of support for the Coalition’s efforts

- Presentations made to:
 - Love Inc banquet
 - Cities of Oregon City, Milwaukie, Oak Grove, Gladstone, West Linn
 - Oregon City Optimist Club
 - Clackamas Sunrise Rotary Club
 - Clackamas Roundtable (upcoming)



Business of the Coalition

- Developing the “Service Mall” concept
- Enlisted a part-time Administrator to assist with collaboration among our participants, funded by Clackamas County
- Educating the community through community meetings
- Continue our impact through work groups



Addressing Needs Through Work Groups

Current work groups:

- Warming shelters
- Needle Exchange
- Homeless camp clean-ups

Future work groups:

- Housing for homeless students
- Food distribution coordination







**Transition
Projects, Inc.
Portland, Oregon**

Grant Awarded: \$15,000 for HSCCC Strategic Planning



**Providence
Health & Services**

LONG-TERM GOAL: SERVICE MALL



Concepts from When Helping Hurts, and Marc Jolin, Multnomah County.

Thank you!

<https://www.facebook.com/OCHSC.Partnerships/>

Compassion | Respect | Community | Partnership





CITY OF

West Linn

I wish to speak during Public Comments on a non-agenda related item (limited to five minutes):

Please specify topic (required): _____

* I wish to speak during the Business Meeting on the agenda item listed below (limited to five minutes):

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

Agenda Bill 2015-10-04 - Council Rules changes - Code of Conduct & other changes

Please print:

Name: Emily Smith

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: West Linn State: Or Zip: 97068

Email (Optional): emily.w.smith@hotmail.com Phone (Optional): 541-749-0380

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 Public Comments on a non-agenda related item (limited to five minutes):

Please specify topic (required): Christine Lewis

I wish to speak during the Business Meeting on the agenda item listed below (limited to five minutes):

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

10-08-04 (6(c))

Please print:

Name: Christine Lewis

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 1790 5th Ave

City: West Linn State: OR Zip: 97068

Email (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 **Public Comments** on a non-agenda related item (limited to five minutes):

Please specify topic (required): Intro: Mike GRANT for Clatsop Co. Assessor

I wish to speak during the **Business Meeting** on the agenda item listed below (limited to five minutes):

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

Please print:

Name: Mike GRANT

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: Oregon City State: _____ Zip: _____

Email (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.