

WEST LINN CITY COUNCIL PUBLIC MEETING AGENDA

(The order of business is subject to change at Council discretion)

May 22, 2006 - Revised

West Linn City Hall - Council Chambers - 22500 Salamo Road

6:30 p.m. Agenda Work Session (Rosemont Room) The regular meeting will be preceded by a one-half hour work session wherein the agenda items will be discussed on an informational basis.

7:00 p.m. Regular Session

- Call to Order / Pledge of Allegiance
- Proclamations, Recognitions and Presentations
Arts Commission Annual Report
- Community Comments -- **[30 Minutes]** The Council President will call for statements from citizens regarding issues related to City government, properly the subject of Council consideration, and not issues on this agenda. Persons wishing to speak shall be allowed to do so only after completing forms provided in the foyer in advance of Community Comments. All remarks should be addressed to Council as a body. **Council will not engage in discussion with those making comments. The time limit for each participant will be determined by the Mayor.**
- Consent Agenda -- Items appearing below are routine and will not be allotted individual hearing time. The items may be passed upon by Council in one blanket motion. Any Council member may remove an item for discussion or questions by requesting such action prior to consideration.
 1. Agenda Bill 06-05-01 Approve Council Minutes of April 10, 2006
 2. Agenda Bill 06-05-03 Approve Council Minutes of April 24, 2006
- Report from the City Manager
- Business from the City Council
- Business Meeting -- Persons wishing to speak on agenda items shall be allowed to do so only after completing forms provided in the foyer and turning them in to the Council prior to the item being called for discussion. A separate speaker slip must be turned in for each item. Time limit – 3 minutes for each participant, unless the Mayor decides prior to the item to allocate more or less time.
 1. Agenda Bill 06-05-02 ORDINANCE - Amending the Community Development Code to Establish Design Standards for Single-Family Residences (SECOND READING)

2. Agenda Bill 06-05-04 RESOLUTION - Supporting the Transportation Enhancement Project "Willamette Falls Drive Bicycle Improvement"
- *Addition 3. Agenda Bill 06-05-05 (Continued from 1-25-06) ORDINANCE - Amending the Municipal Code By Adding Sections 5.800 through 5.900 Relating to Mitigating Public Health and Welfare Impacts of Forced Evictions Associated with Closure of Manufactured Home Parks, and Declaring an Emergency
- *Addition 4. Agenda Bill 06-05-06 Motion to Authorize the Mayor to Sign an Intergovernmental Agreement between ODOT, Blackhawk LLC, and the City for a Traffic Signal on 10th Street at the I-205 Northbound Ramps
- Executive Session pursuant to ORS 192.660, if needed
 - Adjournment

**West Linn City Council Meeting Minutes
May 22, 2006**

Council Present: Mayor Norman B. King, Council President Scott A. Burgess, Councilor Michele S. Eberle and Councilor Mike Gates

Council Absent: Councilor Jody Carson

Staff Present: Chris Jordan, City Manager; Bryan Brown, Planning Director; Gary Parkin, Engineer; Tim Ramis, City Attorney; and Shirley Richardson, Minute Taker

Call to Order/Pledge of Allegiance

Mayor King called the meeting to order at 7:07 p.m. and Councilor Gates led the flag salute.

Proclamations / Recognitions and Presentations

Veronica Swehla, 6291 Elliot Street, updated the Council on the Arts Commission. There is no better time to raise the flag for West Linn and celebrate one of the reasons why they choose to live in this community. West Linn is 44th in the nation as one of the best places to live. West Linn can be defined as a thriving community because of its potential, strong leaders, and public servants who work hard to sustain and improve the quality of life in this community. The arts are important because it reminds us that it is music, dance and all the mediums of art that include painting, sculpture and garden art that define why you exist. Art reminds us that the same world that can create havoc and mishaps can also create and recreate beauty.

On behalf of the Arts Commission she is asking that Council recommend to the Budget Committee that a \$15,000 grant be allotted to the Arts Commission for fiscal year 2006. This request will assist with ongoing and future projects and send a clear message to the scores of volunteers, local sponsors, neighborhood association and private citizens of this community that their city recognizes and values their commitment to the arts as well.

The Arts Commission has made efforts and strides towards becoming a more active Arts Commission. These efforts include:

- Attending art alliance workshops where neighboring communities, leaders and other art advocates and educators share their experiences and exchange ideas about how to develop art-related projects
- Reaching out to other organizations (Chamber, Rotary, Oregon City Arts Commission)

- Writing and submitting grants to help fund festival equipment
- Holding a fundraiser
- Piggy-backed the clean-up day this year
- Establishing and updating the West Linn Arts Commission website by hiring a web designer
- Creating brochures sponsored by local businesses with the Art Commission logo and event information on location of events for public knowledge

Events scheduled for 2006 are:

- Village of Willamette Art Festival
- Mary S. Young Park Art Festival
- Tanner Creek Music in the Park
- Music in the Stacks
- Art in the Dark
- West Linn Community Chorus

The total amount for these events totals \$66,426 of which \$56,123 is generated from these event revenues. These events were very well attended last year and ensured longevity and potential visitor destination attractions. The City and its citizens got and will get a good return on their investment. The Arts Commission comes before the Council as solid and committed servants.

Councilor Gates thanked the Arts Commission for dedication and hard work. The Arts Commission provides a strong sense of a thriving community with an interest in one another.

Councilor Eberle asked if this \$15,000 amount requested is in the 2006-07 budget. Ms. Swehla said yes.

Community Comments

Dean Suhr, 21345 Miles Drive, stated that another primary election season has been completed. Since 2004, all of the issues (including annexations) in the elections have passed. The mayor was elected by nearly a 2-1 margin. All the annexations except for one were approved by over 2-1. The issue about the water line and Wilderness Park passed by over 70%, voting to retain the line and using it as installed. All of these things convey a strong message that this Council was elected and the citizens support what they are doing and how they are going about it.

Mr. Suhr noted that the Council is tackling tough issues. The City is in the midst of an embezzlement investigation both financial and criminal. Tonight the Council will be hearing the Willamette Cove issue. He expressed his thanks for

all the work that the Council is doing and encouraged them that the citizens through their votes and through their actions are behind them.

Jack Woodward, 2072 Victory Lane, stated that the Cove is disappointed that nothing could be worked out with Mr. Jennings.

Council President Burgess stated that the Cove issue is on the business meeting agenda and asked Mr. Woodward to give his testimony when that issue is before the Council.

Alice Richmond, 3939 Parker Road, thanked the staff and those who worked on the West Linn Farmers Market, West Linn Community Concert, the West Linn Lock Fest and Oregon City's Family Festival, as all were well attended and all were well done. The West Linn princesses have won again in the Teddy Bear Parade in Oregon City. She looks forward to the upcoming events, which will include the Old Time Fair and other community concerts. She submitted a copy of her testimony for the record.

Sandy Carter, 2555 Dillow Drive, stated that she wanted to present the Council with a poster from the Lock Fest event. She thanked the Council for their support.

Sherri Burch stated that they had a great time and expressed thanks for the support they received for putting on this event.

Mayor King and Councilor Eberle thanked the people who participated in the Lock Fest; it was an exciting event.

Roberta Schwarz, 2206 Tannler Drive, stated that only one out of every three registered voters voted in the primary election last week. She is concerned that it is the minority's will that is being done in West Linn. She is disappointed that the Council waits until after Community Comments to respond to the comments that are made by the citizens. The citizens no longer have the opportunity to respond to the Council's statements. Recently resigned Councilor Teri Cummings stated that she is concerned about the Councilors and Mayor conducting City business via the Internet. The Sunshine Laws require that decisions and public business be discussed in front of the citizens.

Ms. Schwarz stated that at several recent Council meetings, when the Council is in disagreement on an issue, someone will call for a break and then the Council comes back with everyone voting unanimously. Teri Cummings listed as one of her reasons for resigning in March her lack of trust in her fellow co-members.

Mayor King informed Ms. Schwarz that her time was up and to close her remarks.

Ms. Schwarz noted that the sewerage rates are going up almost 50% and West Linn did not have a voice at the table. West Linn does not have a seat at the table on the proposed streetcar line that ends at Lake Oswego and doesn't continue on.

Councilor Gates stated that the mayor has been attending the meetings for the bus lines; West Linn is represented. Ms. Schwarz stated that Mayor King doesn't have a vote at the table.

Roger Shepherd, 5845 West A Street, stated that one of the indicators of the quality of life for a community is availability of safe walking and hiking opportunities and access to parkland and open spaces. West Linn is fortunate to have an abundance of natural areas, parks, streams and spectacular scenic viewpoints. Trails to some of these areas provide the opportunity to get away from the hustle and bustle of city life. He is here tonight representing the West Linn Trails Advisory Group.

The mission of this group is to promote and encourage safe bicycling and walking opportunities through the development of a coordinated system of trails, pathways, bicycle paths, sidewalks and neighborhood connections in the West Linn area. Discovery walks have been led on the first Saturday of each month for the past three years. Part of their mission is to help people know where these trails are. Last year they worked with the West Linn Chamber of Commerce to secure some tourism money for the development of a Parks and Trails brochure and map. With the cooperation of the Parks and Recreation Department, the brochures should become a reality this summer.

The Trails Group has been working with Ken Worcester and the Parks Board in the development of trails signs that would be placed at the beginning of trails and intersections. The first signage was for the Palomino Loop Trail (Hidden Springs Neighborhood), which begins at Palomino Park. The Trails Group adopted this trail for maintenance.

Mr. Shepherd invited the audience to the annual National Trail Day to be celebrated this year at the Palomino Loop Trail on Saturday, June 3rd, at 9:00 a.m.

Council President Burgess called Andy Rocchia and Lynette Meadows; they were interested in testifying during the Willamette Cove hearing.

Consent Agenda

1. Agenda Bill 06-05-01 Approve Council Minutes of April 10, 2006
2. Agenda Bill 06-05-03 Approve Council Minutes of April 24, 2006

Councilor Gates moved to approve the Consent Agenda consisting of the minutes of April 10, 2006, as revised and the minutes of April 24, 2006, as revised. Councilor Eberle seconded the motion.

Ayes: Eberle, Burgess, Gates, King

Nays: None

The motion carried 4-0.

The revisions to the draft minutes of April 10, 2006, were as follows:

- Page 6, third paragraph, first sentence:

Council President Burgess noted that it is irrelevant that Mayor King does not hold regular open office meetings because this is a Council/Manager form of government, and the Mayor cannot do anything about any issue unless it **he** gets two other votes from the Council.

- Page 11, sixth paragraph:

Council President Burgess asked staff to bring back information on other projects in the budget that Council should be made aware of **given limited funds or uncertain budgets** given limited funds or uncertain budgets before putting ~~them~~ **the project** out for bids.

- Page 13, first paragraph, fourth sentence:

She stated ~~that it is not clear whether~~ the Traffic Safety Committee has a good function in providing input to the City regarding traffic concerns and that the Transportation Advisory Committee **could** ~~would~~ serve the same function.

The revisions to the draft minutes of April 24, 2006, were as follows:

- Page 1, third paragraph:

Ken Hall, 1240 Swiftshore Circle, stated that he was here tonight to update the audience on the Sustainability ~~Committee~~ **Task Force**. He is the chair of the Task Force ~~for that committee~~.

- Page 4, fourth paragraph, fifth sentence:

West Linn will **not** benefit from this formula.

- Page 5, fifth paragraph, last sentence:

She was amazed at the **competence** ~~confidence~~, professionalism and compassion that TVF&R displays in what they do.

- Page 12, first paragraph:

Council President Burgess noted that the standards are lenient and may not give the degree of protection that some people would like. ~~It will address~~ The issue of additional group homes **has already been addressed**. He **might support imposition of** a more stringent requirement in infill situations. He expressed concern that there is a false sense of security in what has been proposed.

Report from the City Manager - None

Business from the City Council

Councilor Eberle reported that the Budget Committee has begun meeting to discuss the 2006-07 budget. She and Councilor Carson were appointed to the Audit Committee. They have met twice with the forensic accountants that are reviewing the crisis situation. Three areas have been identified for review: how it happened; what transpired; recovery and prevention in the future. This is a very serious crisis situation. The problem generally occurs with top management. West Linn is fortunate to have City Manager Chris Jordan with his positive changes. They will continue to meet with the forensic auditors and she feels it is important to deliver the message to the community that this will be a long process and they will keep the community informed as the audit is continued. An update will be presented at each Council meeting.

Councilor Gates congratulated the participants of the Lock Fest. There was more at the event this year than last year.

Council President Burgess noted that Pat Schwoch had requested to make comments on the minutes and he wanted her to know that the Council did not take comments on the minutes. Pat Schwoch was not in the room at this time.

Business Meeting - Agenda Items

1. Agenda Bill 06-05-02 ORDINANCE - Amending the Community Development Code to Establish Design Standards for Single-family Residences (Second Reading)

Mayor King announced that this item has been continued to the June 12th Council meeting.

Councilor Gates moved to continue Agenda Bill 06-05-02 until the June 12, 2006, City Council meeting. Council President Burgess seconded the motion.

Ayes: Burgess, Gates, Eberle, King

Nays: None

The motion to continue carried 4-0.

2. Agenda Bill 06-05-04 RESOLUTION No. 06-17 - Supporting the Transportation Enhancement Project "Willamette Falls Drive Bicycle Improvement"

Gary Parkin reviewed the staff report with the Council. The Oregon Department of Transportation (ODOT) is selecting projects for funding from the Statewide Transportation Improvement Program's Transportation Enhancement program. The program provides federal funds to reimburse selected projects up to 89.73%. A 10.27% match is required.

The project submitted for West Linn is bicycle improvements on Willamette Falls Drive from 10th Street to Highway 43. The funds will be allocated a year from now. The proposal to ODOT is due at the end of June, and one of the elements of that 10-page proposal is Council's endorsement of the project.

Council President Burgess asked if this is on the south or north side of Willamette Falls Drive. Is it in the pavement or is additional right-of-way needed? Mr. Parkin stated that the improvements would be on both sides of the roadway on existing pavement. There are no extra right-of-ways needed for this project.

Councilor Eberle asked if this proposal included a hard cash match. She asked if it is a competitive grant. Mr. Parkin stated that part of the resolution is to include a hard match of cash. There is about \$8.5 million per year; this project is a million and it is a statewide allocation. There have been a lot of requests for bicycle improvements since the City took over this stretch of road. The City has received a Metro endorsement, which helps with the funding.

Council President Burgess asked how much of the funds are for construction and how much for design. Mr. Parkin stated that he estimated the project with 20% for design with some contingencies and the rest construction. The improvements will be along the road.

There was no testimony on this issue.

Council President Burgess moved to approve Resolution No. 06-17 supporting the Transportation Enhancement Project "Willamette Falls Drive Bicycle Improvement" per Agenda Bill 06-05-04. Councilor Gates seconded the motion.

Ayes: Gates, Eberle, Burgess, King

Nays: None

The motion carried 4-0.

3. Agenda Bill 06-05-05 ORDINANCE - Amending the Municipal Code by Adding Sections 5.800 through 5.900 Relating to Mitigating Public Health and Welfare Impacts of Forced Evictions Associated with Closure of Manufactured Home Parks, and Declaring an Emergency

Bryan Brown, Planning Director, reported that the proposed amendment helps to mitigate the impacts of the forced evictions associated with the closure of manufactured home parks. The Willamette Cove Mobile Home Park is a manufactured home park in the City of West Linn. The ordinance is being done in a manner that it could apply to other manufactured home parks in the future.

The ordinance would regulate the closure of manufactured home parks by requiring the park owner to mitigate the cost of relocation or abandonment of those homes as a result of that closure. The ordinance was prepared to address the adverse impacts on the manufactured home park tenants and the community associated with the increasing number of manufactured home park closures. The ordinance makes findings related to the impacts that it has on the community as a whole and on the individual residents that are in the mobile home parks.

The ordinance was modeled after a Wilsonville code addressing the same issue. The ordinance requires that closures of mobile home parks are preceded by adequate notice; that the social and economic impacts of the closure are adequately defined and mitigated prior to such closure; and that relocation and other assistance is provided to the park residents. The ordinance gives substantial added protections above and beyond what is currently provided by state statute. The requirement to obtain a closure permit addresses relocating costs, relocation plans, homes that can't be moved, and the possibility of purchasing those homes at a real market value. The ordinance only offers protection to owner-occupied units, not leased units.

The ordinance was presented to the Council on January 25th; there were a few changes made since that time:

- An addition to Section 5.800 adding, "These provisions shall be construed so as to not conflict with state law and shall be applied so that these provisions and state law operate concurrently.
- A change to Section 5.820(1) that delineates items (1), (2) & (3) within the paragraph dealing with closure permits.
- Circled Page 10, Item 1, mentions a "use permit" and it is intended to be a "closure permit."
- A change to Section 5.840(2) providing that the offer to purchase the manufactured home will be made at its in-place market value, eliminating a previous elaboration on how such value was to be determined.

A resolution will be brought forth by staff at the next meeting for the Council to set an application filing fee for a closure permit and an application fee for the owner seeking relief.

Mr. Brown reviewed the proposed ordinance with the Council. The Council is obligated to hold a public hearing once a closure permit is applied for. Required findings for approving a permit for a manufactured home park closure include:

- That the tenants of the manufactured home park have been adequately notified of the proposed closure;
- That the age, type size and style of manufactured homes to be displaced as a result of the closure will be able to be relocated into other comparable manufactured home parks within a 100-mile radius of the City;
- That any manufactured home tenants displaced as a result of the closure shall be compensated by the owner for all reasonable relocation costs, excluding the value of tax credits owing the tenant under state law;
- That if the owner files a tentative plat or plan for a land division to be created from the closure of a rental manufactured home park, the owner provides tenants such offers and other information required by law.

Council may impose any necessary and appropriate conditions that might be found in reviewing implementation of this closure permit. There is a provision for owner relief if the mobile home park owner feels that these regulations are unduly oppressive. Enforcement provisions include a \$1,000 fine, which applies to every day of noncompliance.

Mayor King explained that the City needs to provide additional notice to Mr. Jennings. Tonight the Council will take testimony and then continue the hearing to the next meeting on June 12th.

Councilor Gates asked Mr. Ramis to make comments on an undated letter from Mr. Jennings regarding the agreement. Mr. Ramis stated that earlier in the process an agreement was negotiated with Mr. Jennings where all the parties stood down in order give opportunity for the tenants and Mr. Jennings to negotiate further. Mr. Jennings is asserting that, as part of that agreement, he was entitled to a 14-day notice to his lawyer before Council conducted a proceeding. In view of this concern, Mr. Ramis feels the safest course is to take testimony and continue the matter for 14 days to allow the notice to happen and then come back and allow any additional testimony that Mr. Jennings or others who don't testify tonight may have, thus eliminating the issue being contested.

Mr. Gates noted that the Wilsonville ordinance is currently being litigated so West Linn is being cautious. He asked Mr. Ramis to comment on Mr. Jennings'

attorneys' points of concern. Mr. Ramis stated that they are waiting to see what the outcome is. These issues are being briefed and argued before the circuit court and will serve as guidance to decisions the Council will make here. Each of the five points Mr. Jennings is listing is currently being contested in the Wilsonville case.

Council President Burgess asked if those wanting to testify can testify at both hearings, tonight and June 12th. Mayor King stated that it is his understanding that the public will have an opportunity for a choice of testifying tonight or at the next meeting, but not both.

Council President Burgess asked Mr. Ramis to comment at the next hearing on the closure date indicated on circled Page 8, Item 2; that ". . .closure date is on or after May 1, 2006." It is his understanding that the definition of closure to a manufactured home park makes reference to notice. Residents have been notified that park will be closed, and yet it refers to spaces not being made available after this. Mr. Ramis stated that he would review this section to see if the language should be clarified.

Council President Burgess asked Mr. Ramis to comment at the next meeting on relocation (space available and cost to relocate) and if not purchased. There is a definition given of comparable manufactured home park space. Does the owner have the option of taking the space available within the 100 miles or can that owner be bought out if he chooses not to take the available space?

Councilor Eberle noted Section 5.860, Required Findings, which indicates that in approving a permit for manufactured home park closure, the City Council shall find that they meet the following criteria. It also indicates "...other comparable manufactured home parks..." She asked that staff have the criteria outlined as to what constitutes "comparable" available so that an informative decision can be made by Council.

Dave Adams, 19621 Hazelhurst Lane, showed a video of the residents of Willamette Cove voicing their opinions on the closing of Willamette Cove.

Mr. Adams stated that it has been 11 months since this crisis hit. People who have testified here before are now in hospitals. People have lost thousands of dollars on their homes. He encouraged others not to take any other actions until help has arrived. These people are panicking and they need help.

Mr. Adams asked if there was any language in the ordinance that helps those who have already panicked and sold. He does not feel there is anything comparable to Willamette Cove. He finds the tenant purchase rights beneficial, as well as penalties for anyone who willfully makes an untrue or misleading statement of fact or willfully omits to provide required information; if there is an

opportunity to come into negotiation again with Mr. Jennings, who will guarantee the Cove residents a fair and honest open negotiation.

Councilor Gates asked how many homes have been moved so far. Mr. Adams stated that there are five empty spaces and a dozen homes up for sale. Some have given notice because of loss of confidence that there will be some help. What position does it put those in who have served notice to move?

Mr. Ramis stated that the rights accrue to the people in the park at the time the ordinance takes effect. It is doubtful that people who have moved and given notice will be able to take advantage of the ordinance. Once tenancy is terminated, it may not be reinstated. The position of the City Manager is that the City is willing to talk to anyone to solve this problem; not as a representative voice, but as a facilitator.

Mr. Adams asked who would police the enforcement of this ordinance. He feels the \$1,000 per day fine should be imposed now. The cove residents don't feel they have had fair and open negotiations.

Mr. Ramis stated that the enforcement provision doesn't speak to any prior negotiations that have gone on. It speaks to whether there has been compliance with the ordinance; whether notice has been given, whether the relocation plan and report have been properly developed; and whether the proper offers have been made that are required by the ordinance. These are the objective questions that are in the ordinance and subject to the enforcement provisions.

Jack Woodward, 2072 Victory Lane, stated that the people have lost faith in Mr. Jennings' promises for the last three years. He asked if this ordinance would guarantee that Mr. Jennings will comply with this ordinance. What guarantee do the residents have that this will happen?

Mr. Jordan stated that Council hasn't approved anything at this point so he can't tell what the process will be. Section 5.900 indicates that the City Manager or his designee is authorized to promulgate any rules necessary for the implementation of this chapter of the code. After approval, staff will create a process and inform the citizens of how this process works and how it will be enforced. If Council approves this ordinance, staff will create a process for enforcement.

Mr. Woodward stated that the real concerns of the residents are for expenses and money for their homes. He asked how the tenants are going to get this money if it does not come from Mr. Jennings. They have no faith in Mr. Jennings and would like to have help from the Council on some sort of security.

John Brenneman, 3857 Wolverine Street, NE, Suite 22, Salem, stated that he works for Manufactured Housing Communities of Oregon (MHCO). This is a

trade association with approximately 500 members throughout the state that own parks. To his knowledge, Mr. Jennings is not a member of MHCO. The manufactured home parks industry has been providing affordable housing for decades. This is coming to an end with the price of land. The Manufactured Landlord Tenant Coalition has been in existence for 10 years. They meet and find common ground for solutions to problems in the industry. In the last legislative session they pulled together the park closure bill at the last minute as a response to Willamette Cove and Thunderbird.

They have agreed to move ahead and do some expansion and clarification work on the bill. They are in the process of forming a New Hampshire style co-op purchase law that makes park ownership work even better than current legislation. They are negotiating a bill for both landlords and tenants. This is a problem all over Oregon and around the United States. The high cost of land, scarcity, and the push to increase density have all been factors. Golf courses are being closed; apartment houses are being converted to condominiums; and residents are being disrupted.

Builders are cruising neighborhoods to find older homes to tear down and rebuild. Park closures are not the fault of park owners. Park owners should not bear the elements made by the market. They continue to work on common solutions for moving people and finding other alternatives.

They feel that the proposed ordinance transfers the value of the land to park residents. He suggested that the Council wait for Clackamas County to make a decision and wait for the Landlord Tennant Coalition to come up with a more comprehensive solution. These mobile homes are movable. A landlord has other alternatives when faced with these issues. One alternative would be to bring rents to market value. State law prohibits local governments from passing rent control.

Council President Burgess asked Mr. Brenneman to comment on availability of other sites for relocation. Mr. Brenneman stated there are places that offer incentives to move in and offer reduced rates or money to move. There are small mobile home parks dotted throughout Salem.

Council President Burgess asked if any incentives being offered give a guarantee that the park will not close down. Mr. Brenneman stated that Oregon Housing has a website as part of the bill passed that lists parks with incentives to move and spaces available.

Council President Burgess asked Mr. Brenneman if he is aware of any additional legislation being acted on by subsequent legislatures or local governments. Mr. Brenneman stated that everyone that moves into a park now has to sign a

statement of policy. The Coalition has discussed new legislation that would offer stability in which people are guaranteed a lease is a lease.

Mary Ann Wersch, 3025 Remington Drive, voiced concern over the term "owner occupied units." She owns a home in Willamette Cove, which she inherited from her mother who passed away last August. They have had it for sale since August and no one has expressed interest in buying it and it has been sitting vacant. In her situation, the home is vacant but not abandoned and she would like to be considered as part of this ordinance. They have lost \$4,025 in rent because they can't sell the house. They continue to pay rent and will have to pay \$17,000 to move the home. She asked that the Council consider this situation when making their decision.

Councilor Eberle asked Mr. Ramis if there is anything in the ordinance now that would extend these privileges to the estate of a person who had lived in the park, or is this something that would have to be added. Mr. Ramis stated that he will look at this issue more closely; however, his initial opinion is that you must be a tenant and occupy the unit to get benefits from the ordinance. The Council has the authority to amend the ordinance to address this issue.

Andy Rocchia, 957 Willamette Falls Drive, read a statement into the record regarding the Cove citizens. A copy of the statement was made a part of the record. He feels that the City has a responsibility to the trusting citizens who moved into Willamette Cove in good faith. He stated that the City should provide \$7,000-\$12,000 to these residents to compensate for their having to move. The funds requested would cover moving costs.

Councilor Gates asked Mr. Rocchia if his solution to have the City provide moving costs was his idea. Mr. Rocchia stated that his idea would be for the City to investigate ways for agencies to help mitigate the cost of moving the homes at Willamette Cove. If the ordinance is passed, he envisions a nightmare of litigations and these people need their money now. This litigation may take years.

Alice Richmond, 3939 Parker Road, stated that this is a heartbreaking situation. When she moved in 1959, she provided for her own retirement. She feels this is begging the City (taxpayers' money) to go into a private enterprise. It is the owners' right to do what they want with their property. When a company goes out of business, it doesn't have to find jobs for employees. Why should residents demand a new place to live?

Ms. Richmond stated that she will be 76 this Friday. She is as old as some of the residents in this park. She read on circled Page 3 that the lowest income ranged between \$27,000 to \$45,000. This is not poverty. This is more income than she has, and she pays taxes. She is not crying. She has learned that half of the

parents living at the Cove have grown children living in West Linn that own property. What's wrong with living with their children? There are several things that she is concerned about.

Elizabeth Kieres, 22106 Horizon Drive, stated that her mom lives in Willamette Cove on Victory Lane. She realizes that this decision is very difficult. The focus has gone away from the idea that the homeowners do not want to move. The citizens have negotiated with the owner many times with a reasonable offer to purchase the property. They have had help to try and buy the property and have the frustration of never being listened to properly. They have put their faith in a group of people to help purchase this property, and they no longer have faith that they will be helped. They really want to purchase this property. The town needs to realize that they are not looking for someone to move them; they want to stay.

Roberta Schwarz, 2206 Tannler Drive, stated that her 90-year-old mother has been kept abreast of this situation from the beginning. After seeing the film that was presented tonight, she feels that all the citizens should be thinking of ways for these residents to be able to purchase this property; e.g., writing letters for grant money, checking with the Bill Gates Foundation, etc. There are people who want to help but they need to know about these issues. She feels that the present Council members and hopefully Ms. Carson, who is absent, should be actively involved in trying to get money to help these residents to bridge the gap between the \$6 million they have now and the \$10 million that Mr. Jennings wants for this property. Months ago suggestions were made to go with the Wilsonville initiative or a possible zone change; nothing was done. There should be some solution to helping these citizens retain their homes. There are people who can help these people, and the City should be actively involved to help these people find those contacts.

Councilor Eberle asked forgiveness on behalf of Ms. Schwarz for the citizens who have to hear the tone of her comments meeting after meeting. There should be more respect for each other. The negative rhetoric is not necessary.

Councilor Gates explained that the reason for Ms. Carson's absence is a death in the family. It has nothing to do with the issue before the Council tonight.

Patricia Schwoch, Executive Director for the Manufactured Home Owners of Oregon, indicated she represents these residents of Willamette Cove and has attended many of these hearings on park closures. The damage created when these parks close is close to criminal. Not only do the residents lose their investments, they lose the community association that they have established. In addition, these residents have paid for a lot of concrete, as well as their homes, from the rental payments to the park owners in terms of driveways, sidewalks, and concrete. There has been an effort in Bend to close a park and the Council there decided to enact the Wilsonville ordinance on a six-month basis. Part of

the reason for the six-month time frame is that this is not necessary because the Coalition would solve the problem for the whole state.

It is her hope that the Coalition can do something. They have been meeting monthly and progress is limited. The residents are determined to stay with this process to the end; they will not leave the Coalition. She urged the Council to follow Wilsonville and Bend's lead and enact the Wilsonville ordinance for the residents of Willamette Cove. In the event the Coalition reaches an agreement, then the ordinance can be rescinded. The harm that this is causing the Willamette Cove residents financially and emotionally is disgraceful and should not happen.

Mr. Jennings argued hard to get the park located where it is now and now argues that the park needs to become a different kind of housing. These residents moved into his park at his invitation and fulfilled their obligation by improving their lots and establishing a community. All these years Mr. Jennings has collected rents from these residents each month as they improved his property; and now he wants to send them down the road to suffer all the loss, and he comes out scot free with no financial obligation. No one should be able to wreak such havoc on those who have committed no crime other than believing that they were set for life. She urged that the Wilsonville ordinance be passed.

Kirk Becker, 2067 Riverknoll Court, stated that he came here months ago to a Council hearing/meeting with Mr. Jennings. They were waiting for a vote on the Wilsonville ordinance and a proposal for manufactured home zoning. He asked if this zoning issue is still being considered. He feels that zoning this park as manufactured home zoning would be a solution.

Mr. Ramis stated that there was consideration was given to zoning changes on the property and the problem is Measure 37, which gives the property owner the vesting of the zoning as it was at the time the property was acquired. If changed now, the City couldn't assure people that it could be enforced.

Mr. Becker asked, if the zoning were changed to manufactured housing, could it be reversed after a decision was made on Measure 37.

Mr. Ramis stated that, if the zone were changed, it would set up the opportunity for a Measure 37 claim. That claim would have to be processed by the City within the time limits of the ordinance (less than two to three years).

Mr. Becker stated that, as far as the comment that these people should go to live with their children, it is the last thing they want to do. If anything, they would like to leave their children something.

Councilor Eberle stated that Council has been a part of this process for several months now. The City has been getting together with state, county, tenants, and Mr. Jennings to try to come to some agreement that would be a win/win solution for everyone. Councilor Gates offered Mr. Becker a copy of the agreement that was signed in January to delay the sale of the property.

Frank Pohs, 2105 Jenny Lane, stated that he is a retired fire fighter, school bus driver, and home construction worker. This park was not built to standards. Mr. Jennings told him that everything was inspected; however, he knows for sure that whoever inspected the property didn't do it right. He moved into this park 14 years ago thinking that he would not move again. His moving package was \$14,000; his home price was \$48,000; and the rent paid to Mr. Jennings was \$80,000 to \$100,000 since he has been there. Now he is being put out.

Mayor King explained that the agreement signed in January has a clause that requires a 14-day notice. Council discussed in the worksession before the meeting tonight that any decision tonight might be at risk if this notice was not fulfilled. The greatest hope for the residents to stay in the park has been for the City to make a deal. The issue being considered tonight (ordinance) and rezoning does not keep the residents in their homes. The ordinance deals with paying for moving. Hopefully it will not be necessary.

Council President Burgess moved to continue the hearing to June 12, 2006, on the proposed ordinance amending the Municipal Code by adding Sections 5.800 through 5.900 relating to mitigating public health and welfare impacts of forced evictions associated with closure of manufactured home parks, and declaring an emergency. Councilor Gates seconded the motion.

Ayes: Gates, Eberle, Burgess, King

Nays: None

The motion carried 4-0.

Council President Burgess asked that at the next meeting staff provide information on:

- Language on an emergency clause
- A tax shelter included in the ordinance that addresses a resident's loss or a shelter from the benefits of the relocation

[A recess was taken at 9:15 p.m. and the meeting reconvened at 9:27 p.m.]

4. Agenda Bill 06-05-06 Motion Authorizing the Mayor to Sign an Intergovernmental Agreement between ODOT, Blackhawk LLC, and the City for a Traffic Signal on 10th Street at the I-205 Northbound Ramps

Gary Parkin reported that the Summerlinn Center commercial development (Blackhawk LLC) is conditioned with installation of a traffic signal at the intersection of 10th Street and the northbound ramps of I-205. The Intergovernmental Agreement establishes both the near-term and long-term relationships and responsibilities regarding the signal installation, maintenance, and utility costs between the City and ODOT.

Council President Burgess asked if there have been any discussions in terms of delays on this project. Mr. Parkin stated that this project is ready to go. The plans have been reviewed and approved by ODOT. It is hoped to be completed by the middle of this July.

Councilor Eberle complimented the person who prepared the staff report. The information was thorough and concise. She asked about the annual power cost to the City for the proposed signal.

Mr. Parkin stated that Dennis Wright prepared the staff report. He guessed that typically the City pays less than \$5 a month for a street light, which includes maintenance. These would be low energy LED signals, and he would guess it would be in the less than \$5 per month range. The City pays only for the energy. ODOT will maintain the light.

Councilor Eberle asked if construction is a City expense. Mr. Parkin stated that the asphalt pavement will be provided by ODOT and the City will be responsible for maintenance and striping of 10th Street.

Councilor Eberle asked if the City Attorney has reviewed the IGA. Mr. Ramis stated that they have reviewed the IGA and they have no issues.

Council President Burgess asked if the City pays the power cost of all the signals in West Linn. Mr. Parkin confirmed that the City is responsible for the power costs for all signals. Mr. Ramis stated that this is a standard agreement. The light is in the master plan and the light is a standard improvement. Once this is constructed by ODOT, the City will maintain the light.

Mayor King noted that the condition of approval required that the light be put in prior to occupation of the building. Does that mean that the light has to be operational? Mr. Parkin stated that the light has to be constructed and operational. It is stated in the condition that there will be no certificate of occupancy issued until the light is in. Mr. Parkin stated that the City issues the certificate of occupancy and, if there is a violation, Blackhawk will pay the penalties. Mr. Ramis stated that the condition establishes a procedure so, if the applicant is not happy with the outcome, he can come back before Council and ask for further consideration.

There was no testimony on this issue.

Councilor Gates moved to authorize the Mayor to sign an intergovernmental agreement between ODOT, Blackhawk LLC, and the City for a traffic signal on 10th Street at the I-205 northbound ramps per Agenda Bill 06-05-06. Council President Burgess seconded the motion.

Ayes: Eberle, Burgess, Gates, King

Nays: None

The motion carried 4-0.

Mayor King noted that at one time there was work done on revising the tree ordinance and he asked staff if this will be coming back before the Council.

Mr. Jordan stated that he would check the status on the tree ordinance and get back to the Council.

Adjournment

The meeting adjourned at 9:35 p.m.