

WEST LINN CITY COUNCIL PUBLIC MEETING AGENDA

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

October 8, 2007

West Linn City Hall - Council Chambers - 22500 Salamo Road

6:00 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.

6:30 p.m. Regular Session

- Call to Order / Pledge of Allegiance
- Proclamations, Recognitions and Presentations
- 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.

6:50 p.m.

1. Agenda Bill 07-10-01 Motion to Recommend Approval of Liquor License Application for New Outlet Limited On-Premises Sales [Taco Del Mar, 22000 Willamette Drive]
2. Agenda Bill 07-10-02 Acting as the Contract Review Board, Motion to Authorize the City Manager to Enter into a Contract with the Lowest Responsive Bidder Regarding a Waterline on Buck St.

Report from the City Manager

6:55 p.m.

7:00 p.m.

Business from the City Council

Business Meeting -- For items marked with an asterisk (*), the City Council expects to receive public testimony. All other items are expected to be for Council discussion and decision only. 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.

***PUBLIC
HEARING**
[Continued
from 8-13-07]

1. Agenda Bill 07-10-03 PUBLIC HEARING - Adoption of the Parker Crest Neighborhood Plan as a Part of the West Linn Comprehensive Plan
ORDINANCE - Amending the Comprehensive Plan Adding the Parker Crest Neighborhood Plan

7:15 p.m.

7:45 p.m.

2. Agenda Bill 07-10-04 **Motion to Continue Indefinitely**
PUBLIC HEARING - Street Vacation of a Portion of Hood Street Right of Way (MISC-07-02)
ORDINANCE - Vacating a Portion of Hood Street Right of Way within the City of West Linn

3. Agenda Bill 07-10-05 ORDINANCE - Amending the Municipal Code Regarding Annexations

7:50 p.m.

8:45 p.m.

4. Agenda Bill 07-10-06 RESOLUTION - Amending the Fiscal Year 2007-08 Appropriations

- Executive Session pursuant to ORS 192.660, if needed

8:50 p.m.

Adjournment

West Linn City Council Meeting Minutes
October 8, 2007

Council Present: Mayor Norman B. King, Councilor Scott A. Burgess, Councilor Jody Carson, and Councilor Michele S. Eberle

Council Absent: Council President Mike Gates

Staff Present: Gene Green, Acting City Manager; Gordon Howard, Staff Attorney; Bryan Brown, Planning Director; Chris Kerr, Senior Planner; City Attorney Bill Monahan; and Shirley Richardson, Minute Taker

Call to Order/Pledge of Allegiance

Mayor King called the meeting to order at 6:35 p.m. and Councilor Burgess led the flag salute.

Proclamations / Recognitions and Presentations - None

Community Comments

Robert Stowell, 2606 Maria Court, noted that when he first moved here, West Linn had extremely good streets. He feels this was due to a serial levy for streets that was then passed by the voters. Jill Thorn's council chose not to do the serial levy. He is very concerned about the current street maintenance situation here in West Linn and asked that the Council consider a serial levy rather than a fee. He cannot deduct a fee on his taxes. If people know that these funds will go for the maintenance of their streets, and that street levies have been successful, the residents will be more willing to vote yes.

Councilor Burgess stated that he agreed with Mr. Stowell that the serial levy was a good deal. What he is referring to was a 10-year levy; however, the City cannot do those anymore under Measure 50. The serial levy expired in 1996. It was put on the ballot and failed, and it was also tested in a number of surveys and also failed. The City has not had support for the levy and that has been an issue because the City has not been able to maintain the streets. The downside of the street fees is that they are not tax deductible; however, the City needs police services, streets, and other city services. If it is not done by a tax measure, it has to be done some way.

Molly Macom, 6272 Preakness Drive, said she owns the two properties on the southern-most end Davenport where it joins Highway 43. She is here tonight to request that the City consider vacating this portion of Davenport. At this time

Davenport does not have any City utility services running in the street; that is, no sewer, no water, no storm drains.

Mr. Monahan interrupted, indicating this sounds like a street vacation request that could be initiated through staff that will ultimately come before City Council on review. The Council should not express an opinion in the event this comes to a public hearing, or the councilors would not be able to participate in a vote.

Gordon Howard reported that Ms. Macom did apply a year and a half ago for a street vacation through the privately initiated process, and she has been unable to obtain the necessary signatures. She is here tonight to request that the City initiate it through the alternative process allowed by the street vacation law for the State.

Mr. Monahan asked that Ms. Macom confine her discussion to the request to initiate and, as long as there is no discussion by the Council on the merits of the application, the testimony can continue.

Ms. Macom stated that she has done the process as fully as possible. She has met with a large percentage of the homeowners and got agreement on the properties in her area. The issue is that there are two to three property owners with the majority of land that she has been unable to contact or have voiced their opposition. One of the property owners that would make a difference in her percentage is the City of West Linn. Therefore, she is here tonight to ask for the City's support to initiate this vacation of Davenport.

Alice Richmond, 3939 Parker Road, showed an advertisement for the Oom-Pah Boys Concert, Saturday, October 20th. Bring you own food and come and enjoy the good music, good dancing and good time. There will be apple pie, soda, beer and lots of accordion playing. She invited everyone to attend.

Denise Hoffner, 1706 6th Avenue, passed out information to the Council. She thanked the Council for the opportunity to speak. She is here as a resident of the Willamette area to make comments on the parking issues in her neighborhood. She is asking Council for some action. A year ago she contacted the Willamette Neighborhood Association, which suggested that she contact City planning. City planning did offer some good suggestions about the parking problems; primarily suggesting to look at a parking district similar to that by the high school (residential parking by permit only). When she pressed for action along that line, she was referred to the Police Department for enforcement, which in turn referred her back to City planning. She was referred again to the Neighborhood Association and then ultimately to the Traffic and Safety Committee. She received a letter from one Committee member that focused on her personal need; however, this issue is about a neighborhood need. The other commentary in that letter focused on why it couldn't happen as a parking district.

Ms. Hoffner stated that she feels the ultimate reason the argument is there against the parking district focuses on why the parking problem existed (commercial versus school). In her mind this is a moot point. The point is the impact. If the impact is such that the neighbors and residents by the high school had action taken and if their impact is similar, there should be equal treatment. She does not feel that the reason of commercial versus school should come into play. Commercial parking causes disturbances, trash, and difficulty parking on a consistent basis (all day long and all evening to 2:00 a.m.). Their neighborhood is designed without parking, driveways, and garages in many cases, and the impact is greater.

After receiving this letter, a number of neighbors and she went around and put together a petition that asks if the residents would like the City of West Linn to take some action about parking. She received 50 signatures, not just from the residents but also the businesses. The ultimate solution will be huge. This is something that the Council could do today to alleviate their problems.

The problem is commercial parking primarily and the traffic associated with parking in the neighborhood. The school reference was just in regards to the high school. It is a similar situation that those residents experienced; that is, school parking that impacted residential streets. In the Willamette area they have commercial parking on residential streets.

Councilor Burgess asked if the parking is generated from customers or employees. Ms. Hoffner said both, and big on both ends.

Councilor Carson stated that she has had discussions with many of the neighbors regarding this issue and suggested that they bring this issue to Council. There hasn't been a proactive way for the neighborhood residents to work with the City and the businesses along Willamette Falls Drive to resolve the issue. The concern is that there is no requirement for the commercial businesses along Willamette Falls Drive to have parking. In the Code the historic overlay commercial area is exempt from parking requirements. Each time more businesses go in, there are more problems. There has been a lot of discussion about long-term solutions. She feels there needs to be discussion for immediate and long-term solutions. This is a serious issue and she is glad that the neighborhood has brought it to Council's attention.

Mayor King asked which area is being affected. Ms. Hoffman stated that signatures were collected from both sides; however, the primary impact is south of downtown. The 50 signatures received were limited by time. No one said no. If they had more time and continued along 8th Avenue, there would have been more feedback.

Joselle Dennis, 1492 13th Street, was called. She is a resident of the Willamette neighborhood and said she was here for support but decided not to testify.

Susan Hartford, 1731 6th Avenue, came forward with another resident of the Willamette neighborhood on 6th Avenue. Her neighbor Denise Hoffner approached her earlier this year about working on this project with her. She was hesitant because they have tried several times before. The historic district overlay requires no parking be put in for commercial business. Yet the neighbors and businesses want to work together to see the neighborhood be successful. When she finally agreed to go around with Denise and get signatures, she was impressed talking with the neighbors that the residents and businesses see this as a problem. The residents want to patronize the businesses and the businesses want to work with the neighbors, but the businesses are impacting the neighborhood. There are issues of customers coming to the residents' homes late at night and of noise, trash, and residents not being able to park in front or even near their homes because of the parking situation.

Consent Agenda

1. Agenda Bill 07-10-01 Motion to Recommend Approval of Liquor License Application for New Outlet Limited On-Premises Sales
[Taco Del Mar, 22000 Willamette Drive]
2. Agenda Bill 07-10-02 Acting as the Contract Review Board, Motion to Authorize the City Manager to Enter into a Contract with the Lowest Responsive Bidder Regarding a Waterline on Buck Street

Mayor King announced that item two, Agenda Bill 07-10-02, has been moved to #5 on the Business Agenda. He announced that Council President Gates is ill tonight and Councilor Burgess will fill in as Council President.

Councilor Burgess moved to approve the consent agenda consisting of Agenda Bill 07-10-01, motion to recommend approval of liquor license application for Taco Del Mar. Councilor Eberle seconded the motion.

Ayes: Burgess, Eberle, Carson, King

Nays: None

The motion to approve the consent agenda carried 4-0.

Report from the Acting City Manager

Acting City Manager, Gene Green, reported that staff would like the opportunity to work with Ms. Hoffner and others to address the short-term and long-term needs of the Willamette Neighborhood. He will contact other City Departments to

see what can be done and get back to the Council when something has been worked out.

Business from the City Council

Councilor Burgess moved to approve Resolution No. 07-21 of the West Linn City Council supporting the Willamette River United Act. Councilor Carson seconded the motion.

Councilor Burgess read the resolution. He explained the purpose of the Willamette River United Act is to continue the work that has been initiated by many of the communities along the Willamette River to improve and enhance recreation, historic preservation, conservation, river health and community development along the Willamette River.

Ayes: Eberle, Carson, Burgess, King

Nays: None

The motion carried 4-0.

Councilor Burgess moved to approve Resolution No. 07-22 of the West Linn City Council supporting Clackamas County Measure 3-272 establishing a five-member commission. Councilor Carson seconded the motion.

Councilor Burgess read the resolution. He said this resolution was prepared by Mayor King and himself (not by staff) and relates to a County measure in the November election. The purpose of the measure is to support the opinion that the County can better meet the needs of its citizens with a five-member commission rather than with a three-member commission. He detailed the background of the measure.

Ayes: Carson, Burgess, Eberle, King

Nays: None

The motion carried 4-0.

Councilor Burgess moved to approve the acquisition of Douglas Park property on Haskins Road (approximately two acres) for the total price of \$850,000 (\$500,000 in cash and \$350,000 in Park SDC credits). Further, authorize the City Manager to sign all necessary documents to complete this transaction. Councilor Carson seconded the motion.

Councilor Burgess indicated the City has been in negotiations with the developer for Douglas Park; it has gone through the land use process. Acquisition of this park would allow the City to provide a park in an un-served neighborhood of the City.

Ayes: Carson, Burgess, Eberle, King

Nays: None

The motion carried 4-0.

Councilor Burgess stated that he attended the League of Oregon Cities Conference held in Bend, Oregon. He has material from the meeting that is available for review by staff. He discussed a number of resolutions passed before the membership.

Councilor Burgess reported on attending a Clackamas County Coordinating Committee meeting sponsored by the County. Some of the discussion included wastewater and providing for future growth. Brian Newman made a presentation on the urban and rural reserves where the County and Metro are working as they look to expansions of the urban growth boundary.

Councilor Burgess thanked the Sustainability Task Force. He indicated the second annual solar green tour was a big success and thanked those who opened their houses to show their investments in solar. Councilor Burgess also thanked Planning staff for putting on the web conference for the Planning Commission and others on LEED for neighborhoods.

Councilor Eberle announced an upcoming Regional Roundtable sponsored by Metro on October 26th at the Oregon Convention Center. There will be discussion with leaders from throughout the region regarding challenges in accommodating rapid population growth. Discussion will include the area's infrastructure needs and the economics of infrastructure. The meeting is open to the public, and she invited those who are interested to attend.

Councilor Carson thanked Mr. Green for his offer to help with the parking situation in the Willamette area. She expressed her interest to be involved. She asked if there is an action Council needs to take tonight, requesting staff to prepare a report on Davenport Street. Mr. Monahan said that it is incumbent on the Council to indicate its interest. If Council wants staff to bring the issue forward, the Council should indicate by motion and vote to initiate the process. If additional information is needed on Davenport Street, staff can be directed to prepare information and bring it forward before action is taken.

Councilor Burgess stated that he is in favor of staff bringing information to Council for review and at a later time initiating a possible action. Mr. Green stated that he will confer with staff, review the record, find out what information is necessary, and put this item on an upcoming agenda.

Mayor King reported that he recently attended the groundbreaking service and ceremony for Willamette Christian Church. During the ceremony a person came up to him and thanked him for allowing the property to be made available for use.

Mayor King announced that on Wednesday he would be participating in the ribbon cutting ceremony at the Central Village Shopping Center. He will also be attending a joint meeting of MPAC and JPACT at Metro. He briefly mentioned an emergency exercise he was planning to participate in next week.

Business Meeting - Agenda Items

1. Agenda Bill 07-10-03 PUBLIC HEARING - Adoption of the Parker Crest Neighborhood Plan as a Part of the West Linn Comprehensive Plan
ORDINANCE No. 1553 - Amending the Comprehensive Plan Adding the Parker Crest Neighborhood Plan

Mayor King opened the public hearing, which was continued from August 13, 2007, on the adoption of the Parker Crest Neighborhood Plan. He explained that the hearing would continue with a staff report involving the changes, public testimony, and a decision.

Chris Kerr reported that the Parker Crest Neighborhood Plan was endorsed by the Parker Crest Neighborhood Association and received recommendation for approval by the Planning Commission. After Council review of the document on August 13th, Council directed staff to incorporate some additional changes. These changes were made and delivered with a summary memo to the Councilors. Staff recommends approval of the ordinance.

Bill Relyea, 3016 Sabo Lane, stated that he is here tonight representing the Parker Crest Neighborhood Association (PCNA) and to ask for Council's consideration in adopting the Neighborhood Plan. Members of the PCNA began the process of drafting the Plan in 2004. The group formed a partnership with the Planning Department and selected a consulting group to assist in refining the Plan and ensuring that it went through the participation and review process.

A committee was formed which hosted work sessions, and the general public was invited to become members of the committee and make contributions to the Plan. After five public meetings, a community survey, updates at neighborhood association meetings, a neighborhood exchange fair, a door-knock camp, and a mailer, a plan was finalized and presented to the Planning Commission for review and comment. The Planning Commission recommended the Plan for approval.

The Plan has undergone further review and refinement based on testimony during Council review. He asked that Council finish the process by adopting the Plan. The format and graphics were excellent.

Councilor Burgess, Councilor Carson, Councilor Eberle and Mayor King thanked Mr. Relyea and his neighbors for putting this Plan together. There was a lot of time and effort put into this plan. It is nice to see something come forward where there has been a lot of community participation.

Hearing no further requests from Council, Mayor King closed the public hearing and opened the meeting to discussion among the Council.

Councilor Carson read Ordinance No. 1553 for the first time by title only amending the Comprehensive Plan adding the Parker Crest Neighborhood Plan per Agenda Bill 07-10-03 and moved to adopt. Councilor Burgess seconded the motion.

Ayes: Burgess, Eberle, Carson, King

Nays: None

The motion carried 4-0.

Councilor Burgess read Ordinance No. 1553 for the second time by title only amending the Comprehensive Plan adding the Parker Crest Neighborhood Plan per Agenda Bill 07-10-03 and moved to adopt. Councilor Carson seconded the motion.

Ayes: Eberle, Carson, Burgess, King

Nays: None

The motion carried 4-0.

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| 2. Agenda Bill 07-10-04 | <u>[Motion to Continue Indefinitely]</u>
PUBLIC HEARING - Street Vacation of a
Portion of Hood Street Right of Way
(MISC-07-02)
ORDINANCE - Vacating a Portion of Hood
Street Right of Way Within the City of West
Linn |
|-------------------------|---|

Councilor Burgess moved to indefinitely continue the public hearing for street vacation of a portion of Hood Street right of way (MISC-07-02) and ordinance vacating a portion of Hood Street right of way within the City of West Linn per Agenda Bill 07-10-04. Councilor Eberle seconded the motion.

Councilor Burgess noted that this issue is in the process of going through the Planning Commission. They have not completed their action on this matter. That is why this vacation is being continued tonight; it will be re-noticed and come back for Council decision at a later time.

Ayes: Carson, Burgess, Eberle, King

Nays: None

The motion carried 4-0.

3. Agenda Bill 07-10-05 ORDINANCE No. 1554 - Amending the West Linn Municipal Code Regarding Annexations

Gordon Howard reviewed the staff report with the council. This item consists of a series of proposed amendments to the West Linn Municipal Code, Sections 2.915 to 2.960 related to annexations. In 1998, by initiative, the City adopted voter-approved annexations. Later in the same year the Council set forth a process to review those annexations prior to them going to the ballot.

It is set up as a two-stage process; the first stage being a land-use hearing and the second stage when the Council decides whether and when to put the annexation on the ballot. It actually is a three-stage process, because the third stage is the voter decision on the annexation in an election.

In 2003, Council amended the annexation procedures, adding new steps and new issues prior to voter consideration of any annexations. In 2005, a new Council started hearing requests for annexations. There have been 12 annexation ballot measures since 2005. Through that procedure flaws were discovered in the process related to the Code as it is currently written. Yet when these matters went before the voters, they were approved by at least 60% of the vote.

In 2005, Council set forth an annexation policy to bring some additional order into the procedures, limiting annexations to one election per year. Also at that time the Council considered City-initiated annexations to bring developed properties within the urban growth boundary and surrounded by West Linn into the City through a City-initiated annexation for willing property owners. There were 17 property owners that took advantage of that offer.

In 2007, Council put forth a work program with a priority of reviewing and amending the annexation procedures and Municipal Code to address problems that have come up in the past and to address potential future issues and problems.

Before the Council tonight is a series of staff proposed amendments; two dealing with past experiences and fixing those problems in the actual use of the

annexation language, and two dealing with the prospective issues coming forward in the future.

Staff is recommending as follows:

- Removal of the “Economic Analysis” requirement that is currently in the Code. It has caused a lot of needless controversy. The analysis is biased to maximize the costs of development and does not include any fiscal benefits of annexation. There is the option of hiring a consultant to prepare a different analysis that is more unbiased than the current one; however, staff recommends dispensing with the requirement entirely because there are a lot of other ways of looking at the fiscal impact of annexations.
- Amendments to the Code dealing with past problems and procedural issues; the 2003 amendments added confusion to the language that needed revising.
- Removal of the requirement in the current code that states, “no annexation could be put before the voters unless it was in the urban growth boundary for the Portland metropolitan area as it existed on October 2002.” This language completely removes the City’s ability to respond to changing circumstances outside the urban growth boundary as it currently stands adjacent to the City, particularly the Stafford Triangle.
- Change in types of annexations State law allows -- There are two types of annexations that the City cannot consider at this time. Those have to do with non-unanimous double-majority and triple-majority consent petition options allowed in State law. This change would allow City voters to consider such annexations in the future.

Staff is recommending adoption of the proposed ordinance amending Municipal Code Sections 2.915 to 2.960 for annexations of property into the City limits and the procedures for making a decision on such annexations.

Mayor King asked for clarification of the proposed change involving a deposit on Page 8. Mr. Howard stated that previously annexations required a deposit to the City by the applicant for their projected cost. Since that time the City has adopted a deposit system for all applications. This change eliminates that requirement, as there is no need to specify that there is a deposit involved. The fee schedule will require a deposit of \$2,000 for annexation applications, and election costs would be billed at the end of the election cycle.

There was no public testimony on this issue.

Additional Staff Comments

Mr. Howard noted that staff has not received any written correspondence or comments on this matter from the public.

Mayor King closed the public hearing and opened the meeting to discussion among the Councilors.

Councilor Burgess read Ordinance No. 1554 for the first time by title only and moved to approve this ordinance amending the Municipal Code regarding annexations per Agenda Bill 07-10-05. Councilor Carson seconded the motion.

Councilor Eberle thanked staff for the in-depth report outlining all of the issues, and the format made it very clear to see what was changed and the reasoning for the change. She feels this will streamline the annexation process and make it much cleaner in the future. She will be supporting this ordinance.

Mayor King thanked staff for their work and dedication to this issue. This has been on Council's list of priorities for some time. It has been a complicated part of the Municipal Code to follow and enforce. It is much improved.

Mayor King asked if the City is required to have a two-step process. Mr. Howard stated that the two-step process is a requirement of the Municipal Code, not a requirement of State law. He explained the reasoning behind the two-step process at the time it was presented was to separate the land use process from Council's decision as to when to place it on the ballot.

Mayor King moved to amend the language on Circled Page 8, Section 2.940 (3)(c) to read, "A description of the likely permitted land uses in the intended zone for the annexed property." Councilor Burgess seconded the motion.

Ayes: Burgess, Eberle, Carson, King

Nays: None

The motion to amend carried 4-0.

The main motion as amended was voted on as follows:

Ayes: Carson, Burgess, Eberle, King

Nays: None

The motion to approve Ordinance No. 1554, as amended, carried 4-0.

Councilor Burgess read Ordinance No. 1554, as amended, for the second time by title only and moved to approve Ordinance No. 1554 amending the Municipal Code regarding annexations. Councilor Carson seconded the motion.

Ayes: Eberle, Carson, Burgess, King

Nays: None

The motion carried 4-0.

4. Agenda Bill 07-10-06 RESOLUTION No. 07-23 - Amending the
Fiscal Year 2007-08 Appropriations

Gene Green reported that this is an amendment to the FY 2007/08 Budget.

This amendment would allow for the purchase of two hybrid vehicles included in the adopted fiscal year 2007-08 Budget for Building Inspections and Public Works Support Services. The funds were included in the budget; however, the state bid listed the vehicles for slightly more than what was budgeted. The proposed resolution authorizes a budget adjustment in each fund from Contingency to Capital for the purchase of these vehicles.

The third requested budget adjustment in the Water Fund is for unanticipated expenses related to the Buck Street water line project. In order to complete this project, staff would like to transfer funds from Contingency, which is available in the Water SDC fund and the Water SDC share. The portion attributable to the Water Fund was not included in the fiscal year 2007-08 Budget.

Councilor Eberle asked why there is a request for more funds on the Contingency transfer on the Water Fund for \$75,000 when Council will be hearing later the need for this expenditure at \$66,500. Mr. Green stated that the original bid for replacing the water main was \$75,000; even though the contractor's bid is \$66,500, staff decided to stay with that amount in case they find additional conditions on the project that need care.

Councilor Burgess moved to approve Resolution No. 07-23 amending the Fiscal Year 2007-08 appropriations per Agenda Bill 07-10-06. Councilor Eberle seconded the motion.

Councilor Burgess thanked staff for consideration of the hybrid vehicles and thanked the Sustainability Task Force, as this was one of the recommendations from their Strategic Sustainability Plan. Under this Plan will be energy audits of City buildings and generating power from West Linn's water system.

Mayor King stated that the supplemental appropriation to the Water Fund is for the replacement of a line along three blocks on the lower end of Hood Street. The water line drops down to a two-inch diameter at Buck Street. Staff did not want to wait another fiscal year to make this change since they are working with this connection now.

Ayes: Carson, Burgess, Eberle, King

Nays: None

The motion carried 4-0.

5. Agenda Bill 07-10-02 Acting as the Contract Review Board, Motion

To Authorize the City Manager to Enter Into a
Contract with the Lowest Responsive Bidder
Regarding a Waterline on Buck Street

Gene Green reported that the Buck Street project includes the replacement of the existing water main with approximately 580 lineal feet of 6-inch ductile iron pipe (DIP), 64 lineal feet of 4-inch DIP and 620 lineal feet of 1-inch rigid copper and appurtenances; connect new service lines, new fire hydrants, testing and connection to the existing water system.

Staff is recommending awarding the contract to DM Excavating Company in the amount of \$66,500. This is a line that is currently on the Capital Improvement Plan for water line replacement. The ten homes on that street hardly have any water pressure at all. The replacement will upgrade to a higher size to increase pressure and allow for fire protection with another hydrant in the area.

There was no testimony on this issue.

Acting as the Contract Review Board, Councilor Burgess moved to authorize the City Manager to sign a Contract Agreement with DM Excavating Company in the contract amount of \$66,500 per Agenda Bill 07-10-02. Councilor Eberle seconded the motion.

Ayes: Carson, Burgess, Eberle, King

Nays: None

The motion carried 4-0.

Councilor Burgess noted that the last Water Master Plan indicated that the City should be replacing 9,000 lineal feet of water lines each year, which they have not been able to do because of finances. This case has risen to the point of being almost an emergency. Staff is in the process of an update to the Water Master Plan and hopefully there will be a way to fund that Plan so the City can maintain key water services for the residents.

Mayor King noted that there is a paragraph in the Annexation Ordinance that was just passed (circled Page 9) that covers health issues. He asked if the state is giving cities the authority to annex land for health purposes. At the last Council meeting there was a situation where both the sewer and well were failing and there was a request for both water and sewer. He asked if it would have been simpler to annex the property. Gene Green stated that that issue was outside the urban growth boundary. It is a different situation in that the applicants would have to apply to extend the urban growth boundary. If the applicants were within the urban growth boundary and not annexed, then the property could have been annexed. The language on circled Page 9 is not an exemption to State law.

Bill Monahan stated that the urban growth boundary is the issue. The City cannot modify the urban growth boundary, which is a Metro concern. This language is not an exemption for annexation; rather, it only applies to property within the City's urban growth boundary and area of interest.

Councilor Burgess stated that there have been and there still are situations where there is property inside the urban growth boundary that is not annexed. If one of those properties requested water or sewer service, the City rather than use the resolution that allows the extension services outside the City limits, they could instead pursue an initiated annexation not extending outside the City limits. There have been instances in the past where the City extended outside the City limits but not outside the urban growth boundary; the evidence was health issues.

Adjournment

Mayor King announced that the Council would adjourn into Executive Session pursuant to ORS 192.660 (2) (e) to deliberate regarding real property transactions.

The meeting adjourned at 8:05 p.m.