



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

WEST LINN CITY COUNCIL MEETING NOTES NOVEMBER 12, 2019

Call to Order and Pledge of Allegiance to the Flag

Council Present

Mayor Russ Mayor Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters

Staff Present

City Manager Eileen Stein, Assistant to the City Manager Dylan Digby, City Attorney Tim Ramis, Public Works Director Calvert, and Senior Project Engineer Amy Pepper

Approval of Agenda

Council President Cummings moved to approve the agenda for the November 12, 2019 West Linn City Council Meeting. Councilor Sakelik Seconded.

Ayes: Mayor Axelrod, Council President Cummings, Councilor Relyea, Councilor Sakelik, and Councilor Walters

Nays: None.

The motion carried 5 – 0

Mayor Axelrod welcomed Scout Troop 504 who came to learn a little bit about local governance.

Public Comment

Ed Schwarz is concerned the City spent \$158,000 on the Natural Play Area at White Oak Savanna and wants to know where that money went.

Roberta Schwarz asked where the money went for particular invoices at White Oak Savanna and asked for an audit to be done.

Councilor Relyea clarified with the Schwarz's that they want an audit or some kind of accountability for the money spent at White Oak Savanna.

Councilor Sakelik is also concerned about the money spent for playground equipment since there is not any playground equipment installed yet. He would like understand what happens when funds are committed to a project and the project is in limbo like this one.

Mayor Axelrod had not had a chance to look at this information and would like staff, in the next couple of weeks, to look at this and address it.

City Manager Stein stated that the City has spent \$158,000 on improvements at White Oak Savanna Park, the expenditures relate to improvements to the park in general. She asked the finance director to change the project code title so it is not misleading. She will look into the rest of the questions asked and report back to Council.

Council President Cummings clarified with the Schwarz's that they asked for this information in September or July so staff has had ample opportunity to take a look at some of this information.

City Manager Stein stated that the Schwarz's made a request for information and staff provided that information. Staff is hearing tonight they want more information. That is understandable that they might have further questions; however, we did not know what they were going to focus on. They could have received this information and said thank you very much we now understand. The only thing she wanted to correct tonight was that there was a mislabeling of the project code. The project code should have been Savanna Oaks improvements, not Savanna Oaks play structure. Staff will need to look into the specific questions being raised tonight.

Councilor Walters remembers in the email thread the city manager asking the Schwarz's to give staff an idea of what they were looking for so they could prepare some answers for them. She understands it is going to take time and resources to go through these questions. It would have been helpful to know what was being looked for so staff could have had those conversations during this time.

Ms. Schwarz responded it is not something that is in the purview of the person that you are making a public records request of to ask you why you are asking what you're asking.

Councilor Walters continued that it is a good faith effort to work together as partners in the city because we are community members, the staff and the council, we are all partners in this. It would be nice to see some of that collaboration happening on all sides.

Councilor Relyea stated that the Schwarz's have suggested a December 2 timeframe and have asked for an audit. He asked the city manager what would be a reasonable time frame and at what point would the information provided trigger an audit.

City Manager Stein would like until early January to report back on the questions. Regarding the audit, there might be expenses that were posted to the wrong project code so she would need to confirm that. Staff could probably get the work done by early January.

Mayor Axelrod suggested going through that evaluation and deciding if other steps are needed to be looked at, see what the explanations are, see what the findings are.

Councilor Relyea is concerned about the public records request and if the information were out in a manner that is inconsistent with the practices that the city follows.

City Manager Stein stated that the public records request did not come on the public request form, it was an email request by the Schwarz's to the finance director, so she did not recognize it as a public records request until the Schwarz's commented that it was a public records request. So, she did engage in communication with the Schwarz's trying to figure out what they were after and if staff could help answer their questions. It became evident that they just wanted the information themselves.

City Attorney Ramis stated it would probably be useful for us in some of the training we do that is related to neighborhood associations to be really clear about the process and forms we have, and just make sure that those are known and readily available so that when we get records request, we identify it as a records request, because we have used the right process and made people aware of that.

Ms. Schwarz stated that it started off by her asking questions of the finance department; however, as soon as the answers were not forthcoming, she asked the city to waive the fees for this public records request because they are representing the Savanna Oaks Neighborhood Association. It was going to be \$320 and that is not asked if it is not a public record request.

Announcements, Proclamations, and Recognitions

Mayor Axelrod stated that there are two proclamations he read the 2021 International Energy Code Proclamation.

Council President Cummings read the Small Business Saturday Proclamation.

Consent Agenda

Council President Cummings moved to approve the consent agenda for the November 12, 2019, West Linn City Council meeting which includes the meeting notes for October 14, 2019. Councilor Sakelik seconded.

Ayes: Mayor Axelrod, Council President Cummings, Councilor Relyea, Councilor Sakelik, and Councilor Walters

Nays: None.

The motion carried 5 – 0

Public Comment

Margaret Geraci is concerned about the narrow roads in Marylhurst Heights and the vegetation that is growing out onto the street. It is a dangerous place for pedestrians to walk.

Mayor Axelrod stated that some of these issues will be addressed in the city's new right-of-way maintenance policy; however, Marylhurst remains one of the most challenging, dangerous streets for getting from the upper hill to the lower hill. It is dangerous to drive let alone walk or think of another form of getting up or down that hill. The city is working on our improvement design, particularly for these older neighborhoods, so at least in critical areas, we can get maybe a sidewalk at least or a safe walking path on at least one side of the street, particularly if it is a safe route to school, which is a high priority for the city.

Councilor Relyea asked the city manager to get with the public works department to look at the immediate issue of clearing the blackberries and then look at the other areas, and perhaps bring back some pictures of the area where there are ditches so that Council can take a look at what the real issues are.

City Manager Stein agrees and will talk with code enforcement. The other issues that involve the public works department are a little longer term and more detailed in terms of a remedy.

Councilor Sakelik explained to the citizens what the code enforcement officer does.

Councilor Walters asked what is the city's policy and responsibility on these areas, the storm ditches, where it is perhaps not safe for people to be walking near them.

Mayor Axelrod stated the staff will get that information.

Council President Cummings gave the city engineer a heads up that Council would like some clarification in this upcoming stormwater master plan process that Council is going to be hearing tonight regarding what is city or public responsibility as far as the right-of-way maintenance is concerned.

Amended Ordinance 1683, 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, 7, and 8

Mayor Axelrod called to order the public hearing and explained how the hearing would proceed.

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. The council may consider any relevant testimony that is received. Failure to raise an issue during the city's hearing on this matter may preclude an appeal to the State 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 wished 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.

City Manager Stein stated that Council approved Ordinance 1693 at the last Council Meeting. In that meeting, there was request for an amendment to one whereas clause in the ordinance that would have the effect of documenting the public involvement process that had occurred for this master plan. So this re-adoption of this ordinance includes an Exhibit C, which includes all of the public involvement process. There are a couple of 2016 dates that need to be corrected to 2017 and section two could better reference maps that are included as part of the comprehensive plan.

Council President Cummings asked if page four, the acknowledgments, could be changed to this Council because they are the ones adopting it.

Public Testimony

None

Mayor Axelrod closed the public hearing.

Council President Cummings moved to approve first reading of Ordinance 1693 with an amended Exhibit C, an amended acknowledgement, an ordinance adopting the West Linn Parks, Recreation and Open Space Plan update as an attachment and supportive document of the West Linn Comprehensive Plan and amending the West Linn Comprehensive Plan goals two, five, seven and eight and set the matter for a second reading. Councilor Sakelik seconded.

Ayes: Mayor Axelrod, Council President Cummings, Councilor Relyea, Councilor Sakelik, and Councilor Walters

Nays: None.

The motion carried 5 – 0

Council President Cummings moved to approve second reading of Ordinance 1693 with an amended Exhibit C, an amended acknowledgement, an ordinance adopting 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 two, five, seven and eight. Councilor Sakelik seconded.

Ayes: Mayor Axelrod, Council President Cummings, Councilor Relyea, Councilor Sakelik, and Councilor Walters

Nays: None.

The motion carried 5 – 0

Ordinance 1696, adopting an amendment to Comprehensive Plan Goal 11, Public Facilities and Services and repealing and replacing the Storm Drainage Master Plan dated September 2019

Mayor Axelrod called to order the public hearing and explained how the hearing would proceed.

City Attorney Ramis explained the Council's decision tonight must be based upon consideration of: 1) 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 also consider any relevant testimony that is received. Failure to raise an issue during this city's hearing on this matter may preclude an appeal to 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 City Council wished to declare a potential or actual conflict of interest. There were none.

Mayor Axelrod stated that in the proposed plan, it addresses an element that he has professional expertise and practice in. He is not receiving a financial benefit or planning to get any work.

City Attorney Ramis stated that is not a matter of an actual conflict. 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 was none.

Staff Presentation

Public Works Director Calvert introduced Senior Project Engineer, Amy Pepper, who has been spearheading this project.

Senior Project Engineer Pepper stated that the ordinance does two things, it would amend the Comprehensive Plan and it would adopt the Storm Drainage Master Plan as described in the agenda report. The document has gone through a fairly extensive public process, including a public hearing before the Planning Commission. There were questions asked related to climate change. In the overview, chapter two of the Draft Master Plan, in the climate and rainfall section, there is just one brief sentence that says in the future there will be more excessive rainfall expected. Brown and Caldwell provided a memo about climate resiliency, what that means for West Linn, and how jurisdictions across the region incorporate that into their master planning projects. There is so much uncertainty about actual rainfall data for this region, that it is a little premature to incorporate that into the master plan; however, these master plans are to be revisited every 5 to 10 years and hopefully in the next 5 to 10 years, there will be more concrete data to incorporate that level into the storm of events. Our storm system is not a simple system, there are multiple strategies to combat the impacts of climate change, or potential impacts of climate change and larger storms and those are incorporated throughout the Master Plan. Those include adopting green infrastructure and encouraging the reduction of new impervious area, using alternative materials such as pervious pavement and pavers, riparian buffers, and protecting those riparian buffers around our creeks and rivers. It is not only the rainfall, we may have larger storms or more intense storm events, and there is also rising river levels that will impact those properties next to rivers. Having additional buffers are important.

Councilor Relyea stated that in an October 10 memorandum, the Planning Commission asked the City Council to look at amending the ordinance to include an additional clause retaining those portions of the 2006 Stormwater Master Plan references that are proposed in the 2019 SDMP as a technical resource.

Public Works Director Calvert stated as new master plans come forward, typically the entire prior plan is repealed so there is no confusion amongst the upcoming applications about what is relevant and what is not relevant. It does not make any sense to create a new master plan only to retain conflicting sections or inaccuracies in the prior master plan. It really just creates confusion on what the appropriate reference is. As far as engineering is concerned, everything in the master plan and the work we have done today, the modeling, and the project lists that will be included in future SDC updates are all relevant. We have not heard any testimony to any regard that it is not correct. The City keeps old master plans just on the shelf. What was the Planning Commission's reason in not repealing the prior master plan?

Councilor Relyea stated they felt it was noteworthy, simply because the 2019 Storm Drainage Master Plan makes references back to the 2006 Surface Water Master Plan and so if it was completely repealed, then would that reference make sense?

Senior Project Engineer Pepper stated that the reference that the master plan refers to just means that staff reviewed a lot of different documents and policies and existing documents. The 2006 Master Plan included a lot of projects. Staff reviewed those and identified those that have been completed, those that we validated, those that still were needed, and some were removed that did not make any sense given the way development happened or some other reason why a project did not make sense. Repealing that document does not change that project list and the evaluation process that went into developing this master plan.

City Attorney Ramis stated the only time we need to avoid repealing is when we are keeping something as a vital applicable document. If it is simply historical or reference, then they do not need to have it remain jurisdictionally valid.

Mayor Axelrod wants to talk about the climate issue because he respectfully disagrees a little bit with Brown & Caldwell. He is not asking for incorporation of data or to look at data per se. All he wants is a couple of sentences, references in the introduction to the plan that just acknowledges that the city recognizes the effects of climate change and that assumptions in the plan itself in the future are likely to change and affect the design and performance of the system and the city will address those, as it can, in the future. This came with a very strong recommendation from a workshop at the Northwest Climate Conference just a few weeks ago with attorneys about recommendations for cities in their stormwater plans. I went to everything I could on stormwater and the legal world is recommending to cities to make sure you include in your stormwater management plans that you acknowledge and recognize that climate change is something that is an unpredictable element, that it could affect the performance of the system. The city will do what it can in its capacity to address it in the future and from what I'm hearing, and from what I understand from the workshop, that alone is enough of a defense for the city should we have a problem with the storm portion of our system that gets overloaded and blows out somewhere and goes through someone's house or something. This kind of stuff does happen and so it is intended just to address that specific thing.

City Attorney Ramis stated that the comment policy on climate change is rapidly evolving. If you have been to a recent seminar where the advice is to include that sort of references to defensive provision, then I am all in favor of preventive law. We can certainly draft something that could be included in the plan by amendment. We could also adopt a resolution that could reference the

plan so we do not necessarily have to draft it tonight. There are ways we could deal with that if the council felt comfortable with it.

Mayor Axelrod would like to see that done. He thinks all the green stuff that was mentioned by staff is great and he completely agrees with those great pieces. It was just really more of an acknowledgement statement that the defense attorneys were saying cities should have in their plans to be able to build any kind of sensible defense. If you do not acknowledge it as a problem and an issue, then it shows that the city might have overlooked it. It is just sort of building that defense because there is only so much we can do and there is so much uncertainty around this issue. He is not expecting any changes in data, or projects per se, or anything like that, just an acknowledgement.

Public Works Director Calvert stated staff has done their due diligence, working with the consultant on finding ways on how those impacts would occur on the technical level. If there is something like a forward looking statement that would make sense, staff is glad to add it.

Mayor Axelrod wants clarification on priorities. At the work session, he talked about his concerns with the proposal for the Bernert Creek day lighting being moved to a high priority project and spending money on a feasibility study. Based on his technical understanding, he talked about why he thought it was not a good idea. With the particular structure, steepness, slope, and the uncertain water capacity, this would just be a hardened rock system. It is not a creek that is going to interact with this floodplain and provide the kind of benefits of a restored creek that we would like to see in another setting or would like to have in the environment. It could present more of a risk hazard and its impact to that part of the park could be quite significant. Is the alignment of the storm drain that is buried pretty much in alignment with, or close to, the drainage that is there.

Public Works Director Calvert stated he thinks it varies a little bit. If you go out there and walk the site, you will see it sloping away from the street in some areas and maybe sloping back closer to the pipe in others. The sanitary sewer line is actually right in the pavement, whereas the storm line is definitely well over into the park and you can see the rock cut slope on the adjacent property where they cut down the grade to build the road. In the past we have shared as-builts for the area with the council, as well as any data that we have on site. Unfortunately, it's pretty old and pretty dated. To get real detail, we would have to do some real analysis.

Mayor Axelrod stated that everyone really needs to understand that if you are going to pick up all of that drainage and run it into a creek at the surface and bypass the current drainage pipe beneath the ground, you have to build quite an enormous creek structure. It would be a substantial area to contain all of the water that potentially could come in and the 150 or whatever the design capacity is for that particular drainage. With all that impervious surface above it, it is a lot of water so you have two options. Either you divert all the stormwater into a surface creek, or you come up with a way to divert part of the flow, which brings a little bit of a complication, you put in a splitter and you take some portion of the flow and put it above. What that means is then you are now required to manage two drainage systems, the pipe system and the creek system. That increases the area for management design and construction and then also, if one overlaps the other portion of it, you have to dig up one to get to the other. It creates all kinds of problems. I am all for day lighting creeks where it makes sense, I just do not support day lighting Bernert Creek because of the particular constraints of the site, from a tactical standpoint, and the project

will be very costly knowing what projects like this cost. Was this a project that was identified in the master plan? My understanding was maybe it was in the master plan as a medium priority that got moved to a high priority or is it only in the plan because of the testimony we received from interested folks in the neighborhood?

Senior Project Engineer Pepper stated that the project was identified during the public survey portion of the project development, where staff went out to the public to identify where the problem areas, or perceived problems areas, were in the storm system. If you were to daylight this system, what would that look like? It was not like other projects that were turned into capital projects, that is why it is recommended as a feasibility study. There are lots of options, lots of studying, lots of impacts of those options. It was recommended as a feasibility study because there are, in staff's opinion, higher priority projects to alleviate flooding, or significant erosion, or potential damage to other infrastructure. It was identified as a medium priority project in the master plan that went to the Planning Commission. After testimony that the Planning Commission received they recommended that it be moved to a high priority project.

Public Works Director Calvert stated in the outreach effort, it is not our goal to vet projects that are identified by the public. Staff's goal is to try and help facilitate where these things might rank in a very simple way of high, medium, and low. There are some real challenges out there in the city that could really disrupt day to day living. Problem storm drains that then convert into bigger issues, like fish passage and those kinds of issues, where some of those projects that you see in the higher priority category list are right on the Willamette and are directly impacting the salmon population, so those naturally tend to rank higher in our analysis. We follow up with the Planning Commission and the public through the public hearing process. The Planning Commission recommended, through their vetting process, to elevate this particular project to a higher priority project. I just always caution and remind everybody in the master plan, these are more overarching goals of the city and high, medium, and low just sort of give staff some general guidance on what to focus on. The annual budget is really where projects are delivered, and planning efforts are delivered, and then your CIP sort of leads into that budgeting process so that you can try and forecast future expenditures. Just a reminder to the general public that this is not a list that we are going to go out and build tomorrow. This is a more overarching list, a sort of wish list of projects. The majority of the projects in our CIP, in our master plan documents, are probably not going to get addressed until the next master plan update. Our goal is to update these more than once every 10 or 20 years, our goal is to have these on at least once every 10 years, if not sooner, so that we can try and keep it current and keep our SDCs and all of our codes relevant to the current situation.

Mayor Axelrod appreciates all the work that Savanna Oaks Neighborhood Association has done toward the interest with the creek. He fully embraces the concept and idea as a holistically approach to take; however, this is just not the place to daylight the drainage.

Councilor Walters agrees with what the mayor is saying. She watched the Planning Commission meeting when they moved it to a higher priority and it was actually said that it was based on public comment. There is nothing wrong with daylighting creeks, there is tremendous benefit to that, but we already had our former parks director testify that there are other creeks in West Linn that would be much easier to do that and are already showing that they are ready for the benefit of that via fish passage issues being closer to the river and being in the flatter part. I would like to see us maybe do something down near where he was recommending and see how that works out

and what the cost looks like, what the benefit looks like. I would not want to spend a very large amount of money basically turning an underground pipe into an above ground concrete flume. I am uncomfortable with how it became a high priority. I am concerned about cost and having it remain a high priority. That does not necessarily mean we are immediately going to move forward with a feasibility study and it would still have to go through the same process for the feasibility study to happen.

Public Works Director Calvert stated that all projects listed in the master plan traditionally go through the CIP and budget process, where we identify more specific projects as we move forward. The council is the leader when it comes to those particular processes.

Councilor Walters stated that for years she lived down by Mary S. Young Park in the flatter, older neighborhood, and when it rains hard, it is like your street is a river. She thinks we have a good storm drainage system that is in need of improvement. She would like to see us putting our resources into that first before exploring daylighting creeks and other issues like that.

Councilor Relyea does not think the recommendation in the stormwater plan is to daylight Bernert Creek, it is to do an evaluation of Bernert Creek. Testimony at the Planning Commission indicates there have not been any long term plans or stormwater systems provided by the city for collection of that water ensuring that it goes into a master drain system. It is concerning property owners who are in the process of developing 35 and 40 lot homes. They come before us and tell us that certain sections of the stormwater system were never properly developed, that there are old corroded clay pipes on their property that form into ponds at different times of the year depending on the amount of water that flows that particular year. The City needs to take a look at what is happening with all these tributaries that make up Bernert Creek and let the experts tell us what the condition of that stream and its tributaries are and what needs to happen with that stormwater system.

Mayor Axelrod stated he is a registered geologist and hydro-geologist.

Councilor Relyea asked if he has a study on Bernert Creek?

Mayor Axelrod does not; however, he knows it is going to cost \$20,000.

Councilor Relyea believes there is a hydrology study that the neighborhood association paid for. It speaks to a \$300,000 project, not a million-dollar project. He wants to turn this over to somebody that is going to do the study that does not have any issues or premeditated position on the on the subject.

Mayor Axelrod stated he does not have a premeditated decision on this. He has read the hydrologist report and it says that all of this is conceptual, none of it actually applies to the site conditions. It will cost a lot of money to daylight the creek and it has complications, so his recommendation is to spend that \$20,000 more effectively in the city elsewhere.

Councilor Relyea stated that the papers we have read and the information provided there indicates that there needs to be further discussions on this and further work done for the council to know what is happening with that particular stormwater system so that we can make good decisions. We should not be saying do it or do not do it as far as day lighting Bernert Creek is

concerned. We should be taking into consideration the overall concern of the entire stormwater master plan, and the current recommendation is for there to be a feasibility study to understand what the condition of that Creek and the tributaries are, so that we know what measures need to be taken in the future.

Council President Cummings stated that if she knew, when Council approved the amount for the park two years ago, that there was a stream on the property that was piped and that had not been actually looked at in the land use hearing, she would have raised some questions about it then because she feels strongly that it's important to daylight streams whenever and wherever you can if it's in the best interest. When it is a park we have acquired because of its natural features, I think it begs the question, is it feasible or not? We have seen preliminary feasibility studies. We owed it to ourselves to answer that question. If we do not at least see if it is possible to daylight the stream on that park, I do not know how you can go out and tell developers that they have to do it on their property. It is \$20,000. We do not know how much it will cost. We do not know what kind of volume we are dealing with. I think we owe it to ourselves to get those answers.

Public Comment

Rory Bialostosky spoke against the proposal to do a feasibility study and day lighting of Bernert Creek. There are higher priority, critical infrastructure projects.

Council President Cummings stated that doing a feasibility study is not a pre-commitment to one decision or the other. It is simply looking for information, actual data from an unbiased, uninvolved, professional that might help discover more about what is going on in that area. There are some issues identified in that area. The section in the code, about the day lighting streams, is that there can be a benefit to day lighting streams and bringing them back to their natural function. West Linn has been in the habit of piping and building on top of streams all over town. Sometimes the streams were not even piped, they were just built on top of to the detriment of the streets. They were built on top of into the houses that had to take their water in an unconventional form, under their foundations and so forth. So this is about being environmentally responsible and trying to find out what is feasible here or not.

Mayor Axelrod stated that as he said in the past, if we are going to proceed on a project like this, to daylight the entire Creek under the drainage, we are going to spend at least \$500,000 or a million or more and there is going to be significant environmental impact to the trees along that area for the construction of the project.

Mr. Bialostosky clarified that the code that was mentioned regarding day lighting applies to types that are in the water resource area, Bernert Creek is not in the water resource area.

Mayor Axelrod closed the public hearing. He recommended moving Bernert Creek from a high priority to a medium priority project.

Mayor Axelrod moved to finalize the stormwater plan by moving the Bernert Creek study to a medium priority project as recommended by staff. Council President Cummings seconded.

Ayes: Mayor Axelrod and Councilor Walters

Nays: Council President Cummings, Councilor Relyea, and Councilor Sakelik.

The motion failed 3 – 2

Council President Cummings moved to approve the first reading of Ordinance 1696, adopting an amendment to Comprehensive Plan Goal 11, public facilities and services, and repealing and replacing the Storm Drainage Master Plan dated September 2019, and set the matter for a second reading. Councilor Sakelik seconded.

Ayes: Mayor Axelrod, Council President Cummings, Councilor Relyea, Councilor Sakelik, and Councilor Walters

Nays: None.

The motion carried 5 – 0

Council President Cummings moved to approve second reading of Ordinance 1696, adopting an amendment to Comprehensive Plan Goal 11, public facilities and services, and repealing and replacing the Storm Drainage Master Plan dated is September 2019 and adopt the ordinance. Councilor Sakelik seconded.

Ayes: Mayor Axelrod, Council President Cummings, Councilor Relyea, Councilor Sakelik, and Councilor Walters

Nays: None.

The motion carried 5 – 0

Council President Cummings moved that staff come back to us with a recommendation to add language or some kind of document related to climate changes with the storm water master plan. Mayor Axelrod seconded.

Ayes: Mayor Axelrod, Council President Cummings, Councilor Relyea, Councilor Sakelik, and Councilor Walters

Nays: None.

The motion carried 5 – 0

Mayor and City Council Reports

Councilor Relyea stated that at the last South Fork Water Board meeting, there was a recommendation from Councilor Sakelik to HDR and ODOT that they take a look at adding an additional interchange between the 10th Street exit and the Stafford exit. ODOT and HDR mentioned that it was going to be over 10 years before we are going to see any improvements to Interstate 205 at Abernathy bridge. We should ask the Federal Highway Administration for a waiver on the distance between interchanges and look at adding an interchange to the program so that we have traffic and perhaps another bridge feeding into Oregon City to relieve some of the traffic and congestion that we are suffering in West Linn.

Councilor Sakelik suggested replacing 10th street. There is some vacant land that goes up to the freeway that could possibly be an entrance so 10th Street does not have to be an entrance going south. It could take a lot of pressure off the 10th Street entrance and if it's feasible, it seems like a logical solution. It can make a flowing on ramp for I205 south that could really take the burden off of the 10th Street area where there are those lights which have caused problems for years.

Councilor Walter stated that is a neighborhood down there on Blankenship, of homes and people.

Mayor Axelrod stated that one of the challenges we face on the funding for I205 is the interest in the Columbia River crossing. The governor has expressed interest in that project and it is a similar sort of number for the initial portion of the project; however, the cover project is not ready so the recommendation is still to push and get I205 started in the next few years.

Councilor Relyea stated a big part of the discussion was about the in-water work windows, fish passage, and environmental concerns. With all the permits that they need to go along with these improvements to Interstate 205 and the Abernathy bridge, and their feasibility studies showing that they need at least five construction seasons to do the Abernathy Bridge, even if they had funding approval and the design was completely finished, they are saying it is going to take at least two more years for design, and then another two years for funding, that is four years plus five years of construction. So 9 to 10 years, was there a projection for these improvements to the Abernathy Bridge in that quarter?

Mayor Axelrod replied the fish window is July to October, it limits the construction period. He thought they were going to be able to get a variance for elements of that in demonstrating lack of impact, and that was part of their environmental impact study they did. Metro's setting up for the transportation bond next year, the big T2020 bond. There is a technical committee and many different stakeholders. The process is complicated and it is trying to address a lot of interests in needs expressed by all the communities and they have ranked their projects into tiers.

Tier one is the highest priority projects that will hopefully be moving forward if the bond gets approved. Highway 43 currently ranks as tier two; however, there is interest in moving it to tier one, including some support at Metro. There is regional recognition of the value of Highway 43, not just to West Linn, but to the commuters from all areas south and north that have to move through our region. Highway 43 is dangerous, no one feels safe walking there, you cannot even cross the street in most areas of the roadway. Our Highway 43 plan is to be implemented in phases and we only have funding for the northern segment from around Hidden Springs area north to Lake Oswego. We are at 60 percent design, so on the sections to the south down to I205.

ODOT and our staff are looking at roundabout options that time with the I205 construction. There is a strong recognition in their priority criteria in the T2020 process toward climate change, providing alternate modes of transportation and helping with the connected bike ways and the value of the Highway 43 cycle track so someone can get on a bicycle in Oregon City and commute safely to Portland. Many times of the year, particularly when it is dark, it is not safe. Until we build some of these corridors and provide an opportunity for people to have other modes of transportation, they are just not going to be options.

One of the tier two projects in the Metro plan is to put a bridge next to the railroad bridge connecting Lake Oswego to Oak Grove. There are facilities on the east side and there is a proposed plan to connect up to that point. On this side it would connect up with the Highway 43 improvements and allow folks on the east side of the river to get to the west side of town. Now if you want to drive, you have to drive all the way down south and around, up McLaughlin to Highway 99. It is called the Bridge Project, Oak Grove Lake Oswego (OGLO) connection bridge. There's a feasibility plan and a project description and he encourages everyone to look at it to see how it ties in with the regional interests. Most surrounding cities are in favor of it; however, Lake Oswego Council voted five to two against the project. He does not know if that was to not support

moving from tier two to tier one or if they are not going to back the project. He hopes Council supports the project. He prepared a proclamation. He would like to discuss the project, look at its benefits, and consider what is being proposed. It could help our project move from tier two to tier one because of the improved connectivity it provides regionally. That is one of the things we have been arguing for during the T2020 discussions, regional corridors, and addressing those areas that need vital connections and links. The east to west is pretty challenged because we have no way to get over and the railroad would not allow it. The first option was to slap it right on the side of the railroad bridge because the construction to be done; however, the railroad does not want it and will not discuss it. He would like council to consider talking about the T2020 project status at a work session.

Comments can be submitted to Metro in support of our Highway 43 project and moving it from a tier two to a tier one project. He encourages everyone who wants to see improvements to Highway 43 to write their representatives at Metro or send it to Metro Council.

Council President Cummings suggested adding some information about the OGLO bridge to the December 16 work session. She asked when Council will see some information about the 28-foot street codes changes.

City Manager Stein stated that the community development director was talking about an overall process for discussing code amendments.

Councilor Sakelik stated that Director Williams said they already started the process, they have submitted to the state and when they get it back from the state, it will go in front of the Planning Commission and he expected all that to occur before February.

Council President Cummings asked about the planning for the citizen advisory group party.

City Manager Stein stated Friday, December 6 was selected as an evening to do a citizen advisory group recognition event. There is also a recognition event for Ken Worcester on November 22. The deadline for applying to a citizen advisory group is November 30. Once we know how many applications we have for openings, then we will work out a time to schedule interviews for those committees you interview. We are probably not going to be able to get all that work done in time to make appointments on December 9th so we'll look to make those appointments at your January 13 meeting.

Mayor Axelrod is going to be down in Salem testifying at several different committees about the locks so he might be late to the work session on the 18th.

City Manager Report

City Manager Stein stated the City received input from three neighborhood associations on the citizen vision goals.

Mayor Axelrod stated that needs to go to the CCI for review and then the CCI will make its recommendation to the Council.

City Manager Stein stated a doodle poll will be send out for the continued discussion of the city managers evaluation.

Mayor Axelrod asked how much time will be needed for that.

Council President Cumming stated two or three hours.

Councilor Sakelik suggested three hours in the midafternoon, like a two to five so that we can make sure to be done with it.

City Attorney Report

City Attorney Ramis reported on the council's goal of adopting workplace harassment policies. The objective is to get this done by the end of the year. The plan is to bring a specific proposal to Council at the December 2 work session and to adopt on December 9th. This will have two components. One is the policy and the other is the process for investigating complaints. The policy component we are working with staff to make sure it is in order for a common policy for staff, council, and volunteers.

Probably not a lot of room for movement and wordsmithing on the investigation resolution reporting because it is heavily influenced by the statute. There are a lot of options and we will be crafting a process for your consideration that would apply to matters involving the council, volunteers, and boards and commissions. It will be fashioned largely on the template that the legislature took through house that sets up the process for the state legislature on how these matters are to be handled. It does a good job of addressing some of the things that the council has been concerned about in the past - confidentiality, options for reporting, checking back after a complaint to see what has happened, what changes have been made, changes in policies and procedures, those things are all part of the procedures. It is a pretty complete document so we will be trying to use that as our model.

Council President Cummings stated that Council asked to just have some recommendation for a sentence that could be added that acknowledges that we welcome people to use their preferred pronouns.

City Attorney Ramis had a meeting today with staff on that subject and how it might be addressed. He does not know if it will be able to be incorporated here; however, we will certainly be coming forward with a proposal on that.

City Manager Stein has started to do some research with other cities, trying to find out what other policy cities have put into place. I want to be careful that we keep this compliance with the state as pure as possible so if we end up talking about these two together is fine. She just wants to make sure that we are not adding a new topic into something that relates to compliance with the new state law. She understands the need for having the discussion about gender titling; however, does not know that gender titling relates to compliance with the Oregon Workplace Fairness Act.

Council President Cummings would not want to try to insert it into anything that has to do with compliance. It would be under the statements that have to do with our supporting equity and inclusion.

Councilor Walters stated Council had decided Council Rules would be a more appropriate place and that this policy is really separate so that the City is complying with the state mandates. She

thinks our diversity, equity, and inclusion policy - including respecting the use of pronouns - should be in the Council Rules..

Council President Cummings stated that the thing about Council Rules are that they only apply to Council and the boards and commissions. Council supports having that in our city's overall policy as well.

Mayor Axelrod stated that was the interest, to make it show the sensitivity, because it could be considered an element of harassment and we want to make sure that all our employees are comfortable in the workplace.

City Manager Stein stated that is the point. Her hesitation has to do with ultimate sensitivity to a very emerging new policy area and particularly as it relates to application to our personnel policies. She does not want to do it wrong.

Councilor Walters thinks reaching out to other cities and looking at what they are doing, even nationally, to get a sense of where those rules fit in our overall personnel policy as well as our policy for our elected and our boards and commissions.

City Manager Stein wants to make sure that the City does not create unintended consequences by virtue of trying to do the right thing. This is a very new and evolving subject area, and she just wants to make sure it is sensitively handled.

Mayor Axelrod adjourned the meeting.



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

CITY COUNCIL AGENDA

Tuesday, November 12, 2019

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

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

-
1. Call to Order and Pledge of Allegiance to the Flag
 2. Approval of Agenda
 3. Public Comments [20 min]
 4. Announcements, Proclamations, and Recognitions
 - a. 2021 International Energy Code Proclamation
 - b. Small Business Saturday Proclamation
 5. Consent Agenda [5 min]
 - a. Agenda Bill 2019-11-12-01: Approve Draft Notes for October 14, 2019
 6. Business Meeting [60-90 min]
 - a. Agenda Bill 2019-11-12-02: **Public Hearing**: AMENDED ORDINANCE 1693 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, 7, AND 8.
 - b. Agenda Bill 2019-11-12-03: **Public Hearing**: ORDINANCE 1696, ADOPTING AN AMENDMENT TO COMPREHENSIVE PLAN GOAL 11, PUBLIC FACILITIES AND SERVICES AND REPEALING AND REPLACING THE STORM DRAINAGE MASTER PLAN DATED SEPTEMBER 2019
 7. Mayor and City Council Reports [20 min]
 8. City Manager Report [10 min]
 9. City Attorney Report [5 min]
 10. Adjourn

Meeting Notes:

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

Public Comments: General public comment is established to allow members of the public to speak for five minutes at the beginning of each Council/Planning Commission meeting and work session on any community matter other than specific agenda items. The Mayor/Chair may adjust comment time according to the length of the agenda or the number of requested speakers.

Business Meeting Comments: Members of the public are invited to speak for five minutes on any specific agenda items. The Mayor/Chair may adjust comment time according to the length of the agenda or the number of requested speakers.

Persons requesting to speak must first submit a completed testimony form to Staff. A separate slip must be turned in for each item. Verbally abusive or slanderous comments are not allowed. When called upon, speakers shall first state their name and city of residence. Copies of written comments and materials are to be handed to Staff to deliver to the Council/Commission. If a speaker wishes to show a presentation, the presentation must be delivered to Staff 48-hours prior to the meeting.

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

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.

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

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

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

PROCLAMATION

West Linn, Oregon

WHEREAS, West Linn's residential, multi-family, and commercial buildings are our largest source of energy use and energy waste, and contribute to our community's carbon emissions; and

WHEREAS, buildings last a century and are often too costly to retrofit, the best time to incorporate permanent efficiency measures is at initial construction; and

WHEREAS, building energy codes, by setting minimum building efficiency requirements at initial construction, provide measurable and permanent energy savings and emissions reductions over the century-long life spans of these buildings; and

WHEREAS, our city reaps long-lasting and widespread benefits from steady improvements to America's Model Energy Code (the International Energy Conservation Code or IECC), including greater building resiliency and fire worthiness; reduced energy bills for home and commercial building owners & tenants; fewer foreclosures from inability to pay energy bills; flatter peak-load energy demand and a more stable grid; and

WHEREAS, energy efficient housing is most beneficial to those with the lowest incomes as they save money on utility costs long after the cost of those energy improvements is paid for; and

WHEREAS, via our Sustainable West Linn Strategic Plan, our city seeks to reduce greenhouse gas emissions produced in buildings by improving the energy efficiency of buildings, promoting energy conservation, and using carbon-free, renewable energy in lieu of fossil fuels; and

WHEREAS, McKinsey & Co. has identified building energy efficiency as the most significant, impactful, and cost-effective step cities can take to meet USCM and Paris Accord emission targets; and

WHEREAS, our city has an opportunity to vote online in support of a 10 percent boost in the efficiency of the ICC's update of America's Model Energy Code this November.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST LINN, joins others in supporting climate, energy and fiscal goals by voting in unity for a more efficient 2021 International Energy Conservation Code.

Our jurisdiction should fully participate in this November's ICC online voting and support proposals that will boost the efficiency of this year's update of Americas' Model Energy Code, the 2021 IECC, by at least 10 percent.

All of our jurisdiction's eligible ICC votes cast shall be consistent with our city's energy and climate policy and shall vote consistent with the U.S. Conference of Mayors' recognized IECC voting guide and fact sheets developed by the broad-based Energy Efficient Codes Coalition (EECC), which objectively identifies IECC proposals that employ existing technologies to improve new building efficiency, as well as those that would weaken or trade away efficiency

DATED THIS 12TH DAY OF NOVEMBER 2019

RUSSELL B. AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

PROCLAMATION

West Linn, Oregon

WHEREAS, the City of West Linn celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 30.2 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, are responsible for 65.9 percent of net new jobs created over the past 20 years; and

WHEREAS small businesses employ 47.5 percent of the employees in the private sector in the United States; and

WHEREAS, 94 percent of all consumers believe that supporting small, independently-owned restaurants and bars is important; and

WHEREAS, 96 percent of consumers who plan to shop on Small Business Saturday® said the day inspires them to go to small, independently-owned retailers or restaurants that they have not been to before, or would not have otherwise tried; and

WHEREAS, 92 percent of companies planning promotions on Small Business Saturday® said the day helps their business stand out during the busy holiday shopping season; and

WHEREAS, 59 percent of small business owners said Small Business Saturday® contributes significantly to their holiday sales each year; and

WHEREAS, the City of West Linn supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and

WHEREAS, advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday®.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY OF WEST LINN, that Saturday, November 30, 2019 is:

SMALL BUSINESS SATURDAY®

and we urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday® and throughout the year.

DATED THIS 12TH DAY OF NOVEMBER, 2019.

RUSSELL B. AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER



Agenda Bill 2019-11-12-01

Date: October 29, 2019

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

From: Kathy Mollusky, City Recorder *KM*

Through: Eileen Stein, City Manager *ES*

Subject: Draft Meeting Notes

Purpose:

Approval of City Council Meeting Notes.

Question(s) for Council:

Does Council wish to approve the attached City Council Meeting Notes?

Public Hearing Required: None required.

Background & Discussion:

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

Budget Impact: N/A

Sustainability Impact:

Council continues to present its meeting notes online, reducing paper waste.

Council Goal/Priority:

Guiding Principle #0: Core Services of West Linn City Government. Continue to record and document the proceedings of the West Linn City Council. Guiding Principle #3: Sustainability. Incorporate environmentally sustainable practices in City activities and decision making, including reducing waste generation and energy consumption.

Council Options:

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

Staff Recommendation:

Approve Council Meeting Notes.

Potential Motions:

I move to approve the October 14, 2019 Council Meeting Notes.

Attachments:

1. October 14, 2019 Council Meeting Notes



CITY OF
West Linn

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

WEST LINN CITY COUNCIL MEETING NOTES October 14, 2019

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

Council Present:

Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Staff Present:

City Manager Eileen Stein, City Recorder Kathy Mollusky, City Attorney Tim Ramis, Parks & Recreation Director Ken Worcester, Assistant Parks & Recreation Director Ken Warner, and Police Captain Peter Mahuha.

[Approval of Agenda](#)

Council President Teri Cummings moved to approve the agenda for the October 14, 2019, West Linn City Council Meeting. Councilor Bill Relyea seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[Public Comments \[20 min\]](#)

Russel Williams was frustrated trying to get the permits he needed for his project from the City.

Mary Hill stated that the fire stations were not intended to be community centers; however, they have been used as such and are a vital part of the community.

Alice Richmond is going to vote no on measures 3-554 and 3-552. She expressed concern about Council having so many lawsuits against them because citizens have to pay for them.

Mary Baumgardner read a statement regarding Indigenous People from the climate website. She asked Council to continue to consult with the native people when they make decisions.

Randall Fastabend gave the history of the community garden and classes at Robinwood Station. On October 29, he is meeting with Todd Islan, architect, and City staff regarding the vision and remodeling of Robinwood Station.

[Announcements, Proclamations, and Recognitions](#)

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

[Proclamation](#)

Mayor Axelrod read the proclamation.

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

[Agenda Bill 2019-10-14-01: Approve Draft Notes for September 9, 2019](#)

[Draft Notes Information](#)

Council President Teri Cummings moved to approve the Consent Agenda for the October 14, 2019, West Linn City Council Meeting, which includes the meeting notes for September 9, 2019. Councilor Jules Walters seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[Business Meeting \[60-90 min\]](#)

[Agenda Bill 2019-10-14-02: Public Hearing \(continued from 8/5/19\): Parks Master Plan Adoption](#)

[Agenda Bill](#)

[Master Plan](#)

[Parks Master Plan Edits Email \(*added 10/10/19\)](#)

City Attorney Ramis 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 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 wished 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.

Assistant Parks and Recreation Director Warner gave the staff report explaining the word revisions discussed in the pre-meeting.

To Ordinance 1993, the Comprehensive Plan, Policy 5:
(1) the second whereas statement, insert "discussions at Planning Commission" in addition to the Parks and Recreation Advisory Board.
(2) wording change from "but not limited to" after "such as"
(3) replace "tennis" with "tennis and pickle ball"
(4) replace "swimming pool" with "aquatics."

Under Policy 7, replace "city-owned land" with "city-owned parks and open spaces"

To Ordinance 1694, the second whereas statement, insert "discussions at Planning Commission" in addition to the Parks and Recreation Advisory Board.

In the Master Plan, Appendix D, Page D3, fifth bullet delete the sentence "not suitable for programmed recreation". The paragraph reads, "The City also owns three other small properties with buildings that provide, or can support small-scale community service. However, they are not suitable for larger scaled programmed recreation, and are not managed for such recreational use. These include: Robinwood Station, Bolton Station, and the Old City Hall. Robinwood Station functions as a community resource center operated by a non-profit, Friends of Robinwood Station or FORS. The Bolton Station provides storage for certain City and Parks and Recreation equipment and is being evaluated for future potential uses and opportunities. The old City Hall is not currently used, but is in the planning phase of a proposed new regional tourism and heritage cultural center being managed by a non-profit Willamette Falls and Landings Heritage Area Coalition."

Page D6, last bullet. Council discussed "may" or "shall" require an advisory vote.

Public Comment

Peggy Kirkendall read a definition of recreation and asked that large scale recreation be defined. She believes the Bolton Fire Station can accommodate 150 people and even though the fire station was not built as recreational center, it is perfect for a community center. She discussed different types of recreation.

Karie Oakes testified last month about the notice that stated the Planning Commission was making a decision. This time notice took out planning, but it did not take out commission. It is still is confusing. Staff agreed to update the website; however, it has not been updated. It needs to show the Parks and Recreation Advisory Board and Council meetings. Council tentatively approved this project last month; however, tonight there are quite a few more revisions. Other ordinances state the dates of the meetings and what was decided. This is a record for people to understand the process and why the amendments were made. Council needs to include "shall" require an advisory vote as future Councils and staff may look at this as something to achieve, to plan for a pool where it is not supported.

Questions of Staff

Mayor Axelrod stated there is a request to put in more detail. He asked if the Plan has a record of all the hearings.

Assistant Parks and Recreation Director Warner stated it does not list all the steps in the process.

Councilor Relyea stated that there are three terms: (1) community resource centers, (2) community resource opportunities, and (3) indoor recreation facilities. This paragraph does not read very well and he does not think it is understood.

Mayor Axelrod explained these were added by the Planning Commission to recognize these other centers. Clarification was needed to recognize the value of these community centers as different from the traditional, larger scale, recreation center that is described in the broader plan. They all have varied uses, recreational or other community service. The language was revised to provide clarity on the status of the buildings and their current use. It is not intended to go into details, just acknowledge these other facilities and their importance to the community.

Councilor Relyea suggests Robinwood functions as a community resource center operated by a non-profit and the latter two are community resource facilities that have the opportunity to become recreational facilities.

Councilor Walters stated that this is an example of what happens when four different groups

spend over a year nitpicking at the wording, you end up with word soup. This wording is very clear and this is such a small part of the Plan, Council is being very myopic. Everyone's voice was heard and Council was inclusive with the language put into the document. She would like to move forward with what we have.

Mayor Axelrod wants to get this done, not rewrite the whole thing. He read the paragraph for Appendix D3 with all the changes and explained his reasoning: "The City also owns three other small properties with buildings that provide, or can support small-scale community services. However, they are not suitable for larger-scale programmed recreation, and are not managed for such recreational use. These include: Robinwood Station, Bolton Station and the Old City Hall. Robinwood Station functions as a community resource center operated by a non-profit (Friends of Robinwood Station or FORS). The Bolton Station provides storage for certain City and Parks & Recreation equipment, and is being evaluated for future potential uses and opportunities. The Old City Hall is also not currently used, but is in the planning phase as a proposed new regional Tourism and Heritage Cultural Center to be managed by a non-profit (Willamette Falls & Landings Heritage Area Coalition)."

Councilor Relyea stated that this language is fine, he is concerned with the other language.

Council President Cummings added that the Bolton Station provides storage for certain City and Parks and Recreation equipment, "in addition to storage for non-profits".

Mayor Axelrod stated that the Bolton Station provides storage for certain City, "non-profit" and Parks and Recreation equipment, and is being evaluated for future potential uses "and opportunities." Remove the "/" between uses/opportunities.

Council concurred with the paragraph.

Mayor Axelrod stated the other change is to make the advisory vote that is now a "may" to be required. He does not think the Master Plan should require an action of the City. If the community wants to do it in the future, they can decide whether to do a vote or not.

Councilor Sakelik recommended changing it from "may" to "shall" because he thinks it should be a definite.

Council President Cummings added the 2004 advisory vote about if the citizens wanted to construct and operate a community aquatic center to the record. She supports the word "shall".

[2004 Notice of Measure](#)

Mayor Axelrod asked if the word "shall" is in the document, does it require the City to do it?

City Attorney Ramis stated if the Plan calls for it, there is an obligation to follow it. A future

Council could amend the Plan to take that requirement out or modify it.

Councilor Relyea stated there are two sides to this, one side by a majority surveyed would like to have an aquatic center; however, no one wants to pay for it. The only way to address this dynamic would be by a vote of the people so he is in favor of the word "shall".

Councilor Walters stated an aquatic center cannot be built without voting on it because the City does not have the money to do it.

Council President Cummings agrees there will have to be a vote for a bond. In order to have a plan, know what property is going to be used, how it is going to be maintained and so forth, costs many thousands of dollars. This is about is there a strong interest to spend the funds on that. She asked staff how much the 2013 ballot measure cost for the aquatic center, the process for the plan and everything.

Assistant Parks and Recreation Director Warner stated the cost for the plan was around \$25,000, for the study to get to the point of going for a vote.

Council President Cummings heard coming out of the vote that there was not a plan.

Parks and Recreation Director Worcester stated the City did not have a management plan for the pool. Council was coerced into putting it on the ballot prematurely, against staff recommendation.

Councilor Walters stated at the last meeting, Council talked about Parks Master Plan and the Storm Master Plan. Council did not discuss details of the Storm Master Plan. No one commented on a word or phrase or asked for a vote for any capital outlay. She does not understand why Council is hammering this Parks Master Plan. She would like to pass it. It has great things for the City, it has been well vetted and everyone is excited about it except a few people in this room. Other master plans have gone through without this level of scrutiny.

Councilor Sakelik stated besides the dollar cost for the plan, there is a lot of staff and planning time. He also wants to move on.

Mayor Axelrod likes language that gives the option to the City, community, and Council to go in whatever direction they want to go, without having to modify the plan. He wonders when this required advisory vote is supposed to happen, it does not make clear where in the process it is supposed to be done. He agrees this plan is being nicked and dimed to death. In a broad based visionary plan, it should not be so specific. The community is capable of making this decision in the future. He wants to move on, he will not hold this plan up because of this; however, he disagrees with the approach.

Council President Cummings stated the idea of when is before embarking on an expensive, long process. She asked if he was more comfortable with the word "should".

Mayor Axelrod stated if it provides an option rather than a requirement, he prefers may. The history of this will come up, a pool run by City staff is not going to cover the costs. In the future, it is probably going to be a private or public-private partnership and he trust the community to make this decision.

City Attorney Ramis stated "should" is in-between "shall" and "may". It is not a requirement, it is short of being a requirement and leaves some discretion to the Council in the future.

Mayor Axelrod stated it "should consider" rather than "should require".

Councilor Sakelik stated there is consensus to move on, it is a visionary document that is not cast in concrete, he doubts this Council will have to deal with an aquatic center.

Councilor Walters disagreed that there is a consensus. Council is in the middle of a public hearing.

Councilor Relyea stated the plan says an investment of this scale would require more extensive planning process, this process is likely to be expensive. The reason people are asking for the word "shall" is that the City does not end up spending money on something that is not desired. The public needs to help Council make this decision, that is why he is in favor of the word "shall".

City Manager Stein asked if the Council and City are contemplating an aquatic center, there would be extensive planning process and Council would budget for a consultant. Where does the advisory vote fall in the process, before the budget is created or if Council approves the budget for an aquatic facility.

Councilor Relyea stated that Section F talks about facility development. It provides an action plan or phased approach. Perhaps there should have language here about where the advisory vote falls in the process.

Mayor Axelrod stated there are so many variables, Council does not need to get into the details here about the order of the process, leave it for the future.

Council President Cummings stated the concept of the advisory vote is to protect the budget from expending time and staff resources without knowing if the electorate is truly interested. A passionate group of people got it put on the ballot last time and it failed, there was not a strong understanding of the community interest.

Mayor Axelrod asked if Council has any questions on the ordinance changes. There was a request to include the Planning Commission meetings in both ordinances. This was the only change for Ordinance 1694. In Ordinance 1693, there is a reference to Policy 7, requesting

"city-owned land" be changed to "city-owned parks and open spaces". He thinks this policy should reflect on all city property, not just parks and open spaces, he suggests Council does not change the language.

Council President Cummings suggested this to avoid potential misunderstanding of noxious weeds on city-owned land because the City does not take care of the right-of-way.

Parks and Recreation Director Worcester stated that a lot of property is under the storm water fund, along trails, and the storm department maintains them. There are other open spaces that are not designated parks and open space, for example, all of the storm water facilities like the big pond on Salamo, a couple on Parker, and one along the trail in Cascade Summit.

Mayor Axelrod asked what about Bolton and Robinwood Stations. They are city-owned land where we would discourage noxious weeds. Is it better to leave it city-owned land, which is more inclusive? What if it just says reduce noxious weeds and vegetation?

Parks and Recreation Director Worcester stated they fall under Parks and Recreation. The right-of-way is city-owned, but we do not maintain some of them, for instance sidewalks; and Public Works maintains the center strips. These policy statements are in the Parks and Recreation Chapter in the Comprehensive Plan.

City Manager Stein clarified if Council is making changes to the Comprehensive Plan, then city-owned land is a broader term. The Comprehensive Plan takes into account all city-owned, parks, open space, right-of-way that the City controls.

Parks and Recreation Director Worcester added the Comprehensive Plan includes school properties, golf courses, cemeteries, etc. You would want to make it clear that it is city-owned.

Mayor Axelrod wants to use the broader term or keep it as reduce noxious weeds and vegetation. It would force schools to reduce noxious weeds and vegetation.

Parks and Recreation Director Worcester stated even if it is not city-owned, we would still enforce the maintenance of the right-of-way.

Mayor Axelrod asked if it would be ok to take out city-owned.

City Attorney Ramis stated that is acceptable as policy.

Councilor Relyea stated if it is in the Comprehensive Plan, it needs to be talked about in a broader perspective. If it is in the Parks and Recreation Plan, it should be what is under the purview of that department.

Mayor Axelrod asked about documenting the history of the process, can Council still approve this Plan and have staff put together some log or administrative record.

City Attorney Ramis stated that is Council's decision. If Council wants it to be part of the document, it will need to be drafted and incorporated into the document. If Council just wants it available, they could adopt the Plan and have staff complete the history later.

Mayor Axelrod wants staff to provide a summary for the record. He does not want to delay this Plan any longer.

Council President Cummings has lost track of the number of delays. She asked if it is appropriate to do as an addendum or appendix to the Plan.

City Attorney Ramis stated Council could do that. Council would have to come back and amend the Plan.

Council President Cummings asked if Ms. Oakes could come back up and clarify.

Ms. Oakes asked if the whereas statement in the ordinance could include the process that has taken place. That means the Planning Commission, Parks and Recreation Board, and Council meetings, including dates.

Council President Cummings stated they will not be able to accomplish this tonight if they take a break to add this. Could Council say refer to the appendix for the dates so person looking at it will know where to look.

City Manager Stein stated the ordinance for sanitary sewer approved last month had one whereas stating the Planning Commission held public hearings and recommended approved at their July 17 meeting.

Councilor Sakelik asked if Council can approve and amend the ordinance later.

City Attorney Ramis stated Council can tentatively adopt it subject to staff bringing back the amendment or Council could adopt tonight, continue the proceedings, and amend the ordinance at the meeting where it is continued to.

Councilor Relyea asked if the notice was adequate.

City Attorney Ramis stated standard puts someone on inquiry notice which is enough notice that someone could ask questions to find out more information. It does reference Council and puts someone on inquiry notice.

Mayor Axelrod closed the public hearing.

Councilor Richard Sakelik moved to Accept the revised D3 paragraph as written. Councilor Bill Relyea seconded the motion.

Mayor Axelrod read the new Plan language in Appendix D, Page D3, "The City also owns three other small properties with buildings that provide, or can support small-scale community services. However, they are not suitable for larger scaled programmed recreation, and are not managed for such recreational use. These include: Robinwood Station, Bolton Station and the Old City Hall. Robinwood Station functions as a community resource center operated by a non-profit (Friends of Robinwood Station or FORS). The Bolton Fire Station provides storage for certain City non-profit and Parks and Recreational equipment and is being evaluated for future potential uses and opportunities. The old City Hall is also not currently used, but is in the planning phase as a proposed new regional tourism and heritage cultural center to be managed by a non-profit (Willamette Falls and Landings Heritage Coalition)."

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Mayor Axelrod read the Plan language asking Council if the word "may" should be changed to "shall" in the Appendix D, Page D6. It currently states, "An investment of this scale would require a more extensive planning process, which may include an advisory vote by West Linn residents."

Councilor Richard Sakelik moved to Change Section D6 with regards to the aquatic center to change the word "may" include an advisory vote by West Linn residents to "shall" include an advisory vote by West Linn residents. Council President Teri Cummings seconded the motion.

Ayes: Council President Teri Cummings, Councilor Bill Relyea, and Councilor Richard Sakelik.

Nays: Mayor Russ Axelrod and Councilor Jules Walters.

The motion carried 3 - 2

[ORDINANCE 1694, AMENDING THE COMMUNITY DEVELOPMENT CODE CHAPTERS 2 AND 56.](#)

[ORD 1694](#)

Assistant Parks and Recreation Director Warner stated Ordinance 1694 had one change, in the second whereas, inserting discussions at the Planning Commission and Parks and Recreation Advisory Board.

Councilor Jules Walters moved to approve first reading of Ordinance 1694 with the changes as read into the record, an ordinance amending the Community Development Code Chapters 2 and 56 and set the matter for second reading. Councilor Bill Relyea seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Councilor Jules Walters moved to approve second reading of Ordinance 1694 with the changes as read into the record, an ordinance amending the Community Development Code Chapters 2 and 56 and adopt the ordinance. Councilor Bill Relyea seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[ORDINANCE 1693, 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.](#)

[ORD 1693](#)

Mayor Axelrod stated Council is adopting the revisions as proposed with the exception of Policy 7 to end the sentence at noxious weeds.

Assistant Parks and Recreation Director Warner replied that is correct, Policy 7 is to reduce noxious weeds and vegetation. He read the changes for Ordinance 1693, Comprehensive Plan, Goal 8:

(1) Policy 5. Provide for specialized recreation needs such as, but not limited to, soccer fields, baseball diamonds, tennis and pickle ball courts, aquatics, senior centers and other facilities that have city-wide demand based on the Parks, Recreation and Open Space Plan and the West Linn Trails Plan.

(2) Policy 7. Reduce noxious weeds and vegetation.

(3) The second whereas. Information was distributed throughout the process via the project website, through social media and email, a stakeholder open house, public survey, discussions at Parks Advisory Board and Planning Commission meetings, and public hearings.

Councilor Jules Walters moved to approve first reading of Ordinance 1693 with the changes as read into the record, an ordinance 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, 7, and 8 and set the matter for second reading. Councilor Richard Sakelik seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Councilor Jules Walters moved to approve second reading of Ordinance 1693 with changes as read into the record, an ordinance 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, 7, and 8 and adopt the ordinance. Councilor Richard Sakelik seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Councilor Richard Sakelik moved to Provide an amendment to Ordinance 1693 which would provide a record of all the meetings at the November 12 meeting. Councilor Jules Walters seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[b. Agenda Bill 2019 10 14 03: ORDINANCE 1702, RELATING THE PERCENT FOR THE ARTS PROGRAM AND AMENDING WEST LINN MUNICIPAL CODE SECTIONS 2.200 THROUGH 2.235](#)

[ORD 1702](#)

[Arts and Culture Memo and Spreadsheet \(*added 10/10/19\)](#)

Mayor Axelrod stated in the pre-session Council discussed the need to gather additional information on the financing options and the significant implication to the budget. Council will discuss the information in a work session and come back when it is ready for a vote. Council wants to make sure contributions for the arts are continuing to be made for bond projects in progress, except for transportation which they can amend or adjust as they see fit. Council just wants to discuss it with staff to get more clarity. There is information in the packet that people can look at if they are interested.

Agenda Bill 2019-10-14-04: ORDINANCE 1703, RELATING TO DOG LICENSING PROVISIONS OF THE WEST LINN MUNICIPAL CODE TO ALIGN THEM WITH CLACKAMAS COUNTY'S LICENSING REQUIREMENTS, TO REPEAL IMPOUND PROVISIONS, AND TO REPLACE THE TERM "DOG CONTROL OFFICER" WITH "CODE ENFORCEMENT OFFICER"

ORD 1703

Police Captain Mahuna stated staff would like to update the West Linn Municipal Code to align with the dog licensing provisions run by the Clackamas County Code and replace the term "Dog Control Officer" with "Code Enforcement Officer".

Mayor Axelrod stated that this is pretty straight forward. There was some discussion in the pre-session about some other terms for code enforcement officer that are used; however, for the Code, Code Enforcement Officer is the correct terminology.

Council President Teri Cummings moved to approve first reading of Ordinance 1703, relating to dog licensing provisions of the West Linn Municipal Code to align them with Clackamas County's licensing requirements, to repeal impound provisions, and to replace the term "Dog Control Officer" with "Code Enforcement Officer" and set the matter for second reading. Councilor Richard Sakelik seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Council President Teri Cummings moved to approve second reading of Ordinance 1703, relating to dog licensing provisions of the West Linn Municipal Code to align them with Clackamas County's licensing requirements, to repeal impound provisions, and to replace the term "Dog Control Officer" with "Code Enforcement Officer" and adopt the ordinance. Councilor Richard Sakelik seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Agenda Bill 2019-10-14-05: Bernert Landing Contract Award

Bernert Information

Parks and Recreation Director Worcester gave the staff report stating that the City was awarded a grant for replacing the docks at Bernert Landing. The City received three bids with the low bid coming in about \$15,000 below the engineering estimate. The successful low bid was Topper Industries at \$105,000. Staff recommends awarding the contract to Topper

Industries. Staff will dismantle the existing floats and recycle them and then will slide the new docks into place. It should take about a day to install so there will be minimal disruption.

Council President Teri Cummings moved to Authorize the City Manager to enter into a contract with Topper Industries Inc. of Woodland, Washington, in the amount of \$105,000, the successful low bidder for the Bernert Landing Boarding Float Replacement Project. Councilor Richard Sakelik seconded the motion.

Mayor Axelrod asked if the City has a good experience working with Topper.

Parks and Recreation Director Worcester replied yes, from the current gangway at Bernert to the Cedar Island Bridge and Cedar Oak boat dock floats.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

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

Councilor Relyea suggests in light of public testimony from Alice Richmond, he would like to train boards, committees, and commissions on the City Manager-City Council form of government, Roberts Rules of Order, and Council Rules and how they all work together. The comments he heard tonight were off base. Council needs to do a better job communicating with the public how things work, how we operate and why we do things the way we do.

Mayor Axelrod likes that idea and that is something we could incorporate into training.

Council President Cummings stated there are pages available for people when they come in that give advice on civility. Council cannot regulate civility or tell people what they can or cannot say. As offensive as some remarks may be, unless they go to the level of obscenities, we have to let people have their say. She hopes most people will chose more civil behavior. As far as Alice Richmond's allegations, public funds are not being used for Council President Cummings' benefit. The lawsuit of whether notes are public records or private affects other cities and organizations. This is commonly done, it was done in the case of other councilors who had tort claims filed against them. When acting in the capacity of a councilor, the city responds to it.

Councilor Walters received a message from former councilor Jenni Tan that she and School Board Commissioner Chelsea Martin have been participating in the American Council of Young Political Leaders. The delegation is coming to West Linn November 6, they asked if the City would host a dinner to welcome the delegation and show them how our government works. The Youth Advisory Council is planning to Trunk or Treat with other community organizations on Saturday, October 26. They are still fundraising for trip to Washington DC. The robotics

team invited Councilor Walters to talk about City planning, they are looking for a problem to solve. She spoke to them about the Abernathy Bridge and how our water source is attached to that bridge. She invited the other councilors to attend. The Multi Equity Summit is this Saturday, she encouraged everyone to get a ticket.

Councilor Sakelik addressed an October 10 citizen view in the West Linn Tidings by Anthony Perry entitled City Legal Services at a Crossroads. He stated the ballot measure is taking the Charter back to what was in place for 19 years. 1) Measure will remove all connections between the City Manager and the contract City Attorney and place all legal services under the purview of the City Council. This is incorrect, the City Manager will continue to work closely with the City Attorney. They have instituted a legal document log to make sure all legal is addressed based on priority. The Council will have the purview of all legal services; however, only as Charter, Section 8F stated. In 2013, nothing was mentioned about 8F being taken out, the voters were misled. 2) All legal decisions, which also include day-to-day legal questions on staff relations, union issues, contracts, and panning applications would be micromanaged by the City Council. The City Manager will still be involved in these issues, Council will only get involved when needed. The City Manager will continue to recommend legal advisors; however, will need Council approval to hire any specific attorney for a specific item. 3) There will be little to no oversight over the City Attorney by the City Manager. The City Manager receives the City Attorney invoices and sends copies the Council. If there are performance issues the City Manager is supposed to bring them up to City Council. 4) At the very least, Council should seek competitive bids for legal services. The Mayor and Councilor Walters expressed this concern. He told them to go ahead and investigate alternative legal representation. Mayor Axelrod stated he was too busy. 5) The opposition to this ballot measure stated this is in opposition to the City Attorney. Council can replace the City Attorney at their discretion. It is about the reporting structure of the legal advisors and Council authority.

Councilor Walters stated that the City Manager would have to get approval from Council to seek any legal advice in the running of the every day functions of the City and this is politicizing, what should not be a political situation. She has had trouble getting access to and answers from the City Attorney because she is a minority vote on this Council. She believes it is inappropriate to combat a letter to the editor on the dais, that it is not fair to the citizens. It is a problem, as a City Manager, to have to get Council's vote to seek legal advice.

Councilor Sakelik asked the City Attorney to state that it is okay to speak from the dais regarding items on the ballot.

City Attorney Ramis stated council meetings are a public forum. Citizen and councilors can speak on matters that are on the ballot. The limitations are they cannot use staff or city supplies to do that.

Council President Cummings stated that Councilor Walter's concern about getting legal advice has nothing to do with this measure. Council Rules require Council consensus if it will take more than 15 minutes of legal staff work. This measure is to bring back Charter Section 8F

because was removed in 2013. She can only think of a handful of times when the City Manager needed Council approval to hire an attorney and she gave the examples of this. Council cannot adopt an ordinance or resolution to state no attorney can be on staff, you have to do a Charter amendment. It is necessary to establish a clear line of reporting authority. Council does not get involved in day-to-day operations.

Councilor Walters is clear on Council Rules, she was looking for legal advice about the Bolton station that would take more than 15 minutes.

Mayor Axelrod never wants a councilor to feel they are not getting legal advice that they need. It is important all councilors have complete access to the City Attorney for decision making. Council is not going to use rules or other manners to separate or control how councilors seek legal advice. The statement from Councilor Sakelik that Mayor Axelrod could do an Request for Qualifications (RFQ) or proposal for City Attorney services is not an option he, an individual, could do, that is something Council would need to do.

Councilor Sakelik disagreed and told the Mayor to check the record.

Mayor Axelrod stated that restoring 8F to the Charter is not consequential, Council already has that right. The second part of the measure removes any authority the City Manager has over legal services. City Managers need to be able to hire attorneys to conduct the professional business of city operations, especially ones Council is not involved in. The ballot measure removes City Manager authority over those decisions, this is overstepping the balance of power. In November, he want to bring a proclamation to address improving building standards to lower the carbon footprint and to improve energy use. These are national and state building standards. Many cities are passing ordinances to approve building codes and design standards. The next Town Hall is on October 29 at the Adult Community Center at 6:00 pm. There has been discussion about a special district for WES, things have been moving in a positive direction.

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

City Manager Stein stated there is a challenge about PGE's new green tariff program the City is participating in. There is a hearing on that challenge on October 22 and PGE has asked the City to draft a letter in support that is due October 18. If Council is interested, staff will get a draft letter in support out and the Mayor will sign it. She reminded Council she will be out of the office and Deputy City Manager Williams will be acting in capacity at the October 21 meeting. It was stated that the City Manager had a conflict of interest relative to the legal services item, if anyone has a question about that, they can follow up with Council President Cummings or her, there was no conflict of interest in the City Manager's opinion.

Councilor Sakelik stated the Citizen Advisory Group openings will be advertised soon. He asked staff to let the public know to apply.

Mayor Axelrod asked staff to send an email to remind everyone to re-apply.

City Attorney Report [5 min]

City Attorney Ramis has nothing new to report.

City Manager Stein sent out an email to Council regarding the Stafford appeal.

Adjourn

Draft Notes.

DRAFT

Agenda Bill 2019-11-12-02

Date: November 1, 2019

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

From: Jennifer Arnold, Associate Planner *JA*
John Williams, Deputy City Manager/Community Development Director *JRW*

Through: Eileen Stein, City Manager *ES*

Subject: Re-Adoption of Ordinance 1693: Parks, Recreation, and Open Space Plan Update

Purpose

Council consideration of the re-adoption of Ordinance 1693, including changes made by Council to the Ordinance and the Parks, Recreation, and Open Space Plan.

Question(s) for Council:

This responds to the Council's direction to re-adopt this ordinance with a new whereas clause that documents the public outreach process for this master plan.

Public Hearing Required: Yes

Background & Discussion:

At the October 14, 2019 City Council meeting, final changes to the Parks, Recreation, and Open Space Plan and Ordinance 1693 were requested. Changes to Ordinance 1693 are noted in red and include the addition of Exhibit B (Comprehensive Plan figures to be changed) and Exhibit C (a full list of meetings held discussing the plan). This item involves the amendment and re-adoption of the ordinance to reflect these final changes.

In addition, staff noticed that the language in Section 2 could better reference maps that are included as part of the Comprehensive Plan. As a result of this clarification to the Comprehensive Plan, the City Attorney advises that there be a public hearing before the ordinance is considered for amendment and re-adoption.

Budget Impact:

This is a master plan and does not serve as a budget document. As such, there is no budget impact in the adoption of this plan or code changes.

Sustainability Impact:

Similar to budget impact, specific projects will be designed with the City sustainability goals in mind.

Council Options:

1. Retain Ordinance 1693 as adopted on October 14.
2. Amend Ordinance 1693 with changes in one Whereas clause and Section 2.

Staff Recommendation:

Staff recommends Option 2 which complies with Council direction on October 14.

Potential Motion:

Move to conduct a first and second reading to amend Ordinance 1693.

Attachments:

1. Ordinance 1693 with Changes in the Whereas Clause and Section 2

ORDINANCE NO. 1693

AN ORDINANCE 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.

Annotated to show deletions and additions to the code sections being modified. Deletions are ~~bold lined through~~ and additions are **bold underlined**.

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides: Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers; and

WHEREAS, Information was distributed throughout the process via the project website, through social media and email, a stakeholder open house, public survey, discussions at Parks Advisory Board and Planning Commission meetings, and public hearings (see a full list of meeting dates in Exhibit C); and

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

SECTION 1. West Linn Parks, Recreation, and Open Space Plan. The West Linn Parks, Recreation, and Open Space Plan, attached as Exhibit A, is adopted as an attachment and a supporting document of the West Linn Comprehensive Plan.

SECTION 2. West Linn Comprehensive Plan amendment. West Linn Comprehensive Plan Figure 2-1 (map), Figure 5-3 (map) and Figure 8-1 (map), as attached as Exhibit B are to be updated to ensure consistency and accuracy. West Linn Comprehensive Plan Goal 8: Parks and Recreation, is amended to read as follows:

BACKGROUND AND FINDINGS

A variety of recreational opportunities exist in the City of West Linn. Over time, the Willamette and Tualatin Rivers have created bluffs that provide many spectacular view-points; water flowing from higher elevations to these rivers has, in turn, created scenic view corridors. There are over nine miles of shoreline in West Linn along the Willamette and Tualatin Rivers. There are eight public access points to the water, some of which have beaches and boat ramps. Some of the best sports fishing on the Willamette are found near the Willamette's confluence with the Clackamas River.

West Linn contains a hierarchy of parks, each type offering a specific mix of recreational opportunities. The park system includes neighborhood, community, regional, and linear parks, mini-parks, and special use facilities, landscaped areas, and natural and open space areas. The City owns and/or manages ~~approximately 373~~ **over 500** acres of parks and natural open spaces

~~the state and the Nature Conservancy own an additional 168.6 acres within the City limits (Figure 8-1). The state-owned Mary S. Young Park consists of 128 acres.~~

~~Results from a survey conducted for the 1998 Park, Recreation and Open Space Plan noted that walking, jogging, nature walks, and hiking participation were rated higher among West Linn residents than the average in the Pacific Northwest. Currently, the City has trail systems within five major parks, but no pedestrian linkages between them. The 2013 West Linn Trails Plan: A 50 Year Vision for the Future identifies gaps in the City's existing trails network and recommends solutions to eliminate these gaps.~~

The City's natural beauty and parks system afford residents access to a rich variety of recreation resources, including boating, athletics, hiking, biking, and ample opportunities for naturalists and photographers. Despite West Linn's increased urban development in recent years, wooded hillsides and the preservation of natural areas continue to give City neighborhoods a park-like setting.

...

POLICIES

...

4. Provide a range of active/passive and structured/non-structured recreation experiences.
 5. Provide for specialized recreation needs such as, but not limited to, soccer fields, baseball diamonds, tennis and pickle ball courts, aquatics, senior centers, and other facilities that have City-wide demand, based on the **2007** Parks, Recreation and Open Space Plan and the **2013** West Linn Trails Plan.
 6. Design City parks to encourage best use consistent with their natural features and carrying capacity.
 7. Reduce noxious weeds and vegetation.
 8. Require land divisions and major developments to set aside or dedicate land based on standards that provide for:
 - a. An area composed of developable lands that may provide active recreational space;
 - b. An adequate passive open space area to protect natural resources at the site and protect development from hazard areas; and
 - c. A link between existing public-owned parks or open space areas and/or public rights-of-way.
- 3.9.** Plan for park usage of a quiet, contemplative nature as well as for more active uses such as athletics.

RECOMMENDED ACTION MEASURES

1. Continue an aggressive program for acquisition and development of a park and open space system to provide an adequate supply of usable open space and recreational facilities, directly related to the specific needs of the local residents, based on the park classification system and

standards in the ~~2007~~ Parks, Recreation and Open Space Plan and the ~~2013~~ West Linn Trails Plan.

2. Continue cooperation between the West Linn-Wilsonville School District and the City's Parks and Recreation Department.

3. Update the City's Community Development Code to ensure implantation of the ~~2007~~ Parks, Recreation and Open Space Plan and the ~~2013~~ West Linn Trails Plan, consistent with industry best standards.

4. Integrate those trail recommendations from the ~~2013~~ West Linn Trails Plan that occur within the public right-of-way or that serve primarily a transportation function, into the analysis and evaluation of pedestrian, bicycle, transit and other non-motor vehicle alternatives in the City's Transportation System Plan.

...

SECTION 3. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 4. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 12th day of November 2019, and duly PASSED and ADOPTED this _____ day of _____, 2019.

RUSSELL B. AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Comprehensive Plan



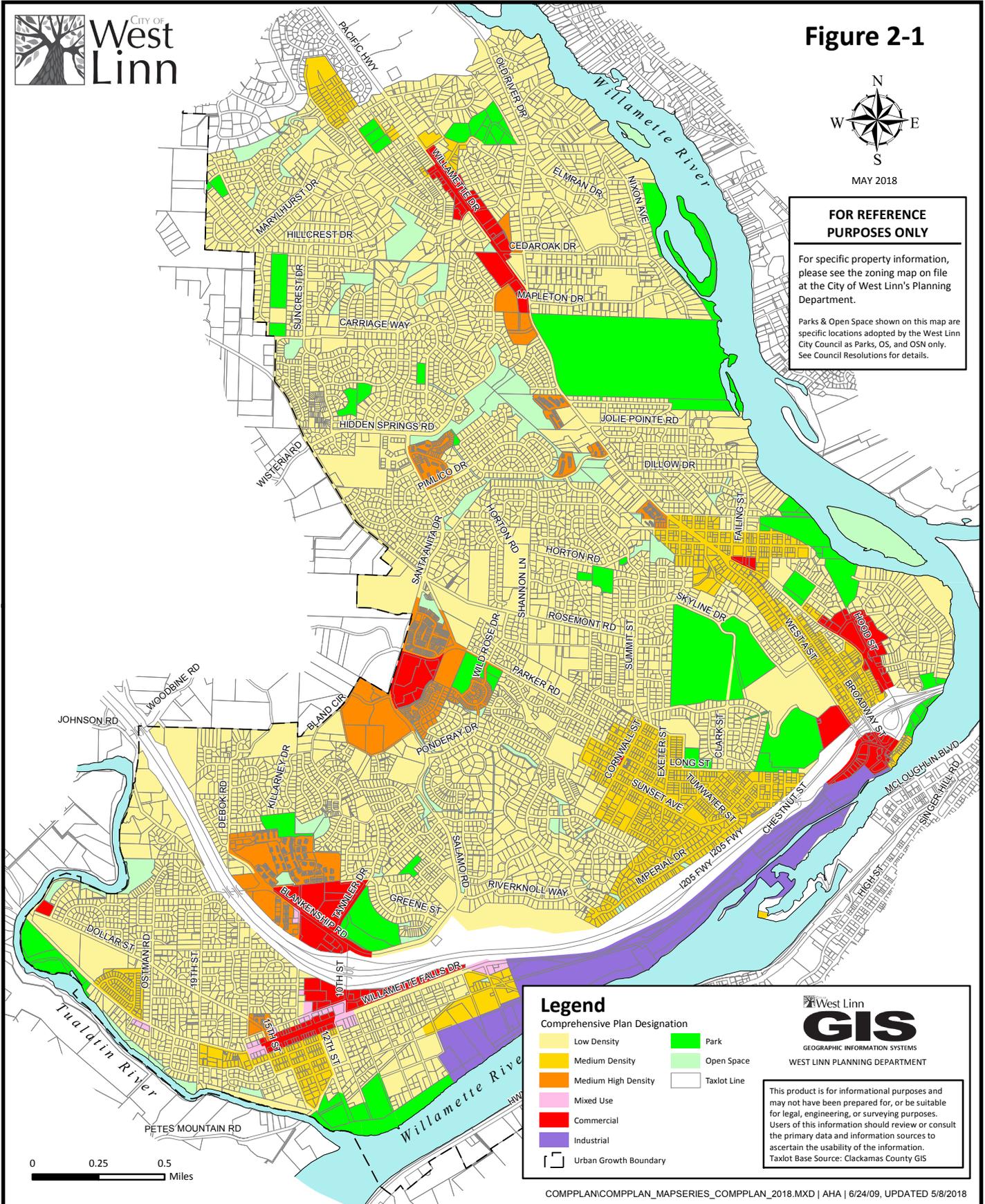
Figure 2-1



**FOR REFERENCE
PURPOSES ONLY**

For specific property information, please see the zoning map on file at the City of West Linn's Planning Department.

Parks & Open Space shown on this map are specific locations adopted by the West Linn City Council as Parks, OS, and OSN only. See Council Resolutions for details.

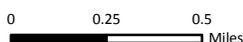


Legend

- Comprehensive Plan Designation
- Low Density
 - Medium Density
 - Medium High Density
 - Mixed Use
 - Industrial
 - Park
 - Open Space
 - Taxlot Line
 - Urban Growth Boundary



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Taxlot Base Source: Clackamas County GIS



Open Spaces



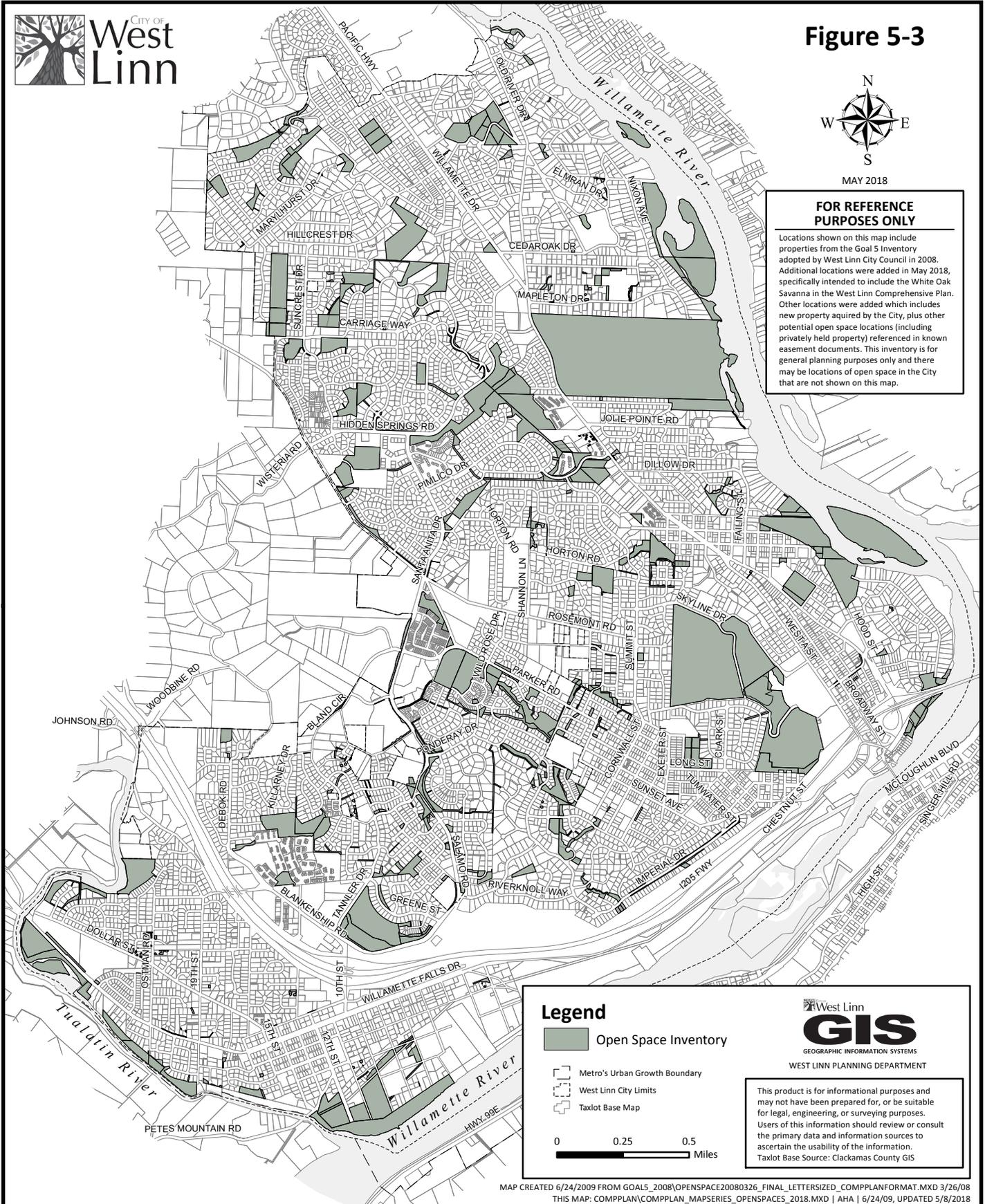
Figure 5-3



MAY 2018

FOR REFERENCE PURPOSES ONLY

Locations shown on this map include properties from the Goal 5 Inventory adopted by West Linn City Council in 2008. Additional locations were added in May 2018, specifically intended to include the White Oak Savanna in the West Linn Comprehensive Plan. Other locations were added which includes new property acquired by the City, plus other potential open space locations (including privately held property) referenced in known easement documents. This inventory is for general planning purposes only and there may be locations of open space in the City that are not shown on this map.



Legend

Open Space Inventory

Metro's Urban Growth Boundary

West Linn City Limits

Taxlot Base Map

0 0.25 0.5 Miles



WEST LINN PLANNING DEPARTMENT

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Taxlot Base Source: Clackamas County GIS

Parks and Open Space

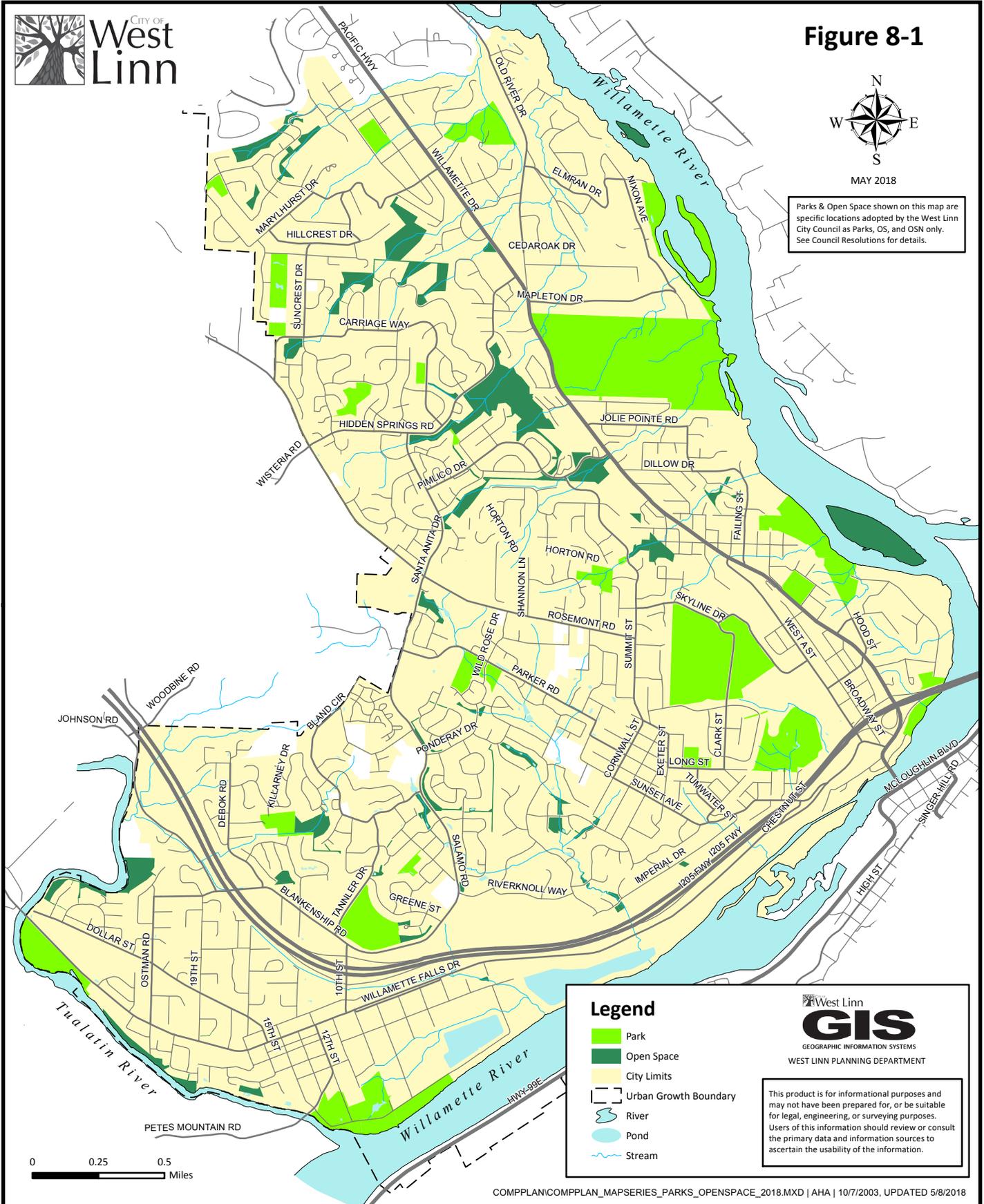


Figure 8-1



MAY 2018

Parks & Open Space shown on this map are specific locations adopted by the West Linn City Council as Parks, OS, and OSN only. See Council Resolutions for details.



Agenda Bill 2019-11-12-03

Date: November 12, 2019

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

From: John Boyd, Planning Manager Community Development

Through: John Williams, Deputy City Manager/Community Development Director *JRW*
Eileen Stein, City Manager *ES*

Subject: Public Hearing to consider the Planning Commission Recommendation for PLN-19-02 Storm Drainage Master Plan

Purpose

To provide background information to Council on the Planning Commission review of File PLN-19-02 Storm Drainage Master Plan.

Question(s) for Council:

Should the City Council, accept the Planning Commission recommendation to approve adoption of Ordinance 1696? The ordinance would complete two actions: approve Comprehensive Plan text amendments and adopt the Storm Drainage Master Plan (SDMP) dated September 2019.

Public Hearing Required:

Yes.

Background & Discussion:

The updated SDMP was presented to and discussed by the Planning Commission at work sessions on August 7 and September 4, 2019. A summary of the changes requested by the Planning Commission are listed below:

- 1) Change title of document from "Surface Water" Master Plan to "Storm Drainage" Master Plan. ***Located in multiple instances contained throughout the document.***
- 2) Utilize consecutive page numbering throughout the Master Plan document. ***Located throughout the document; generally the Executive summary contained roman numerals, the body of the document contained standard numbers. Each Appendix was numbered with using the lettered appendix reference and the sequential number (i.e. A-1)***
- 3) Add language to the Executive Summary linking the Master Plan to the Comprehensive Plan. ***Located in the Executive Summary on Page vii in the second paragraph.***
- 4) Change the name of Planning Project 1 (P-1) to the Tannler Drive/Bernert Creek Basin Feasibility Study. ***Located in the Executive Summary Table ES-1 Capital Project and Program Summary under Planning Projects on Page x.***
- 5) Change priority of the Tannler Drive/Bernert Creek Basin Feasibility Study from medium to high priority. ***Located in Table 6-1 within the Planning Project section it "P-1" on Page 37***

- 6) Add Table A-3 to Appendix B, documenting the City’s detention pond inventory. **Located near the end of Appendix B prior to the Attachment B: Preliminary Maps.**

The Planning Commission then held a public hearing on the plan on October 2, 2019. The Planning Commission accepted a clean document containing the above listed changes and recommended the City Council approved this final SDMP, dated September 2019. As required by the Community Development Code Chapter 100, Section 100.050 Process, the Planning Commission is required to make a recommendation to City Council. The recommendation of the Planning Commission to the City Council was to adopt Ordinance 1696 with the attached final version of the SDMP, dated September 2019. The Planning Chair signed a transmittal letter to that effect.

On October 21, 2019, the City Council held a joint worksession with the Planning Commission and the Utility Advisory Board. At that meeting the City Council asked to see the redline version reviewed by the Planning Commission and Council also requested additional information from staff outlining the changes in the SDMP recommended by the Planning Commission. A link to the redline document is referenced at the end of this agenda bill and the listing of changes (1-6) are provided on the above page.

The City Council is holding this public hearing (November 12, 2019) to consider adoption of Ordinance 1696. Adoption of the proposed ordinance will ensure goals and policies, and land use development criteria, are aligned with the vision outlined in the SDMP for an efficient storm water system to meet community needs into the future. The primary intent of this legislative action is to ensure the City’s SDMP and the Comprehensive Plan remain viable tools for decision-makers.

Budget Impact:

The update to the Comprehensive Plan and adoption of the SDMP identifies priority projects and strategies that will provide guidance for the future use of environmental funds. Projects in the SDMP will eventually be budgeted for as funds become available and through programming in the City’s Capital Improvement Plan (CIP).

Sustainability Impact:

A review of the “Sustainable West Linn Strategic Plan” identifies that most of the City’s sustainability goals are not applicable to the SDMP. However, arguably GOAL 2 could apply which notes on page 54 “By 2040, all community members will enjoy a high quality of life with access to community services, facilities, and economic and educational attainment.” Generally, the SDMP supports sustainable development process by supporting storm drainage methods designed to improve water quality and wildlife habitat.

Council Goal/Priority:

Guiding Principle #3 Sub C Infrastructure. Adoption of the SDMP is critical to sustainable community development, our future well-being, and the daily lives of our residents. The SDMP enables the City to invest in and maintain a reliable infrastructure system and sustainable utility systems to promote a safe, equitable, and emergency-resilient utility system that provides services at the lowest rate possible.

Council Options:

1. Accept the Planning Commission recommendation to adopt the proposed Comprehensive Plan text amendment found in Land Use File PLN-19-02 and identified in Ordinance 1696, or

2. Modify the Planning Commission recommendation and adopt the proposed Comprehensive Plan text amendment found in Land Use File PLN-19-02 and identified in Ordinance 1696.
3. Overturn the Planning Commission recommendation, provide comments and return it to the Planning Commission for further evaluation.

Staff Recommendation:

Staff recommends Option 1. Accept the Planning Commission recommendation to adopt the proposed Comprehensive Plan text amendment found in Land Use File PLN-19-02 and identified in Ordinance 1696. This recommendation is consistent with the review undertaken by the Planning Commission and with the recommendation provided by the Planning Commission in their transmittal letter.

Potential Motion:

Move to conduct a first and second reading of Ordinance 1696.

Attachments:

1. Transmittal Memo from Planning Commission Chair Gary Walvatne
2. Ordinance 1696 with attached Final Storm Drainage Master Plan September 2019 and exhibits

LINKS:

Redline version of Storm Drainage Master Plan with modified exhibits only

https://westlinnoregon.gov/sites/default/files/fileattachments/planning/project/39391/draft_final_west_linn_storm_drainage_master_plan_september2019_tc_planning_commission.pdf

File PLN-19-02 project page is found at this link:

<https://westlinnoregon.gov/planning/storm-drainage-master-plan-update>

The project page contains:

- The staff report and
- Additional documentation presented to the Planning Commission on October 2, 2019



CITY OF West Linn

Memorandum

Date: October 10, 2019
To: West Linn City Council
From: West Linn Planning Commission
Subject: PLN-19-02 Storm Drainage Master Plan update - Recommendation

The Storm Drainage Master Plan (PLN-19-02) was considered by the Planning Commission at two prior Planning Commission work sessions on August 7, and September 4, 2019. Two written submittals were entered into the record and attached to the staff report for the public hearing.

The Planning Commission held a public hearing on October 2, 2019, for the purpose of making a recommendation to the City Council on the proposed Comprehensive Plan text amendment and as identified in Ordinance 1696. One citizen provided oral testimony.

After conducting the public hearing, the Commission deliberated and voted unanimously (6 to 0) to recommend City Council adoption of the proposed Comprehensive Plan Text and Community Development Code Text amendments as identified in Ordinance 1696.

A review of the draft final September 2019 Storm Drainage Master Plan (SDMP) found references to the 2006 Surface Water Master Plan (2006 SWMP). This is noteworthy because Ordinance 1696 proposes to repeal all previous versions of the SDMP and 2006 SWMP and replaces with the 2019 SDMP. The City Council may wish to amend this ordinance by amending the "whereas clauses" to include an additional clause retaining those portions of the 2006 SWMP referenced in the 2019 SDMP as a technical resource.

Respectfully,

A handwritten signature in blue ink that reads "Gary Walvatne". The signature is fluid and cursive.

Gary Walvatne
Chair, West Linn Planning Commission

ORDINANCE NO. 1696

AN ORDINANCE ADOPTING AN AMENDMENT TO COMPREHENSIVE PLAN GOAL 11, PUBLIC FACILITIES AND SERVICES AND REPEALING AND REPLACING THE STORM DRAINAGE MASTER PLAN DATED SEPTEMBER 2019.

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides:

Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers; and

WHEREAS, the above referenced grant of power has been broadly interpreted to allow local governments to decide upon the scope of their powers in their charter so that specific statutory authorization is not required for a city to exercise its powers, LaGrande/Astoria v. PERB, 281 Or 137, 142 (1978), aff'd on reh'g 284 Or 173 (1978); and

WHEREAS, the City's Storm Drainage Master Plan ("SDMP") was last updated in December 19, 2006 via Resolution No. 06-42. The previous updates of the Storm Drainage Master Plan were completed in July 8, 1996. The first adoption was in October 1983 as part of the Comprehensive Plan acknowledgment process. Prior to acknowledgement, the original Storm Drainage Master Plan was prepared by CH2M Planners and Engineers and adopted by the City in 1967.

WHEREAS, the SDMP complies with state law and addresses state requirements to periodically review and update its policies and land needs; and

WHEREAS, the Planning Commission (PC) held two workshops (August 7 and September 4, 2019) and a public hearing where the PC recommended approval of the SDMP at its October 2, 2019, meeting, and the SDMP was presented to the City Council in a joint work session meeting with the Planning Commission and Utility Advisory Board on October 21, 2019;

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

SECTION 1. Adoption of Master Plan. The City of West Linn Storm Drainage Master Plan September 2019, attached as Exhibit A, is adopted as a supporting document to the West Linn Comprehensive Plan and the new plan governing the City's storm drainage planning policy.

SECTION 2. Amendment. West Linn Comprehensive Plan, Goal 11, Public Facilities and Services, page PS-7 "SECTION 3: STORM DRAINAGE" "BACKGROUND AND FINDINGS" is amended to read as follows:

West Linn is drained by natural intermittent and flowing streams within a major system of natural canyons and drainageways that discharge to the Willamette and Tualatin Rivers. The existing storm drainage system is a composite of natural streams with culverts under streets and a network of underground storm drain conduits in more densely developed areas.

Much of the recent and planned new development in West Linn is located in upland areas of the City's watersheds, increasing the need for better erosion control of natural channels, reduce the level of pollutants in storm water discharge, manage flood flows, and reduce runoff to downhill areas

In order to comply with Sections 402 and 405 of the federal Clean Water Act, the City of West Linn has been issued a National Pollutant Discharge Elimination System (NPDES) permit and has prepared a storm water quality management program. Section 303 of the Clean Water Act requires that all new developments and significant re-developments apply management practices to reduce discharges of storm water pollutants. ~~The City uses the City of Portland Stormwater Management Manual to meet water quality requirements~~

In 1996, the City adopted the Storm Drainage Master Plan, which is a supporting document of the Comprehensive Plan. This document responds to recent and expected growth in the City and the City's commitment to natural drainageway preservation and water quality. Future efforts will be needed to respond to the recent Endangered Species Act listing of native upper Willamette River Chinook salmon and steelhead by the National Marine Fisheries Service.

A master plan is a supporting document to the Comprehensive Plan that is updated periodically to provide a comprehensive analysis of existing system needs and identifies programmatic and capital projects to address maintenance activities, system condition deficiencies, and water quality.

SECTION 3. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 4. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions of the ordinance were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 5. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

SECTION 6. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 12th day of November, 2019, and duly PASSED and ADOPTED this _____ day of _____, 2019.

RUSSELL B. AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT "A"

**STORM DRAINAGE MASTER PLAN
SEPTEMBER 2019**

Questions Based on a Review of the Savanna “Natural Play Area” Invoices Forwarded by the City of West Linn Based on a Public Records Request

1. Why did WL spend over \$80,000 on 17 invoices from Learning Landscapes?
2. Why is there an invoice included for \$1,500 which has “Fields Bridge” written on it? This is clearly not for the Savanna Natural Play Area.
3. Why is there an invoice for D and T Excavation for \$250 for a “cedar load moved to a city park”? Which city park? If in the Savanna, where? It is not in the natural play area which doesn’t yet exist.
4. Why is there an invoice for \$894 from the Daily Journal of Commerce in Seattle, WA for placing a notice for a proposal for a construction manager, general contractor and construction administration services for the White Oak Savanna Park- Nature Playscape Park and Playground Project? Why is there no record of a similar request for a proposal published anywhere else?
5. Why is there an invoice from Jonah Hawk for \$128.50 to replace a bench board that was damaged during park handling included in this list of invoices requested for the natural play area? This is not in the natural play area.
6. Why did invoices totaling \$36,260 get paid to Paul Bros? What did they do?
7. Why are there several invoices from S and H Landscape included when one of them clearly states “McLean House” on it? This is not for the natural play area.
8. Why are there invoices totaling \$13, 115 from KPFF? What did they do?
9. Why are there invoices totaling \$8,325 from CMT? What did they do?
10. Why is there an invoice from Pro Time Lawn Seed for 50 lbs. totaling \$347.47? Where in the natural play area, which doesn’t yet exist, was that used?
11. Why is there an invoice from Amazon for E-Z Straw seeding mulch totaling \$169.40? Where in the natural play area, which doesn’t yet exist, was that used?
12. Why are there two invoices for Ewing which have the same total of \$1231.51 on the same day? Is this a duplicate invoice or was there a need to double the order? That information should be listed if the latter was the case.

13. On the Learning Landscapes invoice dated 7/3/18 why is the amount listed on Attachment B from the City's Work Session packet showing a total of \$11,430.50 which is listed as the **total job balance** on the invoice when the invoice shows the **total** owed for that invoice date being \$2,504.50? In the invoice dated 7/31/18 only the **total** is paid, not the **total job balance**.
14. What was the **\$600,000** in SDCs, which was set aside for the natural play area, used for instead? When was it used? Who gave the permission for that amount to be used for a different purpose?
15. With these questions in mind would it be appropriate to ask that an audit be done of Park funds?
16. Related question: Why does the Park Department not keep a specific maintenance log for each WL park detailing what work was done each day, the number of hours worked on each task, the employee(s) doing the work, the cost of the materials and the cost of the labor and benefits?
17. Would you have the answers to these questions available for us from staff by the time of your December 2nd Work Session?

Mollusky, Kathy

From: Margaret Geraci <[REDACTED]>
Sent: Monday, November 11, 2019 4:59 PM
To: City Council
Subject: Walkability of Older West Linn; Pedestrian Safety

To Council Members:

Following is almost verbatim of what I wrote in our neighborhood's "Nextdoor" website which covers my issue that I would like to address:

Hello. I am a resident of West Linn. I walk the narrow roads in older Marylhurst Heights neighborhood. I've noticed on one of the more dangerous, narrow main roads (without sidewalks) that homeowners are letting their vegetation (shrubs, berry vines) grow right up to the fog line on the road thereby forcing pedestrians to walk into the street along with the traffic to get around those homeowner's lots. Unfortunately, the police are in charge of notifying homeowners when they have to cut back their overgrown vegetation or they will be fined, and they normally do not do this unless a homeowner in the area complains. Not the best use of police officer's time, besides the fact that it seems a very negative way to handle the matter. When construction workers are in the area, there is even less walking space than the already existing sparse walking space. About 6 or so months ago, my neighbor told me her sister was walking her dog, was hit by a motorist and it was a no fault accident as her sister did have to walk out into the road with her dog (she lived in another city in Oregon) as there WERE NO SIDEWALKS (and was probably walking around either properties with vegetation right up to the fog line, or walking around a parked car). Her sister passed away at the hospital several days later. Her dog lived. Very sad. Anyway, I feel it is a serious matter. Police really do not want to spend much time on this increasingly serious problem which on one side I understand, but also am frustrated by the issue not being seriously dealt with. I would like to offer to trim the berry vines as well as bushes, but I do not want to haul all of it away and pay the expense. Also, who wants to approach their neighbor that they barely know with this problem? I have lived in same house for over 40 years, and yet never tried to address this issue until hearing of neighbor's deceased sister.

W.L. Ordinances that address the matter: "5.465 Trees. (1) No owner or person in charge of property that abuts any street or sidewalk may permit trees or bushes on his/her property to interfere with street or sidewalk traffic, * * *." Also see "Violations - Public Nuisance - Abatement Ordinance Nos. 5.495 - 5.535." West Linn has been a wonderful place to live; however, our street, as well as many streets connecting with ours, are not safe for pedestrians (which also includes teenagers walking down these narrow streets to get to a main thoroughfare). It seems many homeowners in the area are completely oblivious to their bushes growing over the minimal amount of walking area in front of their property, thereby pushing pedestrians out onto the street. I'm talking about vegetation that you can't walk on top of (usually shrubs, and if not, berry vines) which could easily be removed back far enough for a pedestrian to walk safely in front of.

A neighbor responded to the above post stating they also felt what I wrote about was an unsafe condition in our neighborhood, along with "ditches that don't make it possible to move off the street with cars coming at you." The neighbor also agreed that the blackberry vines reaching out almost to and into the street forces pedestrians to walk out into the actual street making for a very unsafe hazardous condition in dodging oncoming vehicles.

Several people walk down Marylhurst Drive to get to Hwy. 43. I've walked it many times myself to take the bus to get to work in downtown Portland. There are some serious drop offs into a ditch where there are only inches of walking space before falling into that deep ditch.

I would like to discuss the above safety issues at the 11/12/19 Council Meeting. Thank you.

Margaret Geraci

1 day ago

Thank

Reply



1

Sent from [Mail](#) for Windows 10



CITY OF

West Linn

Public Comment Form

I wish to speak during Public Comment on a topic not related to an agenda item (comments are limited to five minutes):

Please specify topic (required): _____

I wish to speak on the agenda item listed below (comments are limited to five minutes):

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

PH-Storm Drainage MP - Berner Creek

Please print:

Name: Rorz Bialostocki

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: West Linn State: OR Zip: 97068

Email (Optional): _____ Phone (Optional): _____

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

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CITY OF

West Linn

Public Comment Form

I wish to speak during Public Comment on a topic not related to an agenda item (comments are limited to five minutes):

Please specify topic (required): Walkability of older West Linn pedestrian safety

I wish to speak on the agenda item listed below (comments are limited to five minutes):

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

Please print:

Name: Margaret Geraci

Phonetic spelling, if difficult to pronounce: Margaret Jerassi (phonetic)

Address (Optional): 2755 Hillcrest Drive

City: West Linn State: OR Zip: 97068

Email (Optional): _____ Phone (Optional): _____

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CITY OF

West Linn

Public Comment Form

I wish to speak during Public Comment on a topic not related to an agenda item (comments are limited to five minutes):

Please specify topic (required): General Topics

I wish to speak on the agenda item listed below (comments are limited to five minutes):

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

Please print:

Name: Ed + Roberta Schwarz (Savanna Oaks N.A.)

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): On file

City: WL State: OR Zip: 97068

Email (Optional): On file Phone (Optional): On file

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