



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

WEST LINN CITY COUNCIL MEETING NOTES July 12, 2021

[Call to Order \[6:00 pm/5 min\]](#)

Council Present:

Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, Councilor Todd Jones, and Finance Director Lauren Breithaupt.

Staff Present:

City Manager Jerry Gabrielatos, City Recorder Kathy Mollusky, City Attorney Tim Ramis, Planning Manager Darren Wyss, Public Works Director Lance Calvert, Human Resources Director Elissa Preston, and Finance Manager Josh Kam.

[Approval of Agenda \[6:05 pm/5 min\]](#)

Council President Bill Relyea moved to approve the July 12, 2021 West Linn City Council Meeting Agenda, removing the Consent Agenda item for Approval of the June 7 and 14, 2021 Meeting Notes, and adding three items under Section 7 Mayor and Council Reports: Item e. Emergency Declaration for Fireworks, f. Conflict Waiver, and g. Potential Resolution to Rescind Resolution 2021-11, Agenda Bill 2021-06-14-07, declaring 3955 Cedaroak Dr surplus property. Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

[Public Comments \[6:10 pm/10 min\]](#)

Dean Suhr, West Linn, spoke to concerns about the lack of communication and transparency from Council about the issues and the length of time Council was taking to reach a conclusion on the potential purchase of Oppenlander Field. Citizens wanted to be more engaged in the process to help Council help move the process forward, but the issues delaying the purchase were uncertain.

Teri Cummings, West Linn, testified about the length of time Council had spent on the pickleball issue in Skyline Ridge Park, especially because it had been decided last year. She agreed clear and objective criteria were needed for siting pickleball courts in the city, but this divisive issue would not have happened if the Parks Department had followed the 2019 Parks Master Plan and Capital Improvement Plan. She urged Council to reinstate in-person public meetings as the current process was an obstacle to public involvement. Lastly, she noted the difficulty in reading meeting materials lacking page numbers or a table of contents.

[Announcements, Proclamations, and Recognitions \[6:20 pm/5 min\]](#)

Parks & Recreation Month Proclamation

[Proclamation](#)

Councilor Bialostosky read the Proclamation, declaring July 2021 Parks & Recreation Month in the City of West Linn.

~~5. Consent Agenda [6:25 min/5 min]~~

Agenda Bill 2021-07-12-01: Approval of Meeting Notes for June 7 and 14, 2021

[Draft Notes Information](#)

This item was removed from the agenda.

[Business Meeting \[6:30 min/90 min\]](#)

[Agenda Bill 2021-07-12-02: PUBLIC HEARING: ORDINANCE 1726, ADOPTING THE WEST LINN WILLAMETTE FALLS DRIVE 2021 CONCEPTUAL DESIGN PLAN AS ATTACHMENT B TO THE 2016 WEST LINN TRANSPORTATION SYSTEM PLAN \(TSP\) AND AMENDING THE ASSOCIATED TSP PROJECT TABLES](#)

[ORD 1726 Willamette Falls Concept Plan](#)

[Public Comment Memo 7-12-21](#)

[Presentation](#)

Mayor Walters opened the public hearing for Ordinance 1726 and explained the hearing format.

City Attorney Ramis addressed the preliminary legal matters for the hearing and confirmed no Councilor wished to declare a conflict of interest, and no member of the public wished to challenge the participation of any Councilor in this decision.

Planning Manager Wyss presented the staff report, noting the presentation was included in the meeting materials. He also outlined written public comments and the communications received from PGE and the Transportation Advisory Board (TAB). He explained the purpose of the Transportation System Plan (TSP) and the focus in the Concept Plan on improvements for pedestrians and bicyclists, and for a roundabout and realignment on Willamette Falls Drive. He concluded by briefly explaining what types of funding would be sought.

Public Works Director Calvert and Planning Manager Wyss addressed questions from the Council as follows:

- A proposal was made for a roundabout near Fields Bridge as a safety improvement. Specifics for roadways were addressed in the Community Development Code (CDC) and the CDC also provided flexibility for roundabouts.
- The City's standards for roundabouts mirrored the Oregon Department of Transportation's (ODOT) standards, but specifics could be added to the Public Works Standards for the potential Fields Bridge roundabout as each roundabout was unique. Its details and appropriateness would be discussed during the engineering design phase.
- Feedback was welcome from the public. Public Works would partner with Tualatin Valley Fire & Safety (TVF&R) on design improvements and movement of emergency vehicles in those areas. Staff was watching the progress on the tolling issue and making sure West Linn was represented appropriately.
- Several possible options for the road extension and cul-de-sac located where Willamette Falls Drive met West A St and crossed I-205. The conceptual design showed it as a public right-of-way (ROW) that provided access to West A St for the two properties located on the site, and it would allow turnaround movements for fire trucks. Other options for the roadway were described.
- The cycle track for the proposed design would be located in closer proximity to the ROW than the sidewalk, but pedestrians would still need to cross the cycle track to reach the sidewalk. The greater the focus on using alternative modes of mobility meant conflicts between pedestrians and cyclists were possible. Safety was a goal for transportation planning, and mixing bikes and cars was unsafe, so ways were sought to separate the two. Such designs were used successfully in other cities and countries, and a change in people's perceptions and attitudes might also be necessary.
- This proposal would not alleviate congestion on the Arch Bridge, which was caused by multiple factors. ODOT controlled the area and was trying to accommodate everyone with the limited capacity available. Other solutions were necessary, such as more

effective crossings of the Willamette River. Roundabouts would not solve the congestion issue, but would allow traffic to move instead of stalling out at the two-way stop.

- The prioritization of transportation improvements was available in the TSP, but Council's discretion on prioritization still applied with the limited public funds available. The City also sought to maximize private investment for funding.
- Three open houses were held to receive feedback from the community, and numerous meetings were also held with the adjacent property owners. The improvements were already required as part of the TSP and CDC, and the Concept Plan's purpose was to visually show the public the corridor under consideration and how various improvements could be done without too much impact to adjacent property owners. Future private land use would still require public input, and public projects would go through the City Council and the TAB for additional input. Public outreach would be done regularly during the final design process.
- The roundabout design would be done to accommodate all the truck traffic from the mill and PGE. The access point from the realignment would be appropriately located for the businesses, and final details for any redevelopment opportunities would be worked out with the businesses and the property owners.
- State and federal processes would be followed for any impacts from the realignment to private property near the Fields Bridge and along Willamette Falls Drive. The City's outreach process would be followed as well. Property owners would not pay for public improvements unless the improvements were part of a private redevelopment.

Public Comment

Teri Cummings, West Linn, expressed concerns about the Concept Plan because of staff's statements that no detailed standards existed for roundabouts and that roundabouts were some form of travel lane. In her opinion, they were intersections. Priority should be given to creating clear and objective standards for roundabouts. Willamette Falls Drive was a heavily-traveled arterial, and it appeared on-street parking was being considered there.

Mark Lindley, Principal, PGE Real Estate Department, complimented the City on its robust and collaborative stakeholder outreach and engagement process. PGE had submitted a letter for the record indicating its formal neutral position and PGE was committed to actively participate with the City to augment the TSP while also addressing the steps necessary to ensure PGE could confirm public and employee safety, physical security and operational flexibility for both its hydro operations and the operations of PGE's tenants on Willamette Falls Dr. In the letter was a request to meet on-site with the City's planning and engineering staff and consultants to further articulate PGE's concerns and to work together so PGE could eventually support the Concept Plan.

Dave Robertson, Vice President of Public Affairs, PGE, also thanked the City for its partnership, adding he looked forward to the on-site meeting with staff.

Mayor Walters confirmed staff would arrange the on-site meeting with PGE and closed the public hearing.

Council President Bill Relyea moved to approve First Reading for Ordinance 1726, adopting the West Linn Willamette Falls Drive 2021 Conceptual Design Plan as Attachment B to the 2016 West Linn Transportation System Plan (TSP) and amending the associated TSP project tables, and set the matter for second reading. Councilor Todd Jones seconded the motion.

Councilor Bialostosky stated he would vote "no" symbolically because while he supported some aspects of the Concept Plan, he did not believe, the plan did sufficiently emphasize congestion relief or accessibility for multi-modal transportation. A general change was also needed in the public engagement process to seek public input once again, after a concept plan was completed and ready for Council review to receive one final check from the public.

Councilor Jones stated his support of the Plan, recognizing that securing funding would likely take years for most, if not all, of the Plan. Staff had shared with him last week that funding could not be sought until a concept plan was in place and, if funding was secured, finalizing the plan would follow and would include a public process.

Mayor Walters expressed some urgency due to the necessity of the project being in the TSP to be eligible for federal infrastructure dollars. The transportation omnibus bill required some diversion mitigation for tolling on I-205. Congestion would continue to be a problem, but other means of transportation needed to be encouraged while acknowledging the necessity for some to use a car.

Council President Relyea noted conceptual design plans were meant to serve as a trigger point where issues raised by the public could be addressed and would lay the foundation for future plans as funding becomes available. He would vote in favor.

Councilor Baumgardner stated she was in complete support of multi-modal transportation and understood what was presented was a concept plan. She still had some concerns about the plan and hoped to engage the public further.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, and Councilor Todd Jones.

Nays: Councilor Rory Bialostosky.

The motion carried 4 - 1

[Agenda Bill 2021-07-12-03: ORDINANCE 1727, RELATING TO VACATION OF A PUBLIC UTILITY EASEMENT](#)

[ORD 1727 Vacation of PUE](#)

Public Works Director Calvert explained the purpose of this Agenda Bill was to vacate approximately 4,200 sq ft of unused public utility easement (PUE). No other utilities were in the area, and private franchise utilities had provided written comments.

City Attorney Ramis confirmed the usual process had been followed including noticing and a study by the City to determine the property was unneeded.

Council President Bill Relyea moved to approve First Reading for Ordinance 1727, relating to vacation of a Public Utility Easement, and set the matter for Second Reading. Councilor Rory Bialostosky seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

Council President Bill Relyea moved to approve Second Reading for Ordinance 1727, relating to vacation of a Public Utility Easement and adopt the ordinance. Councilor Rory Bialostosky seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2021-07-12-04: RESOLUTION 2021-12, SETTING COMPENSATION LEVELS FOR MANAGEMENT, NON-REPRESENTED EMPLOYEES, AND ELECTED OFFICIALS](#)
[RES 2021-12 Information](#)

Human Resources Director Preston presented the Agenda Bill for the review of the annual cost of living adjustment (COLA) for management, non-represented employees, and elected officials. A brief analysis was provided in the meeting packet. She summarized how the COLA was determined and noted a 3 percent increase was recommended.

Council President Bill Relyea moved to adopt Resolution 2021-12, setting compensation levels for management, non-represented employees, and elected officials. Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2021-07-12-05: I-205 Property Acquisition](#)

[I-205 Property Information](#)

Public Works Director Calvert stated this property acquisition had been in progress for quite some time. The property was owned by ODOT and located along I-205. It would potentially be used for construction of a new City operations facility to replace the small, outdated facility. The total acquisition cost was \$396,000 for the 32.9 acre site. He provided the history to-date, further details about the site, and steps to be taken after its purchase.

[Public Comment](#)

Teri Cummings, West Linn, noted the map detail was insufficient and did not provide any sense of the topography or hazards on the site. She recalled that a project considered earlier for the site had potential impacts to a riparian area. She requested additional information, especially concerning the high cost. She was pleased that Public Works would possibly have a bigger site, and perhaps the Parks Department would also have additional storage space.

Councilor Baumgardner inquired if the subject acquisition could be addressed in a Council executive session, perhaps in conjunction with ODOT to discuss combining uses and the potential for a lower price for the property.

Public Works Director Calvert clarified access to the site would be off of Salamo Rd near Green St and no direct access would be allowed from I-205. About 10 acres of usable space was available and the rest would provide a buffer to the surrounding residential area. It would be extremely beneficial and efficient for special uses such as storage of wood chips, ice storm debris, equipment, etc. A future intragovernmental agreement (IGA) with ODOT about shared usage was possible, but negotiation on the sale price was not possible due to the strict federal rules for such transactions. No riparian corridors existed on the property.

Councilor Jones received confirmation that the \$396,000 was the total cost for 33 acres and noted \$12,000 per acre was very reasonable based on local real estate prices.

Public Works Director Calvert confirmed that the current two-acre property for Public Works could be sold.

Mayor Walters spoke to the current site's limited space and noted costs were increased in some cases due to the City's inability to store larger quantities of supplies.

Councilor Bialostosky expressed some concern about the proposed site being in a landslide zone, but trusted the issue could be addressed before and during construction. He believed the site was important to the City.

Public Works Director Calvert added that geotechnical work would be done once the City got access to ensure the site was the right fit for the anticipated uses and needs.

- He confirmed the system development charge (SDC) funding was in place and the cost would be shared through SDCs and utility fees.
- He clarified ODOT would continue to use the yard directly accessible from I-205 and it would remain ODOT's property. He acknowledged that access to the new site would be a challenge. Preliminary consideration had been given to the matter, and retaining walls would likely be needed at an additional cost.

Council President Bill Relyea moved to authorize the City Manager to acquire the designated property from the Oregon Department of Transportation in the total amount of \$396,000 for the future purpose of a City operations facility on the site. Councilor Rory Bialostosky seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2021-07-12-06: Approval of Community Grants for Fiscal Year 2022](#)

[Community Grant Information](#)

Finance Manager Kam introduced the Agenda Bill, stating 13 applications had been received for grants from the \$25,000 total available. The meeting materials contained further details on the organizations that applied. The West Linn Alliance for Inclusivity requested to again retain the funds they had not spent.

Councilor Jones noted the West Linn Food Pantry had requested \$2,500 and was awarded more than twice that from the Citizen Budget Committee. He had contacted the leadership of the Food Pantry who indicated they were grateful, but did not need the money.

Finance Manager Kam clarified the funding currently being approved was for FY 2022 which started July 1, 2021, so those funds would have covered the most recent July 4th fireworks event. No funding was allocated for fireworks last year because of the pandemic.

Council discussed reallocating the funding in excess of the Food Pantry request.

Public Comment

Teri Cummings, West Linn, expressed concerns about the application review and allocation process, the conduct of the Citizen Budget Committee meetings, and the tracking and reporting of the usage of the funds. She asked the City to establish a separate five-member Budget Review Committee by ordinance.

Councilor Todd Jones moved to approve the Community Grant Allocations as recommended by the Budget Advisory Committee with the following changes: the Historic Willamette Main Street allocation be increased from \$1,500 to \$3,000; the West Linn Community Chorus allocation be increased from \$1,650 to \$2,070; and the West Linn Food Pantry Allocation be reduced from \$5,360 to \$3,440. Councilor Rory Bialostosky seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

[Mayor and Council Reports \[8:00 pm/15 min\]](#)

[State of Emergency Declaration](#)

[State of Emergency Declaration](#)

City Manager Gabrielatos reported the governor had rescinded the remaining COVID-19 restrictions, but the City's emergency declaration would be extended through September 13th to assist with the state's recovery efforts.

Council President Bill Relyea moved to extend the State of Emergency enacted at the March 19, 2020 City Council Meeting and extended at the April 20, May 18, July 6, September 14, November 9, 2020; January 11, March 8, and May 10, 2021 meetings to September 13, 2021. Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

[Citizen Advisory Group Appointments](#)

Following a brief discussion, Mayor Walters placed before the Council the following appointments: Jonathan Bunn to the Committee for Citizen Involvement and Glenn Ritchie to the Public Safety Advisory Board.

Council President Bill Relyea moved to approve the Mayor's appointments. Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

Reports from Citizen Advisory Groups

Council deferred this Agenda item to the next week's Council meeting.

Vote to suspend Council Rules

Mayor Walters noted Council wanted to recess for the month of August, but the Charter and the Council Rules required a meeting once every 30 days.

City Attorney Ramis stated the rules referred to a meeting each month, but it seemed a reasonable interpretation could be made to include a 30-day period.

Council reached consensus on having a meeting in August only if needed, and to make it a special meeting requiring a 24-hour notice.

Emergency Declaration regarding Fireworks

City Manager Gabrielatos reported this declaration was in place through today. No citations had been issued on July 4th, though calls were made to the police about fireworks. On July 17th a professional fireworks show was planned and insured by Western Fireworks Display. The fireworks would be set off from a boat dock out over the river. Parks and Recreation Director Warner had shared related information with Council last week. The event would be approved by TVF&R and the State Fire Marshal's Office and would be held even if the emergency declaration was extended.

Council President Bill Relyea moved to extend the emergency declaration for fireworks until July 19, 2021. Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, and Councilor Rory Bialostosky.

Nays: Councilor Todd Jones.

The motion carried 4 - 1

Conflict Waiver

City Attorney Ramis presented this agenda item, noting the Miller Nash Law Firm had a relationship with the City and the School District, which necessitated a waiver of potential conflict to allow the City to represent the District on the Oppenlander Field transaction. The firm's current representation of the City was unrelated to its representation with the District, so he recommended approval of the waiver.

Council President Bill Relyea moved to approve a waiver granting a non-conflict of interest for the law firm Miller Nash representing the City in the Oppenlander Field transaction. Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

Cedar Oak Property

Council President Relyea stated Council had approved a resolution in June declaring 3955 Cedar Oak Dr surplus property. Council rules allowed reconsideration of a decision at the next Council meeting. Based on additional information provided by the public, the decision and designation on the property would be rescinded to allow legal counsel to review the information and return the matter to Council for reconsideration.

Council President Bill Relyea moved to rescind Resolution 2021-11, Agenda Bill 2021-06-14-07 declaring 3955 Cedar Oak Dr surplus property for disposal and sale Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

Councilors Jones and Bialostosky qualified that their "yes" votes did not mean they disagreed with Council's previous decision, but that they were willing to consider the additional information.

City Manager Report [8:15 pm/5 min]

City of West Linn Response to COVID-19 Public Health Emergency

No updates.

Diversity, Equity, and Inclusion Update

City Manager Gabrielatos reported he would meet with Building Bridges on Wednesday to discuss the DEI report.

City Attorney Ramis confirmed he would assist City Manager Gabrielatos in writing language

for Council's July 19th meeting on a measure to be placed on November's ballot to create a police oversight committee.

Storm Recovery Update

City Manager Gabrielatos stated Public Works Director Calvert would address this item at Council's meeting next week.

City Attorney Report [8:20 pm/5 min]

City Attorney Ramis acknowledged Council's desire to inform the public and suggested an executive session to determine language for the Oppenlander Field transaction. Alternatively, Council could direct staff to develop a plan for communication with the public.

After discussion, Council reached consensus to direct staff and City Attorney Ramis to work on a 24-hour courtesy notice to the School District and School Board before giving a statement to the public updating on the Oppenlander Field transaction.

Council discussed the possibility of in-person meetings and discussed messaging from the City to the community on water conservation.

Adjourn [8:25 pm]

Notes approved 8-16-21.



22500 Salamo Road
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<http://westlinnoregon.gov>

CITY COUNCIL AGENDA

Monday, August 16, 2021

5:00 p.m. – Executive Session – Webex*

Per ORS 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions and ORS 192.660(2)(d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

6:00 p.m. – Special Meeting – Webex*

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- | | |
|--|-------------------|
| 1. Call to Order | [6:00 pm/5 min] |
| 2. Approval of Agenda | [6:05 pm/5 min] |
| 3. Public Comments | [6:10 pm/10 min] |
| 4. Consent Agenda | [6:20 min/5 min] |
| a. <u>Agenda Bill 2021-08-02-01</u> : Approval of Meeting Notes for July 12 and 19, 2021 | |
| 5. Business Meeting | [6:25 min/35 min] |
| a. <u>Agenda Bill 2021-08-16-02</u> : Approval of Meeting Notes for June 7, 2021 | |
| b. <u>Agenda Bill 2021-08-16-03</u> : Storm Recovery Funding Survey | |
| c. <u>Agenda Bill 2021-08-16-04</u> : Automatic Response to Emails | |
| 6. Mayor and Council Reports | [7:00 pm/10 min] |
| a. Council Liaison Reports | |
| b. Main Street Fountain Discussion | |
| 7. City Manager Report | [7:10 pm/5 min] |
| a. Diversity, Equity, and Inclusion Update | |
| b. City of West Linn Response to COVID-19 Public Health Emergency | |
| 8. City Attorney Report | [7:15 pm/30 min] |
| a. Council Training Refresh | |
| 9. Adjourn | [7:45 pm] |

Agenda Bill 2021-08-16-01

Date: August 10, 2021

To: Jules Walters, Mayor
Members, West Linn City Council

From: Kathy Mollusky, City Recorder *KM*

Through: Jerry Gabrielatos, City Manager *JG*

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:

Approving the Consent Agenda will approve these notes.

Attachments:

1. July 12, 2021 Council Meeting Notes
2. July 19, 2021 Council Meeting Notes



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West Linn

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effective crossings of the Willamette River. Roundabouts would not solve the congestion issue, but would allow traffic to move instead of stalling out at the two-way stop.

- The prioritization of transportation improvements was available in the TSP, but Council's discretion on prioritization still applied with the limited public funds available. The City also sought to maximize private investment for funding.
- Three open houses were held to receive feedback from the community, and numerous meetings were also held with the adjacent property owners. The improvements were already required as part of the TSP and CDC, and the Concept Plan's purpose was to visually show the public the corridor under consideration and how various improvements could be done without too much impact to adjacent property owners. Future private land use would still require public input, and public projects would go through the City Council and the TAB for additional input. Public outreach would be done regularly during the final design process.
- The roundabout design would be done to accommodate all the truck traffic from the mill and PGE. The access point from the realignment would be appropriately located for the businesses, and final details for any redevelopment opportunities would be worked out with the businesses and the property owners.
- State and federal processes would be followed for any impacts from the realignment to private property near the Fields Bridge and along Willamette Falls Drive. The City's outreach process would be followed as well. Property owners would not pay for public improvements unless the improvements were part of a private redevelopment.

Public Comment

Teri Cummings, West Linn, expressed concerns about the Concept Plan because of staff's statements that no detailed standards existed for roundabouts and that roundabouts were some form of travel lane. In her opinion, they were intersections. Priority should be given to creating clear and objective standards for roundabouts. Willamette Falls Drive was a heavily-traveled arterial, and it appeared on-street parking was being considered there.

Mark Lindley, Principal, PGE Real Estate Department, complimented the City on its robust and collaborative stakeholder outreach and engagement process. PGE had submitted a letter for the record indicating its formal neutral position and PGE was committed to actively participate with the City to augment the TSP while also addressing the steps necessary to ensure PGE could confirm public and employee safety, physical security and operational flexibility for both its hydro operations and the operations of PGE's tenants on Willamette Falls Dr. In the letter was a request to meet on-site with the City's planning and engineering staff and consultants to further articulate PGE's concerns and to work together so PGE could eventually support the Concept Plan.

Dave Robertson, Vice President of Public Affairs, PGE, also thanked the City for its partnership, adding he looked forward to the on-site meeting with staff.

Mayor Walters confirmed staff would arrange the on-site meeting with PGE and closed the public hearing.

Council President Bill Relyea moved to approve First Reading for Ordinance 1726, adopting the West Linn Willamette Falls Drive 2021 Conceptual Design Plan as Attachment B to the 2016 West Linn Transportation System Plan (TSP) and amending the associated TSP project tables, and set the matter for second reading. Councilor Todd Jones seconded the motion.

Councilor Bialostosky stated he would vote "no" symbolically because while he supported some aspects of the Concept Plan, he did not believe, the plan did sufficiently emphasize congestion relief or accessibility for multi-modal transportation. A general change was also needed in the public engagement process to seek public input once again, after a concept plan was completed and ready for Council review to receive one final check from the public.

Councilor Jones stated his support of the Plan, recognizing that securing funding would likely take years for most, if not all, of the Plan. Staff had shared with him last week that funding could not be sought until a concept plan was in place and, if funding was secured, finalizing the plan would follow and would include a public process.

Mayor Walters expressed some urgency due to the necessity of the project being in the TSP to be eligible for federal infrastructure dollars. The transportation omnibus bill required some diversion mitigation for tolling on I-205. Congestion would continue to be a problem, but other means of transportation needed to be encouraged while acknowledging the necessity for some to use a car.

Council President Relyea noted conceptual design plans were meant to serve as a trigger point where issues raised by the public could be addressed and would lay the foundation for future plans as funding becomes available. He would vote in favor.

Councilor Baumgardner stated she was in complete support of multi-modal transportation and understood what was presented was a concept plan. She still had some concerns about the plan and hoped to engage the public further.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, and Councilor Todd Jones.

Nays: Councilor Rory Bialostosky.

The motion carried 4 - 1

[Agenda Bill 2021-07-12-03: ORDINANCE 1727, RELATING TO VACATION OF A PUBLIC UTILITY EASEMENT](#)

[ORD 1727 Vacation of PUE](#)

Public Works Director Calvert explained the purpose of this Agenda Bill was to vacate approximately 4,200 sq ft of unused public utility easement (PUE). No other utilities were in the area, and private franchise utilities had provided written comments.

City Attorney Ramis confirmed the usual process had been followed including noticing and a study by the City to determine the property was unneeded.

Council President Bill Relyea moved to approve First Reading for Ordinance 1727, relating to vacation of a Public Utility Easement, and set the matter for Second Reading. Councilor Rory Bialostosky seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

Council President Bill Relyea moved to approve Second Reading for Ordinance 1727, relating to vacation of a Public Utility Easement and adopt the ordinance. Councilor Rory Bialostosky seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2021-07-12-04: RESOLUTION 2021-12, SETTING COMPENSATION LEVELS FOR MANAGEMENT, NON-REPRESENTED EMPLOYEES, AND ELECTED OFFICIALS](#)

[RES 2021-12 Information](#)

Human Resources Director Preston presented the Agenda Bill for the review of the annual cost of living adjustment (COLA) for management, non-represented employees, and elected officials. A brief analysis was provided in the meeting packet. She summarized how the COLA was determined and noted a 3 percent increase was recommended.

Council President Bill Relyea moved to adopt Resolution 2021-12, setting compensation levels for management, non-represented employees, and elected officials. Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2021-07-12-05: I-205 Property Acquisition](#)

[I-205 Property Information](#)

Public Works Director Calvert stated this property acquisition had been in progress for quite some time. The property was owned by ODOT and located along I-205. It would potentially be used for construction of a new City operations facility to replace the small, outdated facility. The total acquisition cost was \$396,000 for the 32.9 acre site. He provided the history to-date, further details about the site, and steps to be taken after its purchase.

[Public Comment](#)

Teri Cummings, West Linn, noted the map detail was insufficient and did not provide any sense of the topography or hazards on the site. She recalled that a project considered earlier for the site had potential impacts to a riparian area. She requested additional information, especially concerning the high cost. She was pleased that Public Works would possibly have a bigger site, and perhaps the Parks Department would also have additional storage space.

Councilor Baumgardner inquired if the subject acquisition could be addressed in a Council executive session, perhaps in conjunction with ODOT to discuss combining uses and the potential for a lower price for the property.

Public Works Director Calvert clarified access to the site would be off of Salamo Rd near Green St and no direct access would be allowed from I-205. About 10 acres of usable space was available and the rest would provide a buffer to the surrounding residential area. It would be extremely beneficial and efficient for special uses such as storage of wood chips, ice storm debris, equipment, etc. A future intragovernmental agreement (IGA) with ODOT about shared usage was possible, but negotiation on the sale price was not possible due to the strict federal rules for such transactions. No riparian corridors existed on the property.

Councilor Jones received confirmation that the \$396,000 was the total cost for 33 acres and noted \$12,000 per acre was very reasonable based on local real estate prices.

Public Works Director Calvert confirmed that the current two-acre property for Public Works could be sold.

Mayor Walters spoke to the current site's limited space and noted costs were increased in some cases due to the City's inability to store larger quantities of supplies.

Councilor Bialostosky expressed some concern about the proposed site being in a landslide zone, but trusted the issue could be addressed before and during construction. He believed the site was important to the City.

Public Works Director Calvert added that geotechnical work would be done once the City got access to ensure the site was the right fit for the anticipated uses and needs.

- He confirmed the system development charge (SDC) funding was in place and the cost would be shared through SDCs and utility fees.
- He clarified ODOT would continue to use the yard directly accessible from I-205 and it would remain ODOT's property. He acknowledged that access to the new site would be a challenge. Preliminary consideration had been given to the matter, and retaining walls would likely be needed at an additional cost.

Council President Bill Relyea moved to authorize the City Manager to acquire the designated property from the Oregon Department of Transportation in the total amount of \$396,000 for the future purpose of a City operations facility on the site. Councilor Rory Bialostosky seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2021-07-12-06: Approval of Community Grants for Fiscal Year 2022](#)
[Community Grant Information](#)

Finance Manager Kam introduced the Agenda Bill, stating 13 applications had been received for grants from the \$25,000 total available. The meeting materials contained further details on the organizations that applied. The West Linn Alliance for Inclusivity requested to again retain the funds they had not spent.

Councilor Jones noted the West Linn Food Pantry had requested \$2,500 and was awarded more than twice that from the Citizen Budget Committee. He had contacted the leadership of the Food Pantry who indicated they were grateful, but did not need the money.

Finance Manager Kam clarified the funding currently being approved was for FY 2022 which started July 1, 2021, so those funds would have covered the most recent July 4th fireworks event. No funding was allocated for fireworks last year because of the pandemic.

Council discussed reallocating the funding in excess of the Food Pantry request.

Public Comment

Teri Cummings, West Linn, expressed concerns about the application review and allocation process, the conduct of the Citizen Budget Committee meetings, and the tracking and reporting of the usage of the funds. She asked the City to establish a separate five-member Budget Review Committee by ordinance.

Councilor Todd Jones moved to approve the Community Grant Allocations as recommended by the Budget Advisory Committee with the following changes: the Historic Willamette Main Street allocation be increased from \$1,500 to \$3,000; the West Linn Community Chorus allocation be increased from \$1,650 to \$2,070; and the West Linn Food Pantry Allocation be reduced from \$5,360 to \$3,440. Councilor Rory Bialostosky seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

[Mayor and Council Reports \[8:00 pm/15 min\]](#)

[State of Emergency Declaration](#)

[State of Emergency Declaration](#)

City Manager Gabrielatos reported the governor had rescinded the remaining COVID-19 restrictions, but the City's emergency declaration would be extended through September 13th to assist with the state's recovery efforts.

Council President Bill Relyea moved to extend the State of Emergency enacted at the March 19, 2020 City Council Meeting and extended at the April 20, May 18, July 6, September 14, November 9, 2020; January 11, March 8, and May 10, 2021 meetings to September 13, 2021. Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

[Citizen Advisory Group Appointments](#)

Following a brief discussion, Mayor Walters placed before the Council the following appointments: Jonathan Bunn to the Committee for Citizen Involvement and Glenn Ritchie to the Public Safety Advisory Board.

Council President Bill Relyea moved to approve the Mayor's appointments. Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

Reports from Citizen Advisory Groups

Council deferred this Agenda item to the next week's Council meeting.

Vote to suspend Council Rules

Mayor Walters noted Council wanted to recess for the month of August, but the Charter and the Council Rules required a meeting once every 30 days.

City Attorney Ramis stated the rules referred to a meeting each month, but it seemed a reasonable interpretation could be made to include a 30-day period.

Council reached consensus on having a meeting in August only if needed, and to make it a special meeting requiring a 24-hour notice.

Emergency Declaration regarding Fireworks

City Manager Gabrielatos reported this declaration was in place through today. No citations had been issued on July 4th, though calls were made to the police about fireworks. On July 17th a professional fireworks show was planned and insured by Western Fireworks Display. The fireworks would be set off from a boat dock out over the river. Parks and Recreation Director Warner had shared related information with Council last week. The event would be approved by TVF&R and the State Fire Marshal's Office and would be held even if the emergency declaration was extended.

Council President Bill Relyea moved to extend the emergency declaration for fireworks until July 19, 2021. Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, and Councilor Rory Bialostosky.

Nays: Councilor Todd Jones.

The motion carried 4 - 1

Conflict Waiver

City Attorney Ramis presented this agenda item, noting the Miller Nash Law Firm had a relationship with the City and the School District, which necessitated a waiver of potential conflict to allow the City to represent the District on the Oppenlander Field transaction. The firm's current representation of the City was unrelated to its representation with the District, so he recommended approval of the waiver.

Council President Bill Relyea moved to approve a waiver granting a non-conflict of interest for the law firm Miller Nash representing the City in the Oppenlander Field transaction. Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

Cedar Oak Property

Council President Relyea stated Council had approved a resolution in June declaring 3955 Cedar Oak Dr surplus property. Council rules allowed reconsideration of a decision at the next Council meeting. Based on additional information provided by the public, the decision and designation on the property would be rescinded to allow legal counsel to review the information and return the matter to Council for reconsideration.

Council President Bill Relyea moved to rescind Resolution 2021-11, Agenda Bill 2021-06-14-07 declaring 3955 Cedar Oak Dr surplus property for disposal and sale Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

Councilors Jones and Bialostosky qualified that their "yes" votes did not mean they disagreed with Council's previous decision, but that they were willing to consider the additional information.

City Manager Report [8:15 pm/5 min]

City of West Linn Response to COVID-19 Public Health Emergency

No updates.

Diversity, Equity, and Inclusion Update

City Manager Gabrielatos reported he would meet with Building Bridges on Wednesday to discuss the DEI report.

City Attorney Ramis confirmed he would assist City Manager Gabrielatos in writing language

for Council's July 19th meeting on a measure to be placed on November's ballot to create a police oversight committee.

Storm Recovery Update

City Manager Gabrielatos stated Public Works Director Calvert would address this item at Council's meeting next week.

City Attorney Report [8:20 pm/5 min]

City Attorney Ramis acknowledged Council's desire to inform the public and suggested an executive session to determine language for the Oppenlander Field transaction. Alternatively, Council could direct staff to develop a plan for communication with the public.

After discussion, Council reached consensus to direct staff and City Attorney Ramis to work on a 24-hour courtesy notice to the School District and School Board before giving a statement to the public updating on the Oppenlander Field transaction.

Council discussed the possibility of in-person meetings and discussed messaging from the City to the community on water conservation.

Adjourn [8:25 pm]

Draft Notes.



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WEST LINN CITY COUNCIL MEETING NOTES July 19, 2021

[Call to Order \[6:00 pm/5 min\]](#)

Council Present:

Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Staff Present:

City Manager Jerry Gabrielatos, City Recorder Kathy Mollusky, City Attorney Bill Monahan, Planning Manager Darren Wyss, Finance Director Lauren Breithaupt, Parks & Recreation Director Ken Warner, and Public Works Director Lance Calvert.

[Approval of Agenda \[6:05 pm/5 min\]](#)

Council President Bill Relyea moved to approve the July 19, 2021 West Linn City Council Meeting Agenda with the removal of the Consent Agenda. Councilor Todd Jones seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

[Public Comments \[6:10 pm/10 min\]](#)

[Public Comment - Karie Oakes](#)

Karie Oakes, West Linn, shared her concern over the lack of transparency during the time Wilsonville School District categorized Oppenlander Field as surplus property. That action disadvantaged the City Council in negotiations to purchase the property and deprived the public of the opportunity to give input to their elected officials. She requested the Oregon Government Ethics Commission investigate whether the board followed the executive session provision of public meeting law. She had emailed the complaint to the Council and City Recorder, and two supporting documents to the Ethics Commission.

Teri Cummings, West Linn, said she wanted Council to be aware tonight's meeting was listed on the agenda as a work session, and on another part of the City's website for agenda minutes was listed as a special meeting. It did not make sense that items Council would vote on should appear at a work session. An item on the July 12th agenda was titled "Vote to Suspend Council Rules" which provided no details and did not give the public chance to testify due to its location in the Mayor and Council Reports agenda item. Also of concern was that the audio and video for some Council meetings was no longer available on the City's website. Since a 2011, Council decision, the audio or video of a meeting was considered the official record.

[Scheduled Presentations to Council \[6:20 pm/45 min\]](#)

[Legislative Update](#)

[Presentation](#)

Doug Riggs, Legislative Lobbyist, presented a legislative update to Council, highlights of which included the bills the City and the legislative team had focused on. He then answered clarifying questions from Council as follows:

- House Bill 2564 certified the Willamette Falls Locks Commission would oversee the locks once they reopened, and has drafted the bylaws and foundational elements on the Locks' operation. He would provide Council a copy of that report. It would be necessary for the City to work with the Locks Commission in fleshing out the business plan.
- The information provided noted one way to reduce the impacts of tolling diversion is to reduce traffic congestion on adjacent connected highways. The definition of highway in Oregon was broad and included any roadway funded in any way by state dollars, so Willamette Falls Drive would fall into the "highway" category.
- House Bill 3059 repealed the State statute that authorized law enforcement officers to disperse unlawful assemblies and required them to obtain approval from a city's higher authorities.
- House Bill 3315 provided very clear guidelines that allowed cities to develop ordinances to direct homeless individuals, campers, and people in need of a place to sleep to certain areas. Alternatives must be offered if some areas were declared off-limits. The

League of Oregon Cities (LOC) was working on guidelines and was giving consideration to developing a model ordinance that cities could adopt.

Update on Street Trees/Ice Storm Recovery

Public Works Director Calvert updated on the ice storm debris removal and the status of street trees. Council direction and guidance was needed on the next steps in the storm recovery and on restoring the streets and roadways of the city. Highlights of his presentation and responses to clarifying questions from Council were as follows:

- The two key expenditure items would be the removal of about 1,600 tree stumps at approximately \$250 each, totaling about \$400,000. About 1,500 trees needed to be replanted at \$350 each, totaling about \$525,000. Work would be necessary with the arborist on staff and with a landscape architect, and that would bring the total to around \$1 million. Finding and planting 1,500 trees in a single year was unlikely, but could be managed over three years.
- Some trees have drooping lower limbs which prevented the street sweeper from removing debris and that could cause damage to the street sweeper. He asked for the citizens' assistance in trimming the branches. Normally, responsibility for tree maintenance belonged to the adjacent property owner but, because of the extreme nature of the event, the City could do that work for individual citizens for an additional \$350,000, raising the total cost to \$1.3 million, which was not budgeted. He proposed a fee be spread out over the next year or two on the city's utility bills to pay for the cleanup.
- Public Works would inspect the irrigation for the new trees on Main Street to ensure it is working properly. The high temperatures have had an impact on the trees.
- None of the restoration work was Federal Emergency Management Agency (FEMA) eligible. Basic cleanup work, such as hauling wood chips and equipment time were eligible at 75 percent. American Rescue Plan funds would not be applicable.
- The \$250 per stump removal estimate included labor costs for restoring and planting trees based on prevailing wage and no volunteer efforts. Outreach to the city's youth for assistance in tree planting was possible but time-intensive.
- The logistics of coordination with homeowners on the proper type and location of street tree planting would need to be addressed.
- He reminded Council that time was of the essence due to the necessary coordination with contractors and receiving bids, etc. Feedback and direction from Council in August on how to proceed and on initial financing would be appreciated.
- A street sweeping schedule and map was on the City's website and would also come up in a Google search.
- If the tree work was not done, the community would be left with what it has now. As a Tree City, the city would likely want a robust street tree network for air quality and health benefits.
- A survey would go a long way in determining whether the citizens would agree to a fee on their utility bills over the next several years for stump removal and tree restoration.

Finance Director Breithaupt believed it was possible to place a street tree fee on the utility bills, but deferred to City Attorney Monahan for his legal opinion. The City offered low-income assistance on utility bills. Funding the replacement of the trees over the years was possible, but was not in the budget. Street trees might be considered a capital improvement and could be added to a General Obligation (GO) Bond if the Bond Council agreed.

5. Consent Agenda [7:05 min/5 min]

Agenda Bill 2021-07-19-01: Approval of Meeting Notes for June 7 and 14, 2021

[Draft Notes Information](#)

This item was removed from the agenda.

Business Meeting [7:10 min/60 min]

In response to an inquiry from Mayor Walters regarding the inconsistency in the noticing of tonight's Council meeting, City Attorney Monahan stated he was comfortable with Council holding a special meeting tonight, but cautioned against taking action on Agenda Items 6a and 6b, though discussion on those items would be acceptable.

Council reached consensus on deferring Agenda Items 6a and 6b to a Special Council Meeting on August 2, 2021.

Council President Bill Relyea moved to amend the agenda to consider Items 6a and 6b at a Special Council Meeting on August 2, 2021. Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

~~a. Agenda Bill 2021-07-19-02: Second Reading: ORDINANCE 1726, ADOPTING THE WEST LINN WILLAMETTE FALLS DRIVE 2021 CONCEPTUAL DESIGN PLAN AS ATTACHMENT B TO THE 2016 WEST LINN TRANSPORTATION SYSTEM PLAN (TSP) AND AMENDING THE ASSOCIATED TSP PROJECT TABLES~~

[ORD 1726 Willamette Falls Concept Plan](#)

~~b. Agenda Bill 2021-07-19-03: Reconsider: RESOLUTION 2021-11 DECLARING CITY OWNED PROPERTY AT 3955 CEDAROAK DRIVE SURPLUS REAL PROPERTY AND INITIATING A SALES PROCESS FOR THE PROPERTY~~

[RES 2021-11 - June 14 Meeting Information](#)

[3955 Cedaroak Drive History](#)

[Public Comment - Lisa Clifton](#)

[Agenda Bill 2021-07-19-04: Robinwood/Historic City Hall Costs](#)

[City Facilities Information](#)

[Public Comment - Christy Sullivan](#)

[Public Comment - Cliff Alexander](#)

[Public Comment - Lisa Clifton](#)

[Public Comment - Randall Fastabend](#)

Councilor Baumgardner read into the record a letter received from Lisa Clifton, a West Linn resident. The letter was in the meeting materials. In summary, she urged Council to move forward on the Robinwood Station renovation project to avoid further delay.

Parks and Recreation Director Warner presented the agenda bill, noting staff would like direction from Council on the Robinwood Station and Historic City Hall projects. Since the last time this topic was before Council in April, estimates had been received from Iselin Architects for upgrades and renovations in the amounts of \$935,000 for Robinwood Station and \$1.5 million for Historic City Hall. Staff's recommendation was to move both projects forward and get a clear understanding of the actual costs. Some concerns existed about moving both projects into the bid process, and he believed prioritizing the projects was in the best interest of the City. He answered clarifying questions from Council as follows:

- The \$67,500 that was outside that architect's cost estimate for Robinwood Station was now reflected in the cost sheet, resulting in the difference and bringing the total cost estimate to \$935,000. He confirmed the City was about \$110,000 short for the projects.
- It was possible to do the work in two phases, but that would require input from Iselin Architects about potential Code compliance issues and the financial impacts. He discussed concerns about using volunteers within the public bidding process; the impact of the supply chain on materials; the additional costs and issues related to rebidding the projects; and the strain on staff's limited time and resources. Prioritizing the projects was preferred by staff.

Kevin Bryck, Secretary and Treasurer, Friends of Robinwood Station (FORS), expressed disappointment at the delay of the project and that it had to compete with another project for funding. The project was supposed to be funded in full from the GO Bond from the very beginning.

Council decided through an informal poll to prioritize the work on Robinwood Station over that of Historic City Hall.

Parks Director Warner confirmed he would get the Robinwood Station project ready to go out for bid. He offered further clarification to Councilor questions as follows:

- Bids would be received for Robinwood Station to ensure funding was available, followed by the Historic City Hall project with the remaining funding. It would not be necessary to wait for the completion of Robinwood Station.
- He would bring information to Council's August 2nd meeting regarding the National Heritage Area designation of Willamette Falls and whether the Willamette Falls Heritage Area Coalition's (WFHAC) grant funding would be affected by Council's decision to prioritize Robinwood Station.
- Based on the current estimates, funding was \$110,000 short to do both projects at the same time. Some type of modification might be possible to the City Hall project but that would not be known until bids were accepted and contracts signed.

After discussion, Council by a show of hands withdrew its decision to prioritize Robinwood Station over Historic City Hall and agreed to reach out to those who might be affected by the decision but were not present tonight to give them an opportunity to provide testimony.

Councilor Jones asked if FORS could provide more specifics before Council's August 2nd meeting on what elements of the project they believed they could assist with as that could have an impact on Council's decision.

[Mayor and Council Reports \[8:10 pm/30 min\]](#)

[Council Liaison Reports](#)

Councilor Jones reported that the Economic Development Committee had two vacant positions and asked Council to encourage anyone interested in supporting businesses and economic development to apply for the positions.

Mayor Walters reported she had testified last week to include funding for I-205 in the Metro Transportation Plan. She updated on the donation of a Peace Pole from the Rotary Club to the police station. Acting Chief Mahuna expressed his thanks, noting that the donation was meaningful after a difficult year. Lastly, she had met with City Manager Gabrielatos, Library Director Erickson, and Building Bridges last week for a great conversation.

[City Manager Report \[8:40 pm/30 min\]](#)

[Presentation](#)

[Diversity, Equity, and Inclusion Update](#)

[Policing Update](#)

City Manager Gabrielatos reported on the work done by this and the previous Council over the past 1½ years which included reforms to training, hiring, operation, transparency and accountability in the West Linn Police Department (WLPD). The results of investigations and reports were available on the City's website. Upcoming work would involve updating City

policies to reflect the changes in relation to the legislative decisions made in Salem this year and further addressing the danger of fireworks. Happy Valley had done an admirable campaign on fireworks that he would like to borrow. Lastly, he sought Council's input on sending auto-reply messages in response to emails received at citycouncil@westlinn.oregon.gov to acknowledge the message was received and that a response would be made by staff or a member of Council where appropriate.

Council discussed the implications at length, including concerns about the auto-reply appearing canned, no response being interpreted that a citizen's message was not received, and events where hundreds of emails were received and responses were expected.

City Attorney Monahan advised Council on best practices with regard to email correspondence and the importance of not using reply all.

City Manager Gabrielatos confirmed he would bring the auto-reply email issue back before Council on August 2nd.

[City Attorney Report \[9:10 pm/5 min\]](#)

City Attorney Monahan confirmed the online list of city attorney projects was updated approximately quarterly.

[Adjourn \[9:15 pm\]](#)

Draft Notes.

Agenda Bill 2021-08-16-02

Date: August 10, 2021

To: Jules Walters, Mayor
Members, West Linn City Council

From: Kathy Mollusky, City Recorder *KM*

Through: Jerry Gabrielatos, City Manager JG

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 June 7, 2021 Council meeting notes were on Council's July meeting agendas for approval. As Mayor Walters and Councilor Jones had changes they wished to make to the notes, they were pulled from the agendas. The requested revisions were made and a redlined copy was provided to Council.

As Consent Agenda items are just to be approved without discussion, these notes have been moved to the Business Meeting portion of the agenda so Council can discuss and vote on what they would like written in the notes.

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 June 7, 2021 Council Meeting Notes.

Attachments:

1. June 7, 2021 Council Meeting Notes – original
2. June 7, 2021 Council Meeting Notes - redlined



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West Linn, Oregon 97068
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WEST LINN CITY COUNCIL MEETING NOTES June 7, 2021

[Call to Order \[6:00 pm/5 min\]](#)

Council Present:

Mayor Jules Walters, Council President Bill Relyea , Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Staff Present:

City Manager Jerry Gabrielatos, City Recorder Kathy Mollusky, City Attorney Tim Ramis, Deputy City Manager John Williams, Acting Police Chief Peter Mahuna, and Public Works Director Lance Calvert.

[Approval of Agenda \[6:05 pm/5 min\]](#)

Councilor Rory Bialostosky moved to approve the June 7, 2021 West Linn City Council Special Meeting Agenda with the removal of Items 6, 9b, and 9c. Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 4 - 0

Public Comments [6:10 pm/30 min]

Emails re: Pickleball

Rita Crawford, West Linn, detailed the parking problems in the Hoodview Estates neighborhood where she resided, the soft approach to the issue taken by the West Linn Police Department (WLPD), and the inability of the homeowner's association (HOA) to have vehicles towed. She inquired about the City possibly establishing a district parking program to address the problems. City Manager Gabrielatos confirmed he would follow up with her.

Randall Fastabend, Friends of Robinwood Station, West Linn, inquired about the next steps in the approval process for the recent draft agreement for the renovation of Robinwood Station, and what barriers existed to going out for bids for the project. He hoped the project could move quicker to allow for renovations in the fall rather than in the winter.

City Manager Gabrielatos answered that he had received an email from Mr. Fastabend and needed to consult other City staff before responding on the matter and others raised at their last neighborhood association meeting.

Martha Boyce, West Linn, spoke to the dismissals of members of the WLPD but believed it was the bare minimum necessary. The Michael Fesser case was not an isolated incident. Racism had been a part of the WLPD for a very long time and much more needed to be done, such as adopting and funding the recommendations from the Police Oversight and Accountability Task Force. She detailed the changes necessary to create accountability and transparency in the WLPD and to ensure all people of color (POC) would feel comfortable in West Linn. She urged the City Council to take a leadership role in this matter.

Dean Suhr, Friends of Oppenlander Field, West Linn, addressed the purchase option of field from the West Linn School District (WLSD) and the possible November 2021 General Obligation Bond Measure to fund the purchase. He listed the justifications for the purchase and described the history of Oppenlander Field. He offered his group's assistance to Council in the bond measure and purchase process.

Jane Forbes, West Linn, stated she was a member of the Parks and Recreation Advisory Board (PRAB), but believed members of citizen advisory boards were allowed to offer their personal opinions. She lived near Skyline Ridge Park and when the pickleball courts reopened in May 2020, the sound difference was immediately apparent and had a negative impact on the neighbors' quality of life. Parks and Recreation Director Warner's delayed response to Council's order given last fall had prolonged the problems for her, her family activities, and the neighborhood. The neighbors of the park wanted the courts to be used for tennis as they were originally. The proposed sound-blocking measures would be insufficient for pickleball. She urged follow through on Council's decisions from last September and October.

James Boyle, West Linn, noted many studies showed possible mitigation measures to limit

noise from pickleball. He asked Council to reconsider their decision regarding the fast-growing sport and to take actions to encourage the community activity which drew people from a broad range of demographics. He believed people who purchased property near a park should expect noise. He was willing to work with the neighbors on limiting the times for pickleball play.

Jeffrey Bernasconi, West Linn, stated the decision on pickleball at Skyline Ridge had been made months ago. The only open issue was why a City employee was allowed to ignore the instruction of the City Council for months. The original change to the courts from tennis to pickleball was not made with transparency. He had issued multiple noise complaints, but was told the noise level was reasonable. He detailed the history of the issues and actions related to pickleball in Skyline Ridge Park to-date, and spoke to the lack of action from Parks and Recreation on the problems.

Katherine Ferruzzi, West Linn, stated her back fence was 60 ft from the pickleball courts in Skyline Ridge Park. Pickleball had diminished the livability of her property and affected the emotional and physical health of her family. The sport was inappropriate for the small park and was causing friction between neighbors. The Skyline Ridge Neighborhood Association survey did not equally represent all those affected by the issue. She asked that Council's decision be followed by Parks and Recreation staff.

Giulio Ferruzzi, West Linn, stated his property was 60 ft from the Skyline Ridge Park pickleball courts, and distance from the noise generated had a huge impact on his quality of life. He and his family's ability to use their property had been diminished due to the noise. The Neighborhood Association survey did not accurately gather the opinions of all of those who would be affected by the courts' change from tennis to pickleball. Council's decision last fall to return the courts to tennis was not temporary as implied by the letter from Parks and Rec Director Warner in the meeting materials, and his solution to the noise was inadequate. He was shocked by Councilor Jones visit to the neighborhood to gauge the opinions toward pickleball. The Councilor had not visited his home.

Councilor Jones apologized to Mr. Ferruzzi for not speaking to him or his neighbor during his recent visit to query the interest in pickleball. He had knocked on all doors he knew to knock on and when he reached an open field, he stopped. He did not intentionally avoid speaking to anyone.

Kelly Stapp, West Linn, stated she lived across from Skyline Ridge Park and visited it every day with her young children. She and her husband had submitted written testimony multiple times to inform Council they wanted the pickleball courts back. Council had listened to only a few families instead of the neighborhood at large. She had enjoyed playing pickleball with her neighbors and getting to know them better, and her son was confused as to why he cannot play the sport at his park. The tennis courts had been used little, and the pickleball usage had dropped off a bit as other courts opened in the city. Referring to the testimony by others about their diminished quality of life, she noted her and her family's quality of life had been

diminished by a few families and by the City Council removing the pickleball courts from use. The closure of the parks had no legal basis under the City's noise ordinance. She encouraged Council to vote to install the noise abatement and to open the pickleball courts.

Mark Liang, West Linn, stated his house was about 50 ft away from the pickleball courts at Skyline Ridge Park. He was a member of the American Pickleball Association and had participated in tournaments. The West Linn Parks Master Plan spoke to multi-use parks being at least 10 acres in size, but this park was only a little over 1 acre. He did not blame his neighbors for wanting to play pickleball across the street from their homes, but believed having pickleball in Skyline Ridge Park violated the property owners' rights to use their land in quiet enjoyment. The Parks and Rec Department and Council should follow the guidelines in the Parks Master Plan.

Lisa Steenson, West Linn, stated she lived about four houses from Skyline Ridge Park. The park was an anchor and a place for connection for the community. Pickleball was a great sport and was accessible and affordable, and she was very disappointed it was taken away. She was not concerned about traffic near the park and hoped that sound barrier would be installed.

John Busch, West Linn, stated he supported pickleball, but not in historically peaceful neighborhood parks which were not developed for the purpose. He and his family had enjoyed the park for many years. Noise had not been a problem until the pickleball courts were installed last year; now it was consistent and removed the ability for them to enjoy time outdoors at their home. The dispute had fractured the neighborhood. Nobody's quality of life would be diminished by not playing pickleball because they could play at other courts nearby. Emotional and physical health could be impacted by pickleball as shown in other areas of the country, and property values could be affected negatively by the noise.

Ann Busch, West Linn, stated one house was located between hers and the Skyline Ridge Park tennis courts. When she moved there, she expected typical park noise from tennis and children playing. The peace and cohesiveness of the neighborhood changed when the pickleball courts were added. A neighbor had decided not to testify tonight out of fear of retaliation and she feared the same. She had witnessed bullying tactics. She understood some people were passionate about pickleball, but the downsides were noise, increased traffic, inadequate parking, and the lack of restrooms. The repetitive percussive noise could be heard inside her home for up to 14 hours a day. Many homes that abutted the park were not a part of the Skyline Ridge Neighborhood Association and would not have taken part in the survey about pickleball. She requested the City follow through on last fall's decision to remove the pickleball courts.

Tim Hoffman, West Linn, was in favor of reinstating the pickleball and tennis courts in Skyline Ridge Park. The variety of options the park offers was something he had enjoyed since the purchase of his home at the inception of the Skyline Ridge development. The noise generated from pickleball equaled that of a normal conversation. The parking issues could be minimized by installing No Parking signs, and children should know not to run in the streets. Kids involved

in intramural sports also used the park. Only two pickleball courts were available, so only eight people could play at one time. The lack of restrooms had always been an issue, but was not related to pickleball. He suggested an open forum at the park where people could listen to the sounds. He believed they would then be a little more open-minded. He asked Council to listen to the majority of home owners.

Stacia Nilson, West Linn, stated the contact list for the Skyline Ridge neighborhood was incomplete. The change in the neighborhood in the last five to six years has been dramatic as turnover has been higher and families with younger children have moved in. It was necessary to do another survey to capture voices from more households. Skyline Ridge was actively working on updating the contact information due to the high turnover. Pickleball was not going away. She was aware sound abatement materials had been purchased, but did not understand why it had not been tried.

[Announcements, Proclamations, and Recognitions \[6:40 pm/15 min\]](#)

[Juneteenth Proclamation](#)

[Proclamation](#)

Councilor Baumgardner read the Juneteenth Proclamation and encouraged all community members to join in this observance.

[LGBTQ+ Pride Month Proclamation](#)

[Proclamation](#)

Councilor Jones read the Proclamation, declaring June as LGBTQ+ Pride Month in the City of West Linn.

[Agenda Bill 2021-06-07-01: Lake Oswego Communications \(LOCOM Intergovernmental Agreement \[6:55 pm/15 min\]](#)

[LOCOM IGA Information](#)

Acting Police Chief Mahuna provided background on the two available dispatch services: C-COM from Clackamas County and LOCOM from Lake Oswego. Due to the availability of 911 tax funds, the service would cost the City about \$323,000, less than the more than \$400,000 it had cost last year. He described the financial, size, and level of service differences between the two systems, and specified the advantages of LOCOM to West Linn, such as speed in answering 911 calls and increased options for dispatching. He clarified the difference between the contract amount of \$580,000 in the meeting materials and the stated cost of \$323,000 was due to LOCOM subtracting the portion of the 911 tax to be provided to West Linn. He believed the cost would be paid in installments and that the 911 tax was disbursed to the City several times throughout the year.

Council President Relyea expressed concern that, while the information did not appear to state how many calls made up the baseline, it did state that if the baseline exceeded the previous

year by 15 percent, then a charge would be made in addition to the contract amount.

Acting Police Chief Mahuna replied that he did not know the answer, but would clarify with LOCOM. Last year, because of COVID-19, the call rate was very low. With the opening up happening, he expected calls for service would increase to the 20,000 range, as seen in 2019.

Councilor Baumgardner said she would like the questions answered before Council voted on the matter. She wanted to know how each service addressed calls that were racist in nature and whether such calls would result in a difference in service. She would also like to look further into the difference in protocols before making a selection. She had heard a POC, a West African immigrant who had lived in West Linn for many years, had been confronted by the police in the Public Library parking lot where he was sitting in his car waiting for his wife. When she inquired what could be done to keep that from happening, she was told that when a community member called about a suspicious person, the police had to go talk to the person. She was not placing blame, but believed something needed to be done to prevent harm from racial profiling. She wanted to know if any data was available to compare C-COM and LOCOM.

Acting Police Chief Mahuna replied he was unsure if LOCOM had a protocol dealing with that issue, but he would follow up with them. Some jurisdictions would ask specific questions why the caller believed the person was suspicious to determine whether the call was related to the color of the person's skin.

Councilor Bialostosky noted he was scrutinizing the contract due to its four-year length. The question stated in the Agenda Bill was whether continuing the contract with LOCOM was in the best interests of the City of West Linn. He did not know the answer to that question because he had not seen a cost comparison between the two services, and he would like to know what he would be rejecting by not selecting C-COM. Also, he would like to give Clackamas County an opportunity to provide some context to the statements about call time and other information provided by the Chief regarding dispatching. He could not vote in good conscience to spend the money without knowing the cost comparison, pros and cons of each service, and without further discussion as Council. He understood the City had a good relationship with LOCOM and the Lake Oswego Police Department (LOPD), but wanted to keep that and the business side separate because the service was paid for by tax dollars.

Council President Relyea preferred to hold off on voting on this Agenda Bill at least until the next Council meeting to give LOCOM a chance to respond with more information on what comprised the baseline. What the City would be receiving for its money was unclear, and he did not feel comfortable signing a contract without that knowledge.

Mayor Walters pointed out an email had been sent last week by the City Manager requesting any questions from the Councilors for Acting Police Chief Mahuna be sent to him in advance, so the Chief could come to the meeting with answers. The contract needed to be signed in the next few weeks. Council could vote next week as well.

Acting Police Chief Mahuna clarified that LOCOM would be more expensive than C-COM based on the information provided from surrounding cities as stated in the email. The determining factor would be the level of service wanted and expected of the WLPD by the citizens of West Linn. It would be necessary to pay more for more service. He would be prepared with answers for the Council meeting next week, but was unsure if C-COM could provide a bid in a week. His rough estimate based on the city's population was \$300,000, but he would try to get confirmation from C-COM.

6. Policing Update [7:10 pm/20 min]

This item was removed from the agenda.

Ice Storm Recovery and Next Steps [7:30 pm/30 min]

Ice Storm Debris Information

Public Works Director Calvert provided a brief overview of the information on this Agenda Item, noting more detail was included in the meeting packet. He provided the background on the February ice storm, its impacts, and the City's response. The company being considered for debris had storage capacity at their facility but did not have trucking capability, so a hauler was being sought, but finding one was proving difficult due to the amount of debris to be moved and the limited number of contractors available.

- Also included in the meeting packet was a post-ice storm street tree inventory map to show the scale and location of the tree damage, which he described in some detail. Of the trees that were inventoried, over 1,300 were lost, about one third of the city's street trees, and it was estimated that 1,600 trees needed replacing. A little bit of funding was available in the Street Fund for the replacement of trees and for stump removal on some of the islands maintained by the City, but no additional budget was available for removal and replacement of trees on private property. The estimate on stump removal and replacing the trees was \$2 million. No federal funds were available for tree replacements. The length of time for restoration work and tree replacement was estimated at two to four years.
- The process was underway to obtain a 75 percent reimbursement from the Federal Emergency Management Agency (FEMA) for the debris cleanup and removal. He confirmed that staff were actively working on solving the debris removal issue quickly and frugally, and asked for Council's input on the next steps for addressing the issue.

Mayor Walters noted the packet contained a recommendation from staff for the Council to give direction to identify a source of public funding for street canopy restoration and associated tasks.

Council President Relyea agreed with staff's recommendation. The Code anticipated normal tree maintenance to be done by the adjacent home owners, but the damage from the ice storm far exceeded normal conditions. The Code required the trees to be located there, and the homeowners did not have a choice in determining if the trees should be there, therefore

he believed the City had some responsibility to help the community members. He recommended a phase approach to the restoration and replacement of trees, starting with areas where the streets, curbs, and sidewalks had significant damage, followed by stump grinding, and then an assessment of the need to replace the trees according to what the City could afford, to include possibly reaching out to the homeowners to ask if they would like to contribute to the replacement cost, or to do a fundraiser.

Councilor Baumgardner agreed with the street tree canopy replacement, but shared the fire-hazard concerns about the debris piles.

City Manager Gabrielatos noted the updates provided by Public Works Director Calvert would also be available to the public on the City's website, and staff would keep the public updated on the progress with the debris piles.

Council gave direction to staff to create a plan for a program to identify public funding for the tree canopy restoration.

Public Works Director Calvert assured that the debris removal and other tasks associated with the damage from the ice storm would continue. Weather would also determine when some of the work could be done.

[Preview of June 14 Agenda \[8:00 pm/30 min\]](#)

June 14 Agenda

City Manager Gabrielatos noted several matters on the June 14th City Council Meeting Agenda concerned the formal adoption of the budget.

Deputy City Manager Williams stated additional items on the June 14th agenda included the Willamette Falls Dr Charter-required ballot measures for the work on the roadway and improvement of park properties. The property owned by the City at 3955 Cedar Oak Dr, located in the middle of the street next to the creek, could be sold and would accommodate a single-family home.

Public Works Director Calvert stated the amount of the bids for the road program was increasing. He would be attending a meeting on the matter.

[Mayor and Council Reports \[8:30 pm/15 min\]](#)

Post Office Update

Deputy City Manager Williams noted the USPS had obtained a lease for a post office at the Cascade Shopping Center. The process was ultimately a transaction between the Post Office and the property owner who had reached out, although the City had worked with the USPS for many years in an attempt to find locations. The City's role at this point was to expedite the

permits and work to prepare the new location for the Post Office to occupy. Some businesses would be relocated to accommodate the Post Office, and the City was assisting in any way it could. Members of the community had commented the City should not have allowed the businesses to move; however, the City did not control that type of leasing arrangement. He recognized Shatrine Krake from the Chamber for her work on solutions to the issue. Due to materials, contractors, and other items being difficult to come by, the estimated completion date of late fall might be too optimistic. Staff would keep Council informed on the timeline. Council agreed to remove the Post Office item from future agendas and to receive updates from staff as needed.

b. Citizen Advisory Group Appointments

This item was removed from the agenda.

c. Equity Statement & Equity Plan for Council

This item was removed from the agenda.

[Skyline Ridge Pickleball Courts](#)

[Skyline Ridge Information](#)

Deputy City Manager Williams stated he was filling in for Parks and Recreation Director Warner tonight, and acknowledged that Director Warner had been responsible for the work on the pickleball court matter to-date. Information on the timeline and communications of interest received were included in the meeting packet. He briefly reviewed the history of the issue leading up to Council's decision in September 2020 to remove the pickleball courts, and what had taken place since. The recommendation was to return to Skyline Ridge Park for further sound testing and to discuss the sound abatement systems that were purchased. Staff was asking for Council's direction on how to proceed. Typically, such decisions were made on an administrative level, but because Council had already made a decision last fall, any changes to it needed to be made by Council.

Mayor Walters confirmed the letters of testimony received from the public were available on the City's website, and that all letters of testimony received became part of the public record.

Councilor Baumgardner stated the City needed to have a better siting and vetting process for activities that potentially could cause noise issues to avoid having residents in a neighborhood becoming pitted against each other. She had also shared her opinion at the PRAB meeting last year. She was disappointed the issue had come up again.

Councilor Bialostosky noted it was difficult to secure a conviction under the noise ordinance in Municipal Court when the standard was "reasonable" noise. He asked if decibel levels could be stated in the Municipal Code to provide an objective standard so no doubt would exist when those levels were exceeded.

City Attorney Ramis noted the City's noise ordinance had been developed at a time when the City had relied more heavily on the Department of Environmental Quality (DEQ) to enforce noise standards. DEQ had specific decibel limits and an enforcement program but, due to budget cuts, it no longer had that role. He confirmed the City could adopt specific standards for decibel levels which would be much easier to enforce; however, it would take time to change the Code and would be a policy decision for Council to determine if now was the appropriate time to do so.

Councilor Jones explained why he had asked for this item to be placed on the agenda, noting he was not appointed to Council until February. During his first week, emails had been received from residents living near the park requesting that pickleball be reinstated. Being unaware of the situation at the time, he walked the streets on a Sunday in close proximity to the courts intending to ask residents if they wanted pickleball to be allowed there. He knocked on the doors of at least 20 homes and, of those that were home, eight said they wanted pickleball and four said "no." Of the eight who said "yes," he noted four were among five homes in close proximity to the court on the east side. As he stated earlier in the meeting, he regretted not noticing that some homes were located behind the park that were also in close proximity.

- On May 10th, four residents living near the courts emailed Council inquiring about the status of pickleball in the park, and that spurred him to contact the Skyline Ridge Neighborhood Association President, Ryan Kling, to gain his perspective. Mr. Kling forwarded the results of a neighborhood survey that many at tonight's meeting were aware of, but it had been new to him. Thirty-seven residents stated they wanted pickleball, and thirteen said they did not. He then requested that Council discuss the matter at an upcoming meeting.
- In the past week or so, he had educated himself on the topic and learned that a number of concerns had been raised by Skyline Ridge residents about pickleball. He pointed out that the information he would share had been compiled on Saturday, well before tonight's meeting.
- Some residents contended that the sound-blocking material on the fence would not be adequate for the homes that were higher than the fence, and that sound mitigation would be expensive for the City.
- A resident had stated they had taken dozens of noise readings using the National Institutes of Health (NIH) application and suggested the noise level could be damaging over long periods of time. The resident further stated the noise was intolerable outside and inside their home, a complaint also heard from others tonight.
- Although he did not recall the source, he remembered from his research that noise abatement needed to be done carefully for homes 150 ft away from pickleball courts. As heard in testimony tonight, some Skyline Ridge homes were 60 ft away. Also noted tonight was the impact of noise based on the courts' orientation to a home.
- Some reports were heard about improper or harassing behavior from pickleball players toward homeowners. He found such behavior despicable.
- As heard earlier, the Municipal Code was not specific regarding noise levels, but rather referred to them as "reasonable." Section 5.487.5.g stated reasonable activities

conducted on public playgrounds and public and private school grounds which were conducted in accordance with the manner in which such spaces are generally used were exempt from City Noise Ordinances. That applied to pickleball. Officer Bateman had used a WLPD decibel reader which showed the noise levels to be in the mid-60s along with the background noise from his truck.

- A study from Santa Rosa, CA, had measured noise levels at the nearest property lines, patios, and decks, and found ambient sound at 40 to 48 dB, and pickleball sound levels measuring 43 to 49 dB. A website he had located stated pickleball added about 18 to 20 dB to the ambient noise level for a total of 58 to 68 dB. Normal conversation was about 60 dB.
- Portland State University reported that quiet, suburban neighborhoods experienced ambient noise levels of approximately 45 to 50 dB. NIH stated that sounds at or below 70 dB were generally considered safe.
- Acoustiblok.com claimed that from 50 ft away with no sound curtain, pickleball registered 64 to 71 dB, and their Acoustifence sound curtain reduced the sound to 54 to 59 dB, which they claim was a 50 percent reduction in sound perceived by the human ear.
- In conclusion, he stated he understood the perspective of the homeowner who did not want the issue to start over with a new Council and new PRAB. Respectfully, he disagreed; the emails received by the City this winter and spring showed a number of residents who wanted to continue the discussion.
- He assured he had no personal, vested interest in pickleball and was neither for nor against it at Skyline Ridge Park. He was not advocating on behalf of anyone who lived near the park, but wanted to be responsible to those who had reached out to Council. A resident who wanted pickleball at the park stated in an email last week that no one would win. He was concerned the issue was perceived as winning or losing, and he would never approach his work as a Councilor that way. His only interest was to work with the other Councilors to address issues and better the city.
- He believed all who had commented on the issue were reasonable and caring people and could work together to find solutions. He suggested inviting residents who used the parks to participate with City staff, or an independent mediator, to identify and try fixes to some residents' concerns. An invitation could be sent to see who was willing to participate, give those opposed a fresh opportunity to make clear their concerns about having pickleball in vicinity of their homes. Those interested in pickleball should have an opportunity to respond to the concerns and to propose potential fixes to be trialed, but not made permanent. Afterward, those opposed should be given another opportunity to see if another round of negotiation would help. He believed that an attempt should be made to find something that worked for both groups, though it might not be 100 percent correct for either.
- To those who expressed dismay that he had raised the issue again he sincerely apologized, noting that was in no way his intent. However, he did not regret bringing it up because he believed it was City Council's responsibility to address concerns brought

to it. He believed everyone had the capacity and capability to work together to solve problems.

Council President Relyea suggested Council consider the law regarding nuisance. Nuisance precluded someone from quiet enjoyment of their land and a lawsuit could be brought regarding the loss of property rights. The court typically used a balancing test to determine whether the activity rose to the level of a nuisance, which required a determination of the extent and severity of the harm caused by the activity that outweighed its social value. Pickleball could be played at regional parks, schools, and other locations, and he did not believe anyone was against pickleball. However, he believed the public in this case was stating that those who lived adjacent to Skyline Ridge Park had never envisioned that pickleball would be played there, and the level of noise kept them from opening their windows and enjoying the breeze while they worked from home due to COVID-19 or because their employers encouraged it. Working from home was not breaking the law and stating it did represent a misdirected sense of values. The issue had been discussed at length and he did not believe it should be revisited.

Mayor Walters said she would like more data and requested a proper quantitative survey of the neighborhood by the City to provide a more accurate sample. Also, she requested the Acoustifence be installed and that Council visit the park with equipment to measure the decibel level. She agreed the initial decision should have been made by City staff and not by Council but, under the circumstances, she believed Council should due its due diligence to get the correct information.

Councilor Baumgardner stated the actions suggested by Mayor Walters had already been done. The majority of people Council had heard from wanted pickleball because they did not live next door to the courts. Council had seen a video showing the impacts, and she did not believe the majority should rule in this case. Of course, fewer people lived next door to the courts, and she believed they should not be asked to accept a decision that rendered impossible the enjoyment of their property, whereas finding a suitable location for pickleball would be more appropriate and easier to do. The Municipal Code should also be updated with clear and objective language.

Mayor Walters acknowledged that Councilor Baumgardner had told her of a visit to the Skyline Ridge Park pickleball courts and that she found the noise very loud. She would, however, still prefer having all the facts and then moving forward. People in Tanner Creek also lived next to pickleball courts. She was a big proponent of an indoor recreation center in West Linn, and pickleball could be installed there.

Councilor Baumgardner noted Acoustifence was installed in George Rogers Park, and she had visited there last year. It was an excellent example, because the street parking was located higher than the courts, like a two-story house would be. The difference in noise level was negligible, which was why she had not recommended the purchase of Acoustifence when she was on the PRAB. She believed moving the courts to a more acceptable location would relieve

the problem.

Councilor Jones asked for other Councilors' opinions on mediation. It did not have to be a lengthy or bureaucratic process, but simply to ask if the neighbors were willing to have a conversation. If no response was received in a week or if the responses were only from one perspective, the idea could be dropped. He inquired how Council would be able to know if the neighbors were willing to work together if they were not asked.

Mayor Walters said she appreciated his idea, but had some concern about those residents who already felt uncomfortable testifying, though direction could be given to staff to pursue that option. The problem had been worked on for a year, and it was clear how contentious it was. She asked for Council's support for directing staff to arrange a fact-finding trip to Skyline Ridge Park and to ask for the neighborhood's interest in mediation.

Councilor Bialostosky said he had been pondering the possibility of reducing the noise to an acceptable level for those neighbors with valid concerns about the noise's negative impact on their lives. He did not, however, know if that was possible. He supported the idea of mediation, but also understood that some residents in Skyline Ridge felt unsafe or uncomfortable due to the contentiousness of the situation. If the solution could be found by gathering more data, he was in support of that also.

Councilor Baumgardner believed it was unfair and unreasonable to kick the can down the road. The question was if it was acceptable for the people who lived around Skyline Ridge Park's pickleball court to be subjected to the noise if a decision was made to keep those courts. Extending the problem would just extend the contentiousness in the neighborhood. The noise from pickleball would still be too loud in the small park close to people's homes.

Councilor Jones stated that if the neighborhood indicated they did not want to problem-solve, he would agree with Councilor Baumgardner's and Council President Relyea's viewpoints that the issue had been litigated enough. Gathering more data, however, would be useful as the issue might arise again elsewhere. It was very important to him to give both sides the opportunity to work something out.

Mayor Walters suggested gathering data on the noise and possible noise abatement, and to then approach the neighborhood to assess their willingness to work with Council on a solution. If none was found, or if noise abatement was shown to be unworkable, Council could decide to let the issue rest and the pickleball courts would remain closed.

Council decided by a majority show-of-hands vote to gather more data through a site visit and sound measurements, followed by approaching the community with its findings to determine if a solution could be found, and to then move off the topic.

Councilor Baumgardner understood Councilor Jones' approach, but believed it disrespected some of the neighbors by pressuring them to come forward, and if a victim did not want to

come forward, they should not be re-victimized by asking if they wanted to join mediation.

Mayor Walters interjected to state that Councilor Baumgardner's comments had become a personal attack on Councilor Jones and asked her to stop.

[City Manager Report \[8:45 pm/10 min\]](#)

[City of West Linn Response to COVID-19 Public Health Emergency](#)

[Diversity, Equity, and Inclusion Update](#)

[Storm Recovery Update](#)

City Manager Gabrielatos noted the Storm Recovery Update had been given by Public Works Director Calvert earlier tonight. Regarding the response to COVID-19, the City Hall was re-opened today. For the DEI Update, he noted he was scheduled to speak with Monique Claiborne of the Kenley Group on Friday.

[City Attorney Report \[8:55 pm/5 min\]](#)

City Attorney Ramis stated he found the questions posed by Deputy City Manager Williams interesting regarding the extent to which a federal government installation like a post office must comply with local zoning law. Staff had made very good use of the practical advice given by counsel, and he was pleased to see the Post Office project in West Linn moving along.

Council President Relyea inquired about the scheduling of an executive session for Council to discuss Oppenlander Field. He apologized for not being present for the discussion on the field earlier in the meeting.

Mayor Walters requested staff schedule an executive session.

[Adjourn \[9:00 pm\]](#)

Draft Notes.



CITY OF
West Linn

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

**WEST LINN
CITY COUNCIL MEETING
NOTES
June 7, 2021**

[Call to Order \[6:00 pm/5 min\]](#)

Council Present:

Mayor Jules Walters, Council President Bill Relyea , Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Staff Present:

City Manager Jerry Gabrielatos, City Recorder Kathy Mollusky, City Attorney Tim Ramis, Deputy City Manager John Williams, Acting Police Chief Peter Mahuna, and Public Works Director Lance Calvert.

[Approval of Agenda \[6:05 pm/5 min\]](#)

Councilor Rory Bialostosky moved to approve the June 7, 2021 West Linn City Council Special Meeting Agenda with the removal of Items 6, 9b, and 9c. Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 4 - 0

Public Comments [6:10 pm/30 min]

Emails re: Pickleball

Rita Crawford, West Linn, detailed the parking problems in the Hoodview Estates neighborhood where she resided, the soft approach to the issue taken by the West Linn Police Department (WLPD), and the inability of the homeowner's association (HOA) to have vehicles towed. She inquired about the City possibly establishing a district parking program to address the problems. City Manager Gabrielatos confirmed he would follow up with her.

Randall Fastabend, Friends of Robinwood Station, West Linn, inquired about the next steps in the approval process for the recent draft agreement for the renovation of Robinwood Station, and what barriers existed to going out for bids for the project. He hoped the project could move quicker to allow for renovations in the fall rather than in the winter.

City Manager Gabrielatos answered that he had received an email from Mr. Fastabend and needed to consult other City staff before responding on the matter and others raised at their last neighborhood association meeting.

Martha Boyce, West Linn, spoke to the dismissals of members of the WLPD but believed it was the bare minimum necessary. The Michael Fesser case was not an isolated incident. Racism had been a part of the WLPD for a very long time and much more needed to be done, such as adopting and funding the recommendations from the Police Oversight and Accountability Task Force. She detailed the changes necessary to create accountability and transparency in the WLPD and to ensure all people of color (POC) would feel comfortable in West Linn. She urged the City Council to take a leadership role in this matter.

Dean Suhr, Friends of Oppenlander Field, West Linn, addressed the purchase option of field from the West Linn School District (WLSD) and the possible November 2021 General Obligation Bond Measure to fund the purchase. He listed the justifications for the purchase and described the history of Oppenlander Field. He offered his group's assistance to Council in the bond measure and purchase process.

Jane Forbes, West Linn, stated she was a member of the Parks and Recreation Advisory Board (PRAB), but believed members of citizen advisory boards were allowed to offer their personal opinions. She lived near Skyline Ridge Park and when the pickleball courts reopened in May 2020, the sound difference was immediately apparent and had a negative impact on the neighbors' quality of life. Parks and Recreation Director Warner's delayed response to Council's order given last fall had prolonged the problems for her, her family activities, and the neighborhood. The neighbors of the park wanted the courts to be used for tennis as they were originally. The proposed sound-blocking measures would be insufficient for pickleball. She urged follow through on Council's decisions from last September and October.

James Boyle, West Linn, noted many studies showed possible mitigation measures to limit

noise from pickleball. He asked Council to reconsider their decision regarding the fast-growing sport and to take actions to encourage the community activity which drew people from a broad range of demographics. He believed people who purchased property near a park should expect noise. He was willing to work with the neighbors on limiting the times for pickleball play.

Jeffrey Bernasconi, West Linn, stated the decision on pickleball at Skyline Ridge had been made months ago. The only open issue was why a City employee was allowed to ignore the instruction of the City Council for months. The original change to the courts from tennis to pickleball was not made with transparency. He had issued multiple noise complaints, but was told the noise level was reasonable. He detailed the history of the issues and actions related to pickleball in Skyline Ridge Park to-date, and spoke to the lack of action from Parks and Recreation on the problems.

Katherine Ferruzzi, West Linn, stated her back fence was 60 ft from the pickleball courts in Skyline Ridge Park. Pickleball had diminished the livability of her property and affected the emotional and physical health of her family. The sport was inappropriate for the small park and was causing friction between neighbors. The Skyline Ridge Neighborhood Association survey did not equally represent all those affected by the issue. She asked that Council's decision be followed by Parks and Recreation staff.

Giulio Ferruzzi, West Linn, stated his property was 60 ft from the Skyline Ridge Park pickleball courts, and distance from the noise generated had a huge impact on his quality of life. He and his family's ability to use their property had been diminished due to the noise. The Neighborhood Association survey did not accurately gather the opinions of all of those who would be affected by the courts' change from tennis to pickleball. Council's decision last fall to return the courts to tennis was not temporary as implied by the letter from Parks and Rec Director Warner in the meeting materials, and his solution to the noise was inadequate. He was shocked by Councilor Jones visit to the neighborhood to gauge the opinions toward pickleball. The Councilor had not visited his home.

Councilor Jones apologized to Mr. Ferruzzi for not speaking to him or his neighbor during his recent visit to query the interest in pickleball. He had knocked on all doors he knew to knock on and when he reached an open field, he stopped. He did not intentionally avoid speaking to anyone.

Kelly Stapp, West Linn, stated she lived across from Skyline Ridge Park and visited it every day with her young children. She and her husband had submitted written testimony multiple times to inform Council they wanted the pickleball courts back. Council had listened to only a few families instead of the neighborhood at large. She had enjoyed playing pickleball with her neighbors and getting to know them better, and her son was confused as to why he cannot play the sport at his park. The tennis courts had been used little, and the pickleball usage had dropped off a bit as other courts opened in the city. Referring to the testimony by others about their diminished quality of life, she noted her and her family's quality of life had been

diminished by a few families and by the City Council removing the pickleball courts from use. The closure of the parks had no legal basis under the City's noise ordinance. She encouraged Council to vote to install the noise abatement and to open the pickleball courts.

Mark Liang, West Linn, stated his house was about 50 ft away from the pickleball courts at Skyline Ridge Park. He was a member of the American Pickleball Association and had participated in tournaments. The West Linn Parks Master Plan spoke to multi-use parks being at least 10 acres in size, but this park was only a little over 1 acre. He did not blame his neighbors for wanting to play pickleball across the street from their homes, but believed having pickleball in Skyline Ridge Park violated the property owners' rights to use their land in quiet enjoyment. The Parks and Rec Department and Council should follow the guidelines in the Parks Master Plan.

Lisa Steenson, West Linn, stated she lived about four houses from Skyline Ridge Park. The park was an anchor and a place for connection for the community. Pickleball was a great sport and was accessible and affordable, and she was very disappointed it was taken away. She was not concerned about traffic near the park and hoped that sound barrier would be installed.

John Busch, West Linn, stated he supported pickleball, but not in historically peaceful neighborhood parks which were not developed for the purpose. He and his family had enjoyed the park for many years. Noise had not been a problem until the pickleball courts were installed last year; now it was consistent and removed the ability for them to enjoy time outdoors at their home. The dispute had fractured the neighborhood. Nobody's quality of life would be diminished by not playing pickleball because they could play at other courts nearby. Emotional and physical health could be impacted by pickleball as shown in other areas of the country, and property values could be affected negatively by the noise.

Ann Busch, West Linn, stated one house was located between hers and the Skyline Ridge Park tennis courts. When she moved there, she expected typical park noise from tennis and children playing. The peace and cohesiveness of the neighborhood changed when the pickleball courts were added. A neighbor had decided not to testify tonight out of fear of retaliation and she feared the same. She had witnessed bullying tactics. She understood some people were passionate about pickleball, but the downsides were noise, increased traffic, inadequate parking, and the lack of restrooms. The repetitive percussive noise could be heard inside her home for up to 14 hours a day. Many homes that abutted the park were not a part of the Skyline Ridge Neighborhood Association and would not have taken part in the survey about pickleball. She requested the City follow through on last fall's decision to remove the pickleball courts.

Tim Hoffman, West Linn, was in favor of reinstating the pickleball and tennis courts in Skyline Ridge Park. The variety of options the park offers was something he had enjoyed since the purchase of his home at the inception of the Skyline Ridge development. The noise generated from pickleball equaled that of a normal conversation. The parking issues could be minimized by installing No Parking signs, and children should know not to run in the streets. Kids involved

in intramural sports also used the park. Only two pickleball courts were available, so only eight people could play at one time. The lack of restrooms had always been an issue, but was not related to pickleball. He suggested an open forum at the park where people could listen to the sounds. He believed they would then be a little more open-minded. He asked Council to listen to the majority of home owners.

Stacia Nilson, West Linn, stated the contact list for the Skyline Ridge neighborhood was incomplete. The change in the neighborhood in the last five to six years has been dramatic as turnover has been higher and families with younger children have moved in. It was necessary to do another survey to capture voices from more households. Skyline Ridge was actively working on updating the contact information due to the high turnover. Pickleball was not going away. She was aware sound abatement materials had been purchased, but did not understand why it had not been tried.

[Announcements, Proclamations, and Recognitions \[6:40 pm/15 min\]](#)

[Juneteenth Proclamation](#)

[Proclamation](#)

Councilor Baumgardner read the Juneteenth Proclamation and encouraged all community members to join in this observance.

[LGBTQ+ Pride Month Proclamation](#)

[Proclamation](#)

Councilor Jones read the Proclamation, declaring June as LGBTQ+ Pride Month in the City of West Linn.

[Agenda Bill 2021-06-07-01: Lake Oswego Communications \(LOCOM Intergovernmental Agreement \[6:55 pm/15 min\]](#)

[LOCOM IGA Information](#)

Acting Police Chief Mahuna provided background on the two available dispatch services: C-COM from Clackamas County and LOCOM from Lake Oswego. Due to the availability of 911 tax funds, the service would cost the City about \$323,000, less than the more than \$400,000 it had cost last year. He described the financial, size, and level of service differences between the two systems, and specified the advantages of LOCOM to West Linn, such as speed in answering 911 calls and increased options for dispatching. He clarified the difference between the contract amount of \$580,000 in the meeting materials and the stated cost of \$323,000 was due to LOCOM subtracting the portion of the 911 tax to be provided to West Linn. He believed the cost would be paid in installments and that the 911 tax was disbursed to the City several times throughout the year.

Council President Relyea expressed concern that, while the information did not appear to state how many calls made up the baseline, it did state that if the baseline exceeded the previous

year by 15 percent, then a charge would be made in addition to the contract amount.

Acting Police Chief Mahuna replied that he did not know the answer, but would clarify with LOCOM. Last year, because of COVID-19, the call rate was very low. With the opening up happening, he expected calls for service would increase to the 20,000 range, as seen in 2019.

Councilor Baumgardner said she would like the questions answered before Council voted on the matter. She wanted to know how each service addressed calls that were racist in nature and whether such calls would result in a difference in service. She would also like to look further into the difference in protocols before making a selection. She had heard a POC, a West African immigrant who had lived in West Linn for many years, had been confronted by the police in the Public Library parking lot where he was sitting in his car waiting for his wife. When she inquired what could be done to keep that from happening, she was told that when a community member called about a suspicious person, the police had to go talk to the person. She was not placing blame, but believed something needed to be done to prevent harm from racial profiling. She wanted to know if any data was available to compare C-COM and LOCOM.

Acting Police Chief Mahuna replied he was unsure if LOCOM had a protocol dealing with that issue, but he would follow up with them. Some jurisdictions would ask specific questions why the caller believed the person was suspicious to determine whether the call was related to the color of the person's skin.

Councilor Bialostosky noted he was scrutinizing the contract due to its four-year length. The question stated in the Agenda Bill was whether continuing the contract with LOCOM was in the best interests of the City of West Linn. He did not know the answer to that question because he had not seen a cost comparison between the two services, and he would like to know what he would be rejecting by not selecting C-COM. Also, he would like to give Clackamas County an opportunity to provide some context to the statements about call time and other information provided by the Chief regarding dispatching. He could not vote in good conscience to spend the money without knowing the cost comparison, pros and cons of each service, and without further discussion as Council. He understood the City had a good relationship with LOCOM and the Lake Oswego Police Department (LOPD), but wanted to keep that and the business side separate because the service was paid for by tax dollars.

Council President Relyea preferred to hold off on voting on this Agenda Bill at least until the next Council meeting to give LOCOM a chance to respond with more information on what comprised the baseline. What the City would be receiving for its money was unclear, and he did not feel comfortable signing a contract without that knowledge.

Mayor Walters pointed out an email had been sent last week by the City Manager requesting any questions from the Councilors for Acting Police Chief Mahuna be sent to him in advance, so the Chief could come to the meeting with answers. The contract needed to be signed in the next few weeks. Council could vote next week as well.

Acting Police Chief Mahuna clarified that LOCOM would be more expensive than C-COM based on the information provided from surrounding cities as stated in the email. The determining factor would be the level of service wanted and expected of the WLPD by the citizens of West Linn. It would be necessary to pay more for more service. He would be prepared with answers for the Council meeting next week, but was unsure if C-COM could provide a bid in a week. His rough estimate based on the city's population was \$300,000, but he would try to get confirmation from C-COM.

6. Policing Update [7:10 pm/20 min]

This item was removed from the agenda.

Ice Storm Recovery and Next Steps [7:30 pm/30 min]

Ice Storm Debris Information

Public Works Director Calvert provided a brief overview of the information on this Agenda Item, noting more detail was included in the meeting packet. He provided the background on the February ice storm, its impacts, and the City's response. The company being considered for debris had storage capacity at their facility but did not have trucking capability, so a hauler was being sought, but finding one was proving difficult due to the amount of debris to be moved and the limited number of contractors available.

- Also included in the meeting packet was a post-ice storm street tree inventory map to show the scale and location of the tree damage, which he described in some detail. Of the trees that were inventoried, over 1,300 were lost, about one third of the city's street trees, and it was estimated that 1,600 trees needed replacing. A little bit of funding was available in the Street Fund for the replacement of trees and for stump removal on some of the islands maintained by the City, but no additional budget was available for removal and replacement of trees on private property. The estimate on stump removal and replacing the trees was \$2 million. No federal funds were available for tree replacements. The length of time for restoration work and tree replacement was estimated at two to four years.
- The process was underway to obtain a 75 percent reimbursement from the Federal Emergency Management Agency (FEMA) for the debris cleanup and removal. He confirmed that staff were actively working on solving the debris removal issue quickly and frugally, and asked for Council's input on the next steps for addressing the issue.

Mayor Walters noted the packet contained a recommendation from staff for the Council to give direction to identify a source of public funding for street canopy restoration and associated tasks.

Council President Relyea agreed with staff's recommendation. The Code anticipated normal tree maintenance to be done by the adjacent home owners, but the damage from the ice storm far exceeded normal conditions. The Code required the trees to be located there, and the homeowners did not have a choice in determining if the trees should be there, therefore

he believed the City had some responsibility to help the community members. He recommended a phase approach to the restoration and replacement of trees, starting with areas where the streets, curbs, and sidewalks had significant damage, followed by stump grinding, and then an assessment of the need to replace the trees according to what the City could afford, to include possibly reaching out to the homeowners to ask if they would like to contribute to the replacement cost, or to do a fundraiser.

Councilor Baumgardner agreed with the street tree canopy replacement, but shared the fire-hazard concerns about the debris piles.

City Manager Gabrielatos noted the updates provided by Public Works Director Calvert would also be available to the public on the City's website, and staff would keep the public updated on the progress with the debris piles.

Council gave direction to staff to create a plan for a program to identify public funding for the tree canopy restoration.

Public Works Director Calvert assured that the debris removal and other tasks associated with the damage from the ice storm would continue. Weather would also determine when some of the work could be done.

[Preview of June 14 Agenda \[8:00 pm/30 min\]](#)

June 14 Agenda

City Manager Gabrielatos noted several matters on the June 14th City Council Meeting Agenda concerned the formal adoption of the budget.

Deputy City Manager Williams stated additional items on the June 14th agenda included the Willamette Falls Dr Charter-required ballot measures for the work on the roadway and improvement of park properties. The property owned by the City at 3955 Cedar Oak Dr, located in the middle of the street next to the creek, could be sold and would accommodate a single-family home.

Public Works Director Calvert stated the amount of the bids for the road program was increasing. He would be attending a meeting on the matter.

[Mayor and Council Reports \[8:30 pm/15 min\]](#)

Post Office Update

Deputy City Manager Williams noted the USPS had obtained a lease for a post office at the Cascade Shopping Center. The process was ultimately a transaction between the Post Office and the property owner who had reached out, although the City had worked with the USPS for many years in an attempt to find locations. The City's role at this point was to expedite the

permits and work to prepare the new location for the Post Office to occupy. Some businesses would be relocated to accommodate the Post Office, and the City was assisting in any way it could. Members of the community had commented the City should not have allowed the businesses to move; however, the City did not control that type of leasing arrangement. He recognized Shatrine Krake from the Chamber for her work on solutions to the issue. Due to materials, contractors, and other items being difficult to come by, the estimated completion date of late fall might be too optimistic. Staff would keep Council informed on the timeline. Council agreed to remove the Post Office item from future agendas and to receive updates from staff as needed.

b. Citizen Advisory Group Appointments

This item was removed from the agenda.

c. Equity Statement & Equity Plan for Council

This item was removed from the agenda.

[Skyline Ridge Pickleball Courts](#)

[Skyline Ridge Information](#)

Deputy City Manager Williams stated he was filling in for Parks and Recreation Director Warner tonight, and acknowledged that Director Warner had been responsible for the work on the pickleball court matter to-date. Information on the timeline and communications of interest received were included in the meeting packet. He briefly reviewed the history of the issue leading up to Council's decision in September 2020 to remove the pickleball courts, and what had taken place since. The recommendation was to return to Skyline Ridge Park for further sound testing and to discuss the sound abatement systems that were purchased. Staff was asking for Council's direction on how to proceed. Typically, such decisions were made on an administrative level, but because Council had already made a decision last fall, any changes to it needed to be made by Council.

Mayor Walters confirmed the letters of testimony received from the public were available on the City's website, and that all letters of testimony received became part of the public record.

Councilor Baumgardner stated the City needed to have a better siting and vetting process for activities that potentially could cause noise issues to avoid having residents in a neighborhood becoming pitted against each other. She had also shared her opinion at the PRAB meeting last year. She was disappointed the issue had come up again.

Councilor Bialostosky noted it was difficult to secure a conviction under the noise ordinance in Municipal Court when the standard was "reasonable" noise. He asked if decibel levels could be stated in the Municipal Code to provide an objective standard so no doubt would exist when those levels were exceeded.

City Attorney Ramis noted the City's noise ordinance had been developed at a time when the City had relied more heavily on the Department of Environmental Quality (DEQ) to enforce noise standards. DEQ had specific decibel limits and an enforcement program but, due to budget cuts, it no longer had that role. He confirmed the City could adopt specific standards for decibel levels which would be much easier to enforce; however, it would take time to change the Code and would be a policy decision for Council to determine if now was the appropriate time to do so.

Councilor Jones ~~explained~~ read the following statement:

2021 Skyline Ridge Pickleball History

The week of February 22 council received a couple emails from Skyline Ridge (SR) residents requesting pickle ball (PB) be reinstated at the park. On February 28 I walked streets in closest proximity to the sport court and asked residents whether they wanted PB on the court. Where I found people home, 8 said yes, 4 said no. Of the 8 households saying yes, 4 are among 5 homes in closest proximity to the court.

On May 10 four SR residents emailed Council inquiring about the status of PB at the park. This spurred me to contact the SR NA President, Ryan Kling, to learn his perspective on the history of the discussion. Mr. Kling forwarded me the results of a neighborhood survey in which 37 residents said yes to PB at SR park, and 13 said no. (Note: At least one SR resident questions the validity of this survey.) At a following City Council meeting, I requested publicly that Council discuss the topic at an upcoming meeting.

Concerns Raised About Pickleball

A resident says sound-blocking material on the fence surrounding the courts will not adequately block sound because some nearby home levels lie higher than the top of the fence.

A resident says the “noise we have measured to be beyond tolerable and even damaging if exposed to for long periods of time.” This resident has “taken dozens of noise readings using the National Institutes of Health application and found them to be beyond reasonable limits.” Further, the resident says “qualitative evidence exists that the noise is intolerable in our home’s outside and inside spaces.”

A resident says that “noise starts well before 8:00 am and continues intermittently until dusk.”

A resident says home windows 60’ from the courts and cites an unnamed source recommending that “courts located within 150’ (of residential properties) require careful abatement.” Resident also contends that direction of courts directs noise toward their home.

A resident says more people are opposed to PB at SR park than express so out of fear and frustration. Resident reported to Council in October that “nine homes adjacent to the park and from all four sides of the courts have voiced concerns to the parks department about the noise, traffic and behavior problems which began only when pickleball opened.”

A resident says PB players have defied Parks Department postings on use of the courts and that they have been harassed by PB proponents for their opposition to PB at SR park.

A resident says sound mitigation will be intolerably expensive for the city.

Information Shared by City Staff

City Manager reports that city code does not specify acceptable noise levels in quantifiable decibel measurements, instead making multiple references to qualitative “reasonable” levels of noise. See www.codepublishing.com/OR/WestLinn/html/WestLinn05.html#5.487.

Former Community Service Officer Cole Bateman noted in July that Exemptions of WLMC Section 5.487 Sound Levels and Noise lists (g) “Outdoor School and Playground Activities. Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used” exempts the noise from the pickle ball court and park from city noise ordinances.

Former Community Service Officer Cole Bateman noted in August that he used a Police Department decibel reader “to get an idea of how loud the (PB) noise was.” He “recalled” that the majority of the readings were in the mid-60s and that, “This was with the background noise of the truck.”

The Parks Department director has sound-mitigating material on hand with which court fencing could be lined.

Information I Gathered via Online Research

A neighborhood in Santa Rose, California conducted a study of PB noise centered on 24 players using six courts. It measured noise levels at nearest property lines and patios/decks adjacent to the courts. It found ambient sound levels measuring 40-48 dB, and pickleball sound levels measuring 43-49 dB. (oakmontvillage.com)

A presumably pro-pickleball website says that ambient sound generally is 40-48 dB at public parks and that adding pickleball to that space adds 18-20 dB of sound, for a total of 58-68 dB for pickleball. The site contends that a “normal conversation” is 60-70 dB. (pickleballdrive.com) The CDC confirms that “normal conversation” is about 60 dB.

Portland State University reports that quiet suburban neighborhoods experience ambient noise levels of approximately 45-50 dB. (www.noisequest.psu.edu)

The National Institutes of Health say sounds at or below 70 dB are generally considered safe. (noisyplanet.nidcd.nih.gov/parents/too-loud-too-long)

A noise-mitigation vendor, acoustiblok.com, claims that, from 50-away, with no sound curtain, PB registers 64-71 dB, and with Acoustifence sound curtain, reduces PB sound to 54-59 dB. Vendor claims that this 11 dB reduction is equivalent to a 50% reduction in sound as perceived by the human ear.

A resident urged the Parks Board in October to recommend to Council to permanently ban PB on the SR courts, saying, "The upcoming election will change the City Council and possible Parks and Recreation Advisory Board, thus possibly forcing the issue to start over with new members." They were right. That is what has occurred. They added, "No one wants to start over on this topic." Respectfully, I disagree. Judging by the emails received by Council this winter and spring, a number of residents do want to continue the discussion.

Over the past week a couple people asked me why I'm asking the Council to discuss this. I assure you I have no personal vested interest in pickleball, although I will note that I have played twice over the past few months. I also assure you I am not carrying water for any particular individual or household in Skyline Ridge. I simply want to be responsive to people who have reached out to us with a request, people, I will add, I do not know personally.

A SR resident who wants pickleball at the park said in an email this week, "Good luck to you on this one! No one wins, I promise." My concern with that statement is that it presumes this is about winning and losing. It's not to me. I vow to you that I will never approach my work as a City Councilor in terms of winning and losing. My only interest is working with you to address issues and better our city.

Here's what I believe. I believe in every person who has contacted us over this issue, be they for or against pickleball. I believe you are reasonable and caring people, and that you can work together to find solutions that all can live with and abide by.

In an email last summer, when PB was being played on the SR court, a resident adamantly opposed to it wrote of "simple and proactive solutions" like signs and locked gates, suggesting that this person is willing to seek reasonable ways to address residents' concerns. In that spirit, I am interested in us asking staff to work with SR residents for and against PB at the park to identify and trial fixes to some residents' concerns, and I invite the good people of SR to participate in this process.

Why he had asked for this item to be placed on the agenda, noting he was not appointed to Council until February. During his first week, emails had been received from residents living near the park requesting that pickleball be reinstated. Being unaware of the situation at the time, he walked the streets on a Sunday in close proximity to the courts intending to ask residents if they wanted pickleball to be allowed there. He knocked on the doors of at least 20 homes and, of those that were home, eight said they wanted pickleball and four said "no." Of the eight who said "yes," he noted four were among five homes in close proximity to the court on the east side. As he stated earlier in the meeting, he regretted not noticing that some homes were located behind the park that were also in close proximity.

On May 10th, four residents living near the courts emailed Council inquiring about the status of pickleball in the park, and that spurred him to contact the Skyline Ridge Neighborhood Association President, Ryan Kling, to gain his perspective. Mr. Kling forwarded the results of a neighborhood survey that many at tonight's meeting were aware of, but it had been new to

him. Thirty-seven residents stated they wanted pickleball, and thirteen said they did not. He then requested that Council discuss the matter at an upcoming meeting.

In the past week or so, he had educated himself on the topic and learned that a number of concerns had been raised by Skyline Ridge residents about pickleball. He pointed out that the information he would share had been compiled on Saturday, well before tonight's meeting. Some residents contended that the sound-blocking material on the fence would not be adequate for the homes that were higher than the fence, and that sound mitigation would be expensive for the City.

A resident had stated they had taken dozens of noise readings using the National Institutes of Health (NIH) application and suggested the noise level could be damaging over long periods of time. The resident further stated the noise was intolerable outside and inside their home, a complaint also heard from others tonight.

Although he did not recall the source, he remembered from his research that noise abatement needed to be done carefully for homes 150 ft away from pickleball courts. As heard in testimony tonight, some Skyline Ridge homes were 60 ft away. Also noted tonight was the impact of noise based on the courts' orientation to a home.

Some reports were heard about improper or harassing behavior from pickleball players toward homeowners. He found such behavior despicable.

As heard earlier, the Municipal Code was not specific regarding noise levels, but rather referred to them as "reasonable." Section 5.487.5.g stated reasonable activities conducted on public playgrounds and public and private school grounds which were conducted in accordance with the manner in which such spaces are generally used were exempt from City Noise Ordinances. That applied to pickleball. Officer Bateman had used a WLPD decibel reader which showed the noise levels to be in the mid-60s along with the background noise from his truck. A study from Santa Rosa, CA, had measured noise levels at the nearest property lines, patios, and decks, and found ambient sound at 40 to 48 dB, and pickleball sound levels measuring 43 to 49 dB. A website he had located stated pickleball added about 18 to 20 dB to the ambient noise level for a total of 58 to 68 dB. Normal conversation was about 60 dB.

Portland State University reported that quiet, suburban neighborhoods experienced ambient noise levels of approximately 45 to 50 dB. NIH stated that sounds at or below 70 dB were generally considered safe.

Acoustiblok.com claimed that from 50 ft away with no sound curtain, pickleball registered 64 to 71 dB, and their Acoustifence sound curtain reduced the sound to 54 to 59 dB, which they claim was a 50 percent reduction in sound perceived by the human ear.

In conclusion, he stated he understood the perspective of the homeowner who did not want the issue to start over with a new Council and new PRAB. Respectfully, he disagreed; the emails received by the City this winter and spring showed a number of residents who wanted to continue the discussion.

He assured he had no personal, vested interest in pickleball and was neither for nor against it at Skyline Ridge Park. He was not advocating on behalf of anyone who lived near the park, but wanted to be responsible to those who had reached out to Council. A resident who wanted pickleball at the park stated in an email last week that no one would win. He was concerned the issue was perceived as winning or losing, and he would never approach his work as a

~~Councilor that way. His only interest was to work with the other Councilors to address issues and better the city.~~

~~He believed all who had commented on the issue were reasonable and caring people and could work together to find solutions. He suggested inviting residents who used the parks to participate with City staff, or an independent mediator, to identify and try fixes to some residents' concerns. An invitation could be sent to see who was willing to participate, give those opposed a fresh opportunity to make clear their concerns about having pickleball in vicinity of their homes. Those interested in pickleball should have an opportunity to respond to the concerns and to propose potential fixes to be trialed, but not made permanent. Afterward, those opposed should be given another opportunity to see if another round of negotiation would help. He believed that an attempt should be made to find something that worked for both groups, though it might not be 100 percent correct for either.~~

~~To those who expressed dismay that he had raised the issue again he sincerely apologized, noting that was in no way his intent. However, he did not regret bringing it up because he believed it was City Council's responsibility to address concerns brought to it. He believed everyone had the capacity and capability to work together to solve problems.~~

Council President Relyea suggested Council consider the law regarding nuisance. Nuisance precluded someone from quiet enjoyment of their land and a lawsuit could be brought regarding the loss of property rights. The court typically used a balancing test to determine whether the activity rose to the level of a nuisance, which required a determination of the extent and severity of the harm caused by the activity that outweighed its social value. Pickleball could be played at regional parks, schools, and other locations, and he did not believe anyone was against pickleball. However, he believed the public in this case was stating that those who lived adjacent to Skyline Ridge Park had never envisioned that pickleball would be played there, and the level of noise kept them from opening their windows and enjoying the breeze while they worked from home due to COVID-19 or because their employers encouraged it. Working from home was not breaking the law and stating it did represent a misdirected sense of values. The issue had been discussed at length and he did not believe it should be revisited.

Mayor Walters said she would like more data and requested a proper quantitative survey of the neighborhood by the City to provide a more accurate sample. Also, she requested the Acoustifence be installed and that Council visit the park with equipment to measure the decibel level. She agreed the initial decision should have been made by City staff and not by Council but, under the circumstances, she believed Council should due its due diligence to get the correct information.

Councilor Baumgardner stated the actions suggested by Mayor Walters had already been done. The majority of people Council had heard from wanted pickleball because they did not live next door to the courts. Council had seen a video showing the impacts, and she did not believe the majority should rule in this case. Of course, fewer people lived next door to the

courts, and she believed they should not be asked to accept a decision that rendered impossible the enjoyment of their property, whereas finding a suitable location for pickleball would be more appropriate and easier to do. The Municipal Code should also be updated with clear and objective language.

Mayor Walters acknowledged that Councilor Baumgardner had told her of a visit to the Skyline Ridge Park pickleball courts and that she found the noise very loud. She would, however, still prefer having all the facts and then moving forward. People in Tanner Creek also lived next to pickleball courts. She was a big proponent of an indoor recreation center in West Linn, and pickleball could be installed there.

Councilor Baumgardner noted Acoustifence was installed in George Rogers Park, and she had visited there last year. It was an excellent example, because the street parking was located higher than the courts, like a two-story house would be. The difference in noise level was negligible, which was why she had not recommended the purchase of Acoustifence when she was on the PRAB. She believed moving the courts to a more acceptable location would relieve the problem.

Councilor Jones asked for other Councilors' opinions on mediation. It did not have to be a lengthy or bureaucratic process, but simply to ask if the neighbors were willing to have a conversation. If no response was received in a week or if the responses were only from one perspective, the idea could be dropped. He inquired how Council would be able to know if the neighbors were willing to work together if they were not asked.

Mayor Walters said she appreciated his idea, but had some concern about those residents who already felt uncomfortable testifying, though direction could be given to staff to pursue that option. The problem had been worked on for a year, and it was clear how contentious it was. She asked for Council's support for directing staff to arrange a fact-finding trip to Skyline Ridge Park and to ask for the neighborhood's interest in mediation.

Councilor Bialostosky said he had been pondering the possibility of reducing the noise to an acceptable level for those neighbors with valid concerns about the noise's negative impact on their lives. He did not, however, know if that was possible. He supported the idea of mediation, but also understood that some residents in Skyline Ridge felt unsafe or uncomfortable due to the contentiousness of the situation. If the solution could be found by gathering more data, he was in support of that also.

Councilor Baumgardner believed it was unfair and unreasonable to kick the can down the road. The question was if it was acceptable for the people who lived around Skyline Ridge Park's pickleball court to be subjected to the noise if a decision was made to keep those courts.

Extending the problem would just extend the contentiousness in the neighborhood. The noise from pickleball would still be too loud in the small park close to people's homes.

Councilor Jones stated that if the neighborhood indicated they did not want to problem-solve, he would agree with Councilor Baumgardner's and Council President Relyea's viewpoints that the issue had been litigated enough. Gathering more data, however, would be useful as the issue might arise again elsewhere. It was very important to him to give both sides the opportunity to work something out.

Mayor Walters suggested gathering data on the noise and possible noise abatement, and to then approach the neighborhood to assess their willingness to work with Council on a solution. If none was found, or if noise abatement was shown to be unworkable, Council could decide to let the issue rest and the pickleball courts would remain closed.

Council decided by a majority show-of-hands vote to gather more data through a site visit and sound measurements, followed by approaching the community with its findings to determine if a solution could be found, and to then move off the topic.

Councilor Baumgardner understood Councilor Jones' approach, but believed it disrespected some of the neighbors by pressuring them to come forward, and if a victim did not want to come forward, they should not be re-victimized by asking if they wanted to join mediation.

[Mayor Walters ended the conversation.](#)

~~Mayor Walters interjected to state that Councilor Baumgardner's comments had become a personal attack on Councilor Jones and asked her to stop.~~

[City Manager Report \[8:45 pm/10 min\]](#)

[City of West Linn Response to COVID-19 Public Health Emergency](#)

[Diversity, Equity, and Inclusion Update](#)

[Storm Recovery Update](#)

City Manager Gabrielatos noted the Storm Recovery Update had been given by Public Works Director Calvert earlier tonight. Regarding the response to COVID-19, the City Hall was re-opened today. For the DEI Update, he noted he was scheduled to speak with Monique Claiborne of the Kenley Group on Friday.

[City Attorney Report \[8:55 pm/5 min\]](#)

City Attorney Ramis stated he found the questions posed by Deputy City Manager Williams interesting regarding the extent to which a federal government installation like a post office must comply with local zoning law. Staff had made very good use of the practical advice given

by counsel, and he was pleased to see the Post Office project in West Linn moving along.

Council President Relyea inquired about the scheduling of an executive session for Council to discuss Oppenlander Field. He apologized for not being present for the discussion on the field earlier in the meeting.

Mayor Walters requested staff schedule an executive session.

[Adjourn \[9:00 pm\]](#)

Draft Notes.

DRAFT

Agenda Bill 2021-08-16-03

Date Prepared: August 9, 2021

For Meeting Date: August 16, 2021

To: Jules Walters, Mayor
West Linn City Council

From: Jerry Gabrielatos, City Manager *JG*

Subject: Street Tree Storm Restoration Funding Survey

Purpose:

To receive feedback on the survey requested by Council related to street tree storm restoration.

Question(s) for Council:

1. Is the provided survey ready to be distributed publicly or would the Council like to provide further feedback?

Public Hearing Required:

None required.

Background & Discussion:

Council provided direction to create a survey to gather public input on funding street tree restoration from the historic winter ice storm. There is not available funding for this unanticipated work in the City's current approved biennial budget. The ice storm caused damage of a magnitude requiring a review of options outside standard code requirements as there are community benefits from a uniform street tree canopy.

Despite the large scale of restoration and the many complexities in details of the resulting project, we designed the survey to be as quick and understandable as possible, with the goal of providing Council the needed data to move to the next step in the restoration process. This survey gets at the question of should affected property owners pay individually or should the cost be shared among the community as a new temporary fee on utility bills. Current City Municipal Code [8.750F](#) requires adjacent property owners to prune, maintain, and replace damaged or dead street trees at their own cost under the street tree permitting process or by paying the City a fee to perform the replacement for them. The City does not have current code enforcement capacity to ensure all hazard street trees removed during the storm are replaced by adjacent owners due to the scope of removed trees--approximately one-third of the City's street tree canopy.

Street tree storm restoration includes tree trimming, stump grinding, tree replanting, and contracted professional services to manage a citywide process. These functions are broken down on the following page.

Street tree trimming:

Deferred maintenance by adjacent property owners, coupled with the recent ice storms and heat waves have exacerbated the need to prune low hanging street trees as they are creating an impediment to traffic in some areas and leading to other maintenance issues. We have done public outreach reminding adjacent owners to prune, but have not yet seen a noticeable change. Our street sweeper cannot adequately clean roadways and areas around catch basins due to overhanging branches in many areas of the City--this will lead to storm drainage issues in the coming months as rains return. Contracted citywide street tree trimming would cost approximately \$350,000.

Street Tree Stump Grinding:

Stump grinding is a main priority to remove hazards and further clean up from the storm. Grinding would only be of the stump to a few inches below grade so roots and the remaining stump will require tree replanting to be offset. Stump removal is estimated at \$250/tree @ 1,600 trees=\$400,000.

Street Tree Replanting:

Replanting includes tree purchase, delivery, labor, and all associated work and is estimated at \$350/tree @ 1,500 trees=\$525,000. Tree choices would be carefully selected in coordination with the City Arborist to ensure longevity and reduction of future issues.

Contracted Professional Services:

\$50,000 in professional services to manage a citywide restoration project may include tracking, documentation, contractor payment, billing property owners, contact with property owners, and dealing with details and issues as they arise.

Budget Impact:

\$1.325M total for all needed tree trimming, stump grinding, and replanting options. Monthly temporary street tree fees could be reduced for low income billing customers.

Sustainability Impact:

Street trees are a mainstay of our urban landscape and provide shade, have cooling effects, improve air quality, and reduce stormwater runoff.

Council Goal/Priority:

Council Goals #2 and #3 related to maintaining livability, sustainability, and a healthy environment for all.

Council Options:

Provide feedback on survey and survey timeline or offer alternate suggestions for next steps on storm restoration.

Potential Motion:

Move to approve the survey for public input for a period of 3 weeks.

Attachments:

Street Tree Storm Recovery Survey is provided below

Ice Storm Restoration

How should the City fund street tree restoration from the Winter Storm?

The historic ice storm we experienced earlier this year caused unprecedented damage across the entire City of West Linn. The magnitude of the storm requires a more comprehensive look at street tree restoration as the entire city benefits from consistent replacement of street trees as a valued part of our community's reputation for hills, trees, and rivers. We are looking for community feedback on storm recovery options.

It's estimated that one-third of the City's street tree canopy was lost during the storm. This leaves 1,600 stumps that need to be ground down and 1,500 street trees needing to be replanted. Total estimated cost for tree trimming, stump grinding, tree replanting, and labor is roughly \$1.3 million dollars. How should West Linn City Council approach storm restoration?

*** 1. Please select from the following options:**

Option 1: Should property owners fully fund street tree storm restoration, including low hanging branch trimming, stump removal and tree replanting in their adjacent right of way at their own individual cost per city code?

OR

Option 2: Should street tree restoration be funded through an additional, temporary storm recovery fee (*see cost amounts below*) on all utility ratepayers? These funds would be used to have City staff and contractors complete the low hanging branch trimming, stump removal, and tree replanting. Once the trees were replanted, the adjacent property owner maintenance responsibilities in City Code 8.720F would apply.

- Option 1:** Individual affected property owners fully fund storm restoration.
- Option 2:** Restoration should be funded through a temporary storm restoration fee on all utility ratepayers.

Other (please specify)

*** 2. If the answer above was "Restoration should be funded through a temporary storm restoration fee on all utility ratepayers" - how many years should the fee be structured over?**

- One year temporary fee of approximately \$13 a month.
- Two year temporary fee of approximately \$6.50 a month.
- Three year temporary fee of approximately \$4.25 month.
- N/A - I think the responsibility should be on property owners.

* 3. How important is the City's street tree canopy to you?

Not important	Somewhat important	Neutral	Important	Very Important
<input type="radio"/>				

4. Please provide any reasoning on your choices above and/or any additional comments you have on street tree storm restoration and funding that may help Council in their decision making process

* 5. Neighborhood ([I don't know my neighborhood association](#))

Done



Agenda Bill 2021-08-16-04

Date Prepared: July 25, 2021

For Meeting Date: August 2, 2021

To: Jules Walters, Mayor
West Linn City Council

From: Jerry Gabrielatos, City Manager JG

Subject: Council Email Autoreply

Purpose

To provide an immediate and positive response to people who contact the City Council via email so they know their email was received and how it will be managed.

Question(s) for Council:

Would Council like to turn on this Council email autoreply feature?

Public Hearing Required:

None required.

Background & Discussion:

Emails sent to citycouncil@westlinnoregon.gov are received by the Mayor and Council, as well as the City Manager, Deputy City Manager, Assistant to the City Manager and City Recorder. When the subject of the email concerns a request for service, staff will send it to the appropriate department for resolution. A member of that department will respond directly to the constituent. Staff does not respond if the matter concerns a policy issue. The creation of an auto-reply, however, will inform the sender of the email that it has been received and how the Council, and staff, may respond.

Following is the suggested email autoreply text:

Thank you for contacting the West Linn City Council. We will process your email in one of two ways:

1. Comments Regarding Policy Issues before the Council:

If you are providing comments regarding City policy, the Mayor and Council have received your email and will take your information into consideration when deliberating or deciding to take up new issues. Individual Councilors may respond to you, however the full Council cannot take part in back-and-forth email communications. Due to public meeting law, Council decision making must take place in a public forum.

2. Requests for Service:

If you are requesting assistance on a City operational issue, Administration staff will respond and direct your message to the appropriate department staff person for follow up.

COVID-19 Impacts:

Due to the current public health emergency, the City Council is meeting virtually. We welcome your comments through email or through virtual participation at an upcoming Council meeting. Please check our [meetings webpage](#) for our upcoming agendas and more information on how to sign up to speak at a public meeting. City buildings are open to the public and staff remain available and ready to assist you with your needs by phone, email, or through online services if you prefer— learn about COVID-19 operations and how to [connect with our staff here](#).

Public involvement is essential to the City’s work and improvement of our community. We value your input and thank you again for taking the time to connect with us!

<<City Council signature contact block>>

Alternate language once we return to in person meetings:

COVID-19 Impacts:

Council meetings are currently being held in person with the option for remote participation in order to ensure our public meetings are accessible, convenient, and available to everyone. We welcome your comments through email, in person, or through virtual participation at an upcoming Council meeting. Please check our [meetings webpage](#) for our upcoming agendas and more information on how to sign up to speak at a public meeting. City buildings are open to the public and staff remain available and ready to assist you with your needs by phone, email, or through online services if you prefer— learn about COVID-19 operations and how to [connect with our staff here](#).

Budget Impact:

\$0

Sustainability Impact:

N/A

Council Goal/Priority:

Council Goal #4

Council Options:

1. Approve use of the autoreply text provided or as modified by Council.
2. Do not use the autoreply feature.

Staff Recommendation:

Staff recommends use of the autoreply.

Potential Motion:

Move to approve use of the Council email autoreply.

For consideration during City Council Meeting -Item 6.b. Main Street Fountain discussion

August 16, 2021

Mayor and City Council

My name is John Boyd and I am a member of the Willamette neighborhood association but not speaking on their behalf.

My comments address a proposed Willamette fountain on Willamette Falls Drive. It is my understanding that this fountain has or may soon be purchased for installation soon as part of the road improvements to Willamette Falls Drive.

Respectfully, a project that included a statue and a budget funding the construction (for statuary) does not usurp the review process. It is my understanding the process was not followed and I make this assertion based on these questions.

My questions for council are

- Has this statue been presented to the Main Street Group for their comments?
- Have those comments been forwarded to the Arts and Culture commission who is responsible for approving public art and culture?
- Have you considered obtaining comments from the Historic Resource Commission regarding the type of statue and the content suggestions for the base?
- Has the concept and content for the statue (along with the comments received to date from the reviewing commissions) been presented to the Willamette Neighborhood Association in an open meeting early in the process to allow adequate time for response?
- Art and statuary require review (Site Design Review or a use permitted with standards) has an application been approved for land use review? How was the public notified of this review and decision?

It is my understanding that none of these resources have been used in the evaluation of this project. Why have these valuable resources not been used? West Linn often discusses a goal to be transparent. If it's true there has been outreach ask yourself if the type of outreach follows the process raised in this letter.

In short, ask yourself, do you know if outreach was completed; if so, was it was adequate? I don't believe it has been completed or was adequate. Further I would ask you to consider that a statue has been purchased for construction on our Main Street: did the city do adequate citizen involvement for this main street project?

If there has been no outreach ask yourself why we have a process to engage citizens and to get feedback and why none of those opportunities have been undertaken.

It's time to use these resources. Get public input and you'll find that there may be valuable historic insights provided by the Historic Resource Commission. Our citizens may have a wonderful idea on the type of statue. Think of the opportunities when you engage the citizens of West Linn.

If there's already been a purchase of some of the statute components, these boxes come with return labels and can be returned. It is not too late to change direction. If there's a plan to start construction:

For consideration during City Council Meeting -Item 6.b. Main Street Fountain discussion

stop it. It's not too late to take the time and follow the process established to respect the citizens of West Linn and to be transparent.

To me, allocating funding for artwork in a project does not give carte blanche to ignore outreach. Take the time to complete the correct citizen feedback process. This should be in the budget with a clear timeline. We have to respect the process, respect the input of citizens of West Linn and respect transparency.

Please use these resources to get public input and have art that is relevant and based upon the feedback received. Give the city a statue that is meaningful to the district, educational and has historic value. Our citizens will treasure this project today and in the future ... because their input was respected.

Thank you

John Boyd

Mollusky, Kathy

From: Teri Cummings <[REDACTED]>
Sent: Thursday, August 12, 2021 10:34 PM
To: Mollusky, Kathy; City Council
Subject: Fwd: Fountain
Attachments: Rumor has it, Main Street fountain project overflowingwith problems..docx

Dear City Recorder, please add this letter plus the letter attached below to the record of August 16, 2021 Special Meeting Community Comments and also send me a link to comment.

Thank you,
Teri Cummings

Dear Mayor Walters and City Council,

I am writing to thank Councilor Baumgardner for diligently following up on questions and concerns raised in the letter I submitted and read into the record at your August 2 meeting. (See attached 8/2/21 letter). Thank you for adding "Main Street Fountain Discussion" to your 8/16 Special meeting agenda. However, I am not sure what to think because there is no staff report or information about the project to help the public understand what this is about. It also does not look like public input is welcome because it was placed under Reports from Council, where public comments are not allowed.

So I'm including an email from the City Engineer that includes some helpful information that people might not be aware of because there hasn't been a public process for this project. I hope you agree, this project really should be properly vetted in public. We don't want to wind up getting flooded in controversy like Portland has been more than once for unusual use of utility funds ; https://www.oregonlive.com/opinion/2015/11/dont_saddle_utility_customers.html and https://www.oregonlive.com/portland/2013/11/portland_misspent_water_and_se.html

The City Engineer's email below also brings several questions to mind, such as;

1. Why couldn't the City Engineer provide a rough cost estimate for this project? Is it important to know if the amount might exceed the \$100k signing power limit, thus requiring Council approval for the sake of transparency and accountability?
- 2.. Were any other administrators involved in the decision or was a unilateral decision made to identify this multifaceted project as a water utility to be solely funded by water rates?
- 3.. Is it true that no CAGs such as the UAB, ACC, SAB or HRB were consulted before this decision was made, contracts signed and materials ordered?
4. Why not consult the Arts and Culture Committee regarding the selection of "creative and unique" art features?
5. Why not consult the Sustainability Advisory Board for advice on the sustainability aspects of this project?
6. Why not consult the Historic Resources Board for advice about what would be most appropriate for Historic Main Street?

7. . The UAB met four times after Council approved a plan for Main Street last September and apparently did not have this project on their agenda. I would like to know why UAB was not consulted in accordance with provisions of **City Charter Section 45** before a decision was made to proceed? The City Charter requires UAB to be consulted about decisions related to the use of water rates per Section 45 which states: "**The UAB shall make recommendations to the City Council concerning rates for water. These recommendations shall pertain to those legislative matters to be decided by the City Council concerning or affecting rates, such as master facility plans and service levels as they relate to rates. The Utility Advisory Board may also make recommendations regarding such other City-owned utilities as the City Council from time to time may determine.**"

Does it make sense to ask UAB if it sounds reasonable and appropriate to use water fees to build and maintain a soda water dispenser with a water fountain statue on top?

Imagine how exciting it would be to embark on a lively public discussion about West Linn's first public art installation on Main Street.

Thank you for listening Council and for all your hard work this year. And thanks again Councilor Baumgardner, for kindly responding to my letter.

Sincerely yours, Teri Cummings

On Wed, Aug 11, 2021 at 12:58 PM Baumgardner, Mary <MBaumgardner@westlinnoregon.gov> wrote:

Hi Teri,

Thank you for your interest in this project.
Hopefully this addresses some of your questions.

Mary

Begin forwarded message:

From: "Baumgardner, Mary" <MBaumgardner@westlinnoregon.gov>
Date: August 5, 2021 at 7:48:56 AM PDT
To: "Calvert, Lance" <lcalvert@westlinnoregon.gov>
Cc: "Gabrielatos, Jerry" <JGabrielatos@westlinnoregon.gov>
Subject: Re: Fountain

Lance,

Thank you for the thoughtful email. What I never had understood is that there would be no, open, public process for an installation of this magnitude. Since I'm new to council and there isn't any precedence that I'm aware of, I didn't react as immediately and directly as I would have if this had been presented to council in the usual, public manner of a meeting.

What I did hear about feedback being given was that this particular fountain is wrong for this space. Even with a different top sculpture, the design is very Euro-centric and not the inclusive message we just committed to embracing.

Could we take a step back and hold off on moving forward with this particular fountain concept until we can get some more representative input?

From my informal survey, presented in an unbiased way, the reaction to the negative has been

unanimous and vehemently so.

Mary

On Aug 4, 2021, at 6:25 PM, Calvert, Lance <lcalvert@westlinnoregon.gov> wrote:

Mary,

I'll work on getting a breakdown of costs. We purchase each piece of equipment directly from different suppliers to keep overall costs low. The masonry install contractor is providing the labor for installation of everything above ground. I can also get the architect costs for design (who did the rendering provided to Council back in April). The architect provided their work at cost with no markup/profit as they were excited to be a part of the project. City staff will install the water service and general excavation (staff is also excited to be a part of this water project). We are using the lighting/special events electrical panel/meter already installed on this corner for basic power at no additional cost.

Morgan (PW analyst) is on vacation for the rest of the week so I'll probably have all the costs to date listed to you next week.

The statue topper planned for the top was \$1485 delivered which includes LED lights and recirculating pump. The statue doesn't use any water, it just recirculates water on top for effect.

This is actually a public drinking water project so all costs are paid from the water utility fund. No tax dollars, bond funds, or percent for the art funds are in this project.

All public water fountains in town require basic maintenance (just like the drinking water fountains in the parks or at city hall in the lobby). The carbonated fountain requires us to buy CO2 from a supplier (just like a restaurant would buy for a fountain soda machine). We are still working on the details of that but those costs are minimal on an annual basis. The dispenser costs are the same for carbonated or still water.

The entire point of the project was to bring something creative and unique to Main Street that would help attract visitors/support businesses, provide basic healthy drinking water to the public (regardless of income), and be a sustainability initiative to reduce dependency on single use plastic bottles while eliminating the need to pay high prices for carbonated/sparkling water for all West Linn residents and visitors. This is a value add to all West Linn residents that want to drink healthy sparkling water with no barrier to access. Buying

sparkling water at the local grocery store or owning a system like a SodaStream will no longer be necessary for those that choose to use the fountain. It is estimated a SodaStream machine can save a single family from using up to 3000 single use plastic bottles a year. <https://corp.sodastream.com/sustainability/>

With this city fountain, West Linn residents and visitors don't even need to buy a carbonation machine eliminating this barrier. To highlight this detail, the water dispensers include digital counters that show how many bottle equivalents that didn't have to be produced because people are using the refillable bottle stations.

The art aspects are a secondary benefit of the fountain as the water dispenser base provides a secure location for art display on top. I didn't receive any negative feedback on the rendering provided to Council in April until just recently. In light of that recent feedback, we are holding off on installing the pre-purchased statue topper until the City Council can further weigh-in on that piece. The water dispenser base is designed to accommodate any appropriately sized art on top with structural capacity to hold about any weight (including concrete or metal) of any form or representation. Any art or decorative piece on top can also be switched out over time depending upon the will of the Council.

Please let me know if I can be of any further assistance and thank you for reaching out with your questions. If anyone has an interest in public sparkling water fountains, I'd suggest they watch Episode 2 "France" of the Netflix series "Down to Earth". It provides a little info on the sparkling fountains in Paris as an example. Another option would be to simply google "public sparkling water".

Sincerely,

Lance

-----Original Message-----

From: Baumgardner, Mary

Sent: Wednesday, August 4, 2021 1:12 PM

To: Calvert, Lance <lcalvert@westlinnoregon.gov>; Gabrielatos, Jerry <JGabrielatos@westlinnoregon.gov>

Subject: Fountain

Hello Lance & Jerry,

Rebecca H. gave me a summary of your meeting yesterday. She didn't get any cost information though and I'm looking to provide answers when talking about the proposed fountain.

People have asked me for purchase, installation and projected upkeep costs. Will the carbonation aspect require more maintenance than a regular, still-water fountain?

I am hoping our public process for this important art & drinking water feature will include traditionally under represented community members which aligns with our inclusion and diversity goals.

Thank you.

Mary

Mary Baumgardner
West Linn City Councilor
City Council

Pronouns: she, her, hers

#6005<ciscotel://6005>

[https://westlinnoregon.gov/sites/all/themes/aha_responsive_2016/logo.png]<http://westlinnoregon.gov>>

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Mary Baumgardner

West Linn City Councilor

City Council

Pronouns: she, her, hers

22500 Salamo Rd

West Linn, OR 97068

MBaumgardner@westlinnoregon.gov

westlinnoregon.gov

503-742-6005



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Rumor has it, Main Street fountain project overflows with problems.

August 2, 2021

Dear Mayor Walters and City Council,

I recently heard plans are underway to install a structure at the corner of 13th and Willamette Falls Drive, otherwise known as Historic Willamette Falls Main Street, with a soda water dispenser and a classical statue of Rebecca by the Well on top with a water fountain perpetually flowing from it. It's difficult to tell if these plans have been publicly noticed. I apologize if I've been misinformed.

For some people, a statue of Rebecca at the Well might personify kindness and generosity to strangers and animals as told in the Old Testament about a beautiful young virgin named Rebecca who offered water from the village well to Abraham's servant and his camels. Believing it was a sign of God; the servant offered gold and jewelry in exchange for Rebecca's hand in marriage to Abraham's son Isaac.

On the other hand, some folks might view the artwork as signifying colonial American culture of domesticity, where a woman is expected to become a purely domestic, submissive housewife.

Others, including me, might say it's out of place and ask to know whether any artwork representing West Linn's rich cultural history was considered before a replica of Rebecca at the Well was allegedly selected and if it has already been ordered?

If so, was the Arts and Culture Commission (ACC) consulted? According to records available online, the ACC took a summer break. No discussion about a fountain project occurred during any of the three meetings ACC had in 2021.

This bothers me because members of the ACC and Historic Willamette Main Street were very interested to find areas large enough to accommodate public art installations last fall when we toured Main Street last fall. Of the few sites identified, the corner of 13th and Willamette Falls is one of the best.

Although allowing staff to order a statue from a catalogue might be more efficient, it's just not right because that fails to comply with **West Linn's Municipal Code, Chapter 2 sections related to the Arts and Culture Commission and Percent-for-the-Arts program.**

Public administrators and elected officials sometimes need a gentle reminder about the difference between discretionary vs ministerial decisions; staff is authorized to make ministerial decisions based on existing codes and standards, master plans, capital improvement plans and

other policy/ budgetary decisions made by elected officials. Likewise, it is the duty of elected and appointed officials to determine what is the most appealing, necessary or desirable investment for our City. This naturally requires public notice and a public involvement process.

<http://www.experts123.com/q/what-is-the-difference-between-a-ministerial-permit-and-a-discretionary-permit.html>

Historic Willamette Main Street is already flooded with unanticipated pedestrian/bicycle safety issues that in my opinion need to be addressed ASAP before more people get hurt.

If the fountain project is indeed almost ready to break ground, please take action tonight. We all deserve to know what it might cost to purchase and maintain it and from what funds will be used -GO Bond, percent-for-arts, SDCs or what? Does a soda water dispenser or a perpetually running water fountain align with West Linn's [sustainability goals](#) for water conservation? How about [ACC's mission](#) to "...advance equity and diversity, foster an atmosphere of inclusivity, creativity, and respect so all feel inspired to participate and express themselves and their identities. The Commission believes the variety of cultures in our region enriches our lives. We seek to create space for dialogue that includes and connects all members of our community".

Imagine the lively public engagement process we would have if people were invited to help identify what kind of aesthetic, cultural and historical qualities best depict Willamette Main Street's unique characteristics. It's OK to passionately disagree. That means we care. It just needs to be done in a properly noticed, open, inclusive manner. That way there will be no question as to whether the outcome was already determined in advance.

Council I trust you know you cannot afford to say or do nothing about this if it's true because that would only pave the way for more inappropriate discretionary decisions made by staff instead of a public process.

Please conduct a vote tonight to steer Historic Main Street's first public art project back to a lively public process, where it belongs.

Thank you kindly for your dedicated service,

Teri Cummings