



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

# **WEST LINN CITY COUNCIL MEETING NOTES August 2, 2021**

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

### **Council Present:**

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

### **Staff Present:**

City Manager Jerry Gabrielatos, Parks & Recreation Director Ken Warner, Public Works Director Lance Calvert, City Attorney Tim Ramis, Planning Manager Darren Wyss, and Assistant to the City Manager Dylan Digby.

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

Council President Bill Relyea moved to approve the August 2, 2021, West Linn City Council Meeting Agenda. Councilor Rory Bialostosky seconded the motion.

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

**Nays: None.**

**The motion carried 5 - 0**

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

#### **[Public Comment - Teri Cummings](#)**

#### **[Public Comment - WNA](#)**

Kevin Bryck, Robinwood Neighborhood Association (RNA) Secretary, invited all to attend the annual outdoor RNA picnic on Saturday, August 28<sup>th</sup> from noon to 4 pm at Robinwood Station. Refreshments and entertainment would be offered.

Karie Oakes, West Linn resident, expressed concerns about the accuracy of Council's meeting notes, in particular, the pickleball discussion in the draft notes of the June 7<sup>th</sup> meeting.

Teri Cummings, West Linn resident, expressed her concerns about the public and the Arts and Culture Commission (ACC) not being involved in the choice to purchase and install a statue of Rebecca by the Well at the corner of 13<sup>th</sup> and Willamette Falls Drive, and about compliance with Chapter 2 of the Municipal Code related to the ACC and the Percent for the Arts Program. She was also concerned about the pedestrian/bicyclist safety issues on Main St.

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

#### **[Farmer's Market Proclamation](#)**

#### **[Proclamation](#)**

Councilor Baumgardner read the Proclamation, declaring August 1-7, 2021, National Farmer's Market Week in the City of West Linn.

Mayor Walters acknowledged Rebecca Hollenbeck, Executive Director of Historic Willamette Main St, for her tenacity and good work with the Wednesday Farmer's Market.

### **[Consent Agenda \[6:25 min/5 min\]](#)**

#### **[Agenda Bill 2021-08-02-01: Approval of Meeting Notes for June 7, 14 and July 1, 2021](#)**

#### **[Draft Notes Information](#)**

Council President Bill Relyea moved to approve the Consent Agenda for the August 2, 2021, West Linn Special Council meeting. Councilor Mary Baumgardner seconded the motion.

Councilor Baumgardner stated her concern about the process used to change the draft minutes for June 7, 2021.

Councilor Mary Baumgardner moved to amend the previous motion to remove the June 7, 2021, City Council Meeting minutes from the Consent Agenda to be considered at a future date. Councilor Rory Bialostosky seconded the motion.

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

**Nays: None.**

**The motion carried 5 - 0**

[Business Meeting \[6:30 min/60 min\]](#)

[Public Comment - Elizabeth Smolens](#)

[Agenda Bill 2021-08-02-02: 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](#)

Beth Smolens, West Linn, stated she had sent written testimony to Council. She questioned the changes to the Sunset/Willamette Falls Drive Transportation Plan, particularly for the traffic circle in front of City Hall. She wanted to know why the proposal for a t-intersection and traffic light in front of City Hall was abandoned. She asked if the two other traffic circles on the new plan belonged to ODOT or to West Linn and who would be paying for them.

Public Works Director Calvert responded to Ms. Smolens and to questions from Council as follows:

- A roundabout was the best fit for the area in front of City Hall and was preferred for safety and traffic handling aspects.
- ODOT would fund the I-205 Bridge including the roundabout at the on- and off-ramp for northbound I-205.
- The additional lane planned for I-205 would help traffic flow in the short term and would provide a very safe and resilient regional route locally and state to state.
- The estimated \$30 million cost for the work was due to the expense of road construction, and events like COVID and labor shortages added to the cost.
- The statement in the concept plan on the acceptable operation of the intersections during AM and PM peak hours in 2040 was based on technical work, traffic analysis, and modeling that was part of the planning process. The models used had limitations, and situations like a local arterial functioning as a diversionary route for a freeway were atypical.
- The Public Works Standards already included language stating state and federal guidance was followed for roundabout design and construction. Exceptions to that guidance would be included in the Public Works Standards or the City Code, such as specifics about roundabout construction in West Linn.

Danny Schreiber, Historic Review Board Chairperson and West Linn Historical Society Vice President, expressed concern that the Historic Review Board had heard of the proposed

realignment for the first time at its June meeting. He was concerned also about the impacts of the proposed realignment of Willamette Falls Drive on the city's historical district and structures, and that the finding of historical artifacts during construction would be discouraged to avoid costs and delays.

Council President Bill Relyea moved to approve second 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. Councilor Todd Jones seconded the motion.

Public Works Director Calvert clarified that multiple iterations were considered for the realignment. ODOT was mandating the roundabout at Willamette Falls Drive, and maintaining the existing alignment would impact several of the historic areas and private properties. Staff was very conscientious of the historic homes and history surrounding the location and tried to minimize excavation. He reminded that the plan under consideration was conceptual and historic review was typically done during the construction phase.

Councilor Jones stated he was Council Liaison to the Historic Review Board, but he did not see any of Mr. Schreiber's concerns in his notes from the Board's June 15<sup>th</sup> meeting. If concerns had been raised, he would have brought them to Council earlier. Additionally, a plan needed to be in place for the City to receive any infrastructure funds if Congress passed the infrastructure bill.

Councilor Bialostosky stated he saw the value in the plan, but would vote against it mainly because he was concerned about the impact of tolling diversion, which the plan did not mention. He also did not want to rely on the State or ODOT to address the issue.

Council President Relyea said he did not agree with the City attempting to solve the problem without the funding and support of federal and state partners. The conceptual plan established the framework to move ahead and he would vote in favor.

Councilor Bialostosky clarified he was suggesting only a month or so of delay to add some language to the plan about tolling and diversion.

**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 2021-08-02-03: Reconsider: RESOLUTION 2021-11 DECLARING CITY-OWNED PROPERTY AT 3955 CEDAROAK DRIVE SURPLUS REAL PROPERTY AND INITIATING A SALES PROCESS FOR THE PROPERTY](#)**

[Cedaroak Drive Information](#)

[Public Comment - Lisa Clifton](#)

Councilor Baumgardner read into the record written testimony from Lisa Clifton who was opposed to the sale of the property.

Council discussed this agenda item at length. Key points raised and answers to Councilor questions by staff were as follows:

- The Planning Commission should consider the property and provide an opinion on its disposition.
- The City's land use process, though flawed, should be followed.
- The City's purchasing and owning pieces of property to prevent them from being developed would set a concerning precedent.
- The creek on the property was re-directed by a former owner without a permit, and Council had made its original decision without knowing more of the property's legal history.
- The costs of maintaining, restoring, or providing mitigation on any part of the property that might come back to the City were unknown.

Council President Bill Relyea moved to re-establish sales proceedings for 3955 Cedaroak Drive or to declare an alternative use for the property and to determine payment for the property from the General Fund to the Utility Fund. The motion did not receive a second and was lost.

Further discussion clarified that the motion should state only one option.

Council President Bill Relyea moved to rescinded the previous motion and moved to re-establish sales proceedings for 3955 Cedaroak Drive. Councilor Rory Bialostosky seconded the motion.

Council President Bill Relyea moved to amend the motion to declare an alternative use for the property and determine payment for the property from the General Fund to the Utility Fund. Councilor Mary Baumgardner seconded the motion.

After further discussion, Council President Relyea clarified the motion.

Council President Bill Relyea moved to that the City seek to maintain possession of the property. Councilor Mary Baumgardner seconded the motion.

**Ayes: Council President Bill Relyea and Councilor Mary Baumgardner.**

**Nays: Mayor Jules Walters, Councilor Rory Bialostosky, and Councilor Todd Jones.**

**The motion failed 2 - 3**

Mayor Walters clarified for the purpose of Council's vote that the motion on the table was to re-establish sales proceedings for 3955 Cedaroak Drive.

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

**Nays: Council President Bill Relyea and Councilor Mary Baumgardner.**

**The motion carried 3 - 2**

#### **[Agenda Bill 2021-08-02-04: Robinwood/Historic City Hall Costs](#)**

[City Facilities Information](#)

[Public Comment - Dennis Pollman](#)

[Public Comment - Russ Axelrod](#)

[Public Comment - FORS](#)

Beth Smolens, West Linn Historical Society Co-President, believed that the City should prioritize the City Hall restoration. Robinwood Station has received a great deal of maintenance and attention. City Hall would eventually be a gateway building for the city. Council had voted in favor of a plan to manage the restoration of City Hall with the Willamette Falls Landings and Heritage Coalition.

Russ Axelrod, West Linn's former Mayor, expressed frustration and disappointment at the mishandling of the Robinwood Station and the Historic City Hall General Obligation (GO) Bond Fund restoration projects. He believed staff had misled Council at the July 19<sup>th</sup> work session regarding construction costs associated with the COVID pandemic, and had pressured it to prioritize one project over the other. Funding was available in the total reserves contingency budget for both projects to move forward now. Historic City Hall had significant implications for tourism and the future business vision for the Waterfront project. He was very concerned that further unnecessary delays on the two important projects could undermine their future.

Britta Stewart, Willamette Falls and Landings Heritage Area Coalition (WFLHAC) Executive Director, shared her background related to historic properties, noting they needed constant maintenance and proper upgrades to increase their longevity. The Coalition was now well equipped with an experienced team that could move forward with the Historic City Hall project.

Jon Gustafson, WFLHAC President, spoke to how Council could leverage the GO Bond funds for the long-term operation and maintenance of the Historic City Hall. Grants totaling around \$170,000 have been received for the project so far, and the Coalition was optimistic about receiving more. The outside money that would be brought in from the operation of the building would return millions of dollars of value to the taxpayers. He was concerned if something concrete was not done now, the project would not be completed.

Andrew Cotugno, WFLHAC Vice President, confirmed that Council's decision regarding the Historic City Hall project would impact the prospects of obtaining a National Heritage Area designation. An act of Congress was necessary for such a designation; National Park Service staff could determine its qualifications against their adopted criteria, but could not make the designation. The more importance the project was given, the more likely it would receive the National Heritage Area designation.

Jody Carson, WFLHAC Treasurer, noted that any grant funding received to date for the Historic City Hall project was contingent on having a signed agreement with the City and a commitment to fund the redevelopment and restoration of the building. Current grant funding totaled \$112,775. Grantors who had been approached but did not provide funding were very clear that they were willing and eager to hear from WFLHAC after the City demonstrated its commitment.

Jim O'Toole, West Linn resident, spoke to the difficulties encountered interacting with the City which had caused delays with the Robinwood Station project. The Friends of Robinwood Station (FORS) had taken several steps to get the project to its current state and it was ready to go out for bid. The claim that if a bid was not awarded the bidders would not bid again was not accurate. He was willing to volunteer to help WFLHAC receive the National Heritage Area designation. He would also like Council's help in moving forward the Robinwood Station project. He offered some suggestions on how money could be saved on the project.

Jessica Glenn, FORS Treasurer, described the uses made of Robinwood Station by her Girl Scout troop and how its facilities were used frequently by various other groups. However, the roof leaked which was potentially dangerous and the old restroom was too small and needed upgrades. She asked for the renovation of Robinwood Station to help showcase the value of West Linn and to provide a gathering place and resource for the community.

Mr. Bryck reminded that virtually every surface in Robinwood Station was the work of FORS volunteers, as was the garden, the greenhouse, and the landscaping. When the supervision of a licensed contractor was required, FORS arranged and paid for it. FORS has been operating the station and hosting a broad array of users for over 10 years. Major savings in the renovation were possible by following FORS' original plan to have a contractor do preliminary work and FORS doing the finishing work and site preparation. The project was ready to go to bid and would be the only public facility in the north half of the City available for emergency preparedness and response.

Todd Iselin, Architect, believed the prioritization of the two projects was valid, but both could move forward with the City's commitment. City Hall was one of the city's most important buildings and needed to be preserved, but a lot of hurdles had to be overcome. Robinwood Station had reached the point where it could be out for bid in 30 days, then begin construction.

City Attorney Ramis confirmed that Mayor Walters could vote on this item without a conflict of interest even though she had a seat on WFLHAC due to its 503c non-profit designation.

Council received answers to clarifying questions from City Staff and Mr. Iselin as follows:

- The cost estimates for the water utility building were about \$121,680, and FORS had proposed putting that work into Phase 3. They had offered to save another \$3,000 or so by doing some selective demolition and removal of items they had previously installed in the building.
- Taking both projects out to bid would hold back Robinwood Station while the Historic City Hall project was further prepared. Also, staff resources at Parks and Recreation were not sufficient to prepare both projects to go out to bid. Robinwood Station could move forward now with the possibility that the necessary resources would be available for Historic City Hall later.
- A definite time for when the Historic City Hall would be ready to go out to bid was difficult to determine due to many tasks needing resolution such as the parking agreement and the National Heritage Area designation, among others. It might be ready to go out to bid in spring of next year.
- Staff would keep Council, the public, and the non-profit organizations apprised as the bid process moved forward. The scale of the contracts would require Council approval as the projects moved ahead.

Councilor Todd Jones moved to that both projects be sent to bid with an option to not award if costs were higher than anticipated. Councilor Mary Baumgardner seconded the motion.

Councilor Todd Jones moved to rescinded the motion and moved that both the Robinwood Station and the Historic City Hall renovations move forward in their respective processes with an intent to take both projects to bid and with an option for a Council to not award if costs were higher than anticipated. The motion did not receive a second and was lost.

Council continued to discuss the matter, and the motion was further clarified.

Councilor Todd Jones moved to direct staff to take the Robinwood Station and the Historic City Hall renovation projects forward in their respective processes with the intent for both to go to bid, and to leave Council the option to not award funding or to adjust project scopes depending on the bids. Councilor Rory Bialostosky seconded the motion.

Parks & Recreation Director Warner stated that the water utility building and restroom portions could be alternative options in the proposal and could be added back to the project if the bid was lower than expected.

Council agreed to take FORS' offer to call the water utility building Phase 3 until Council knew the Historic City Hall renovation was completed to the hoped-for degree.

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

**Nays: None.**

**The motion carried 5 - 0**

### [Mayor and Council Reports \[7:30 pm/30 min\]](#)

#### **Council Liaison Reports**

Councilor Bialostosky reported he attended the first Public Safety Advisory Board (PSAB) meeting where the board's role was discussed. PSAB was seeking Council direction on what it should be pursuing.

Mayor Walters noted the PSAB's request would be added to a future Council meeting agenda where other Citizen Advisory Group matters would be discussed.

The rest of Agenda Item 7a and Agenda Items 7b, 8a, 8b, and 9a were deferred to a future Council meeting to be determined.

#### ~~b. Automatic Response to Emails~~

##### [Council Automatic Response](#)

#### [Pickleball Discussion](#)

##### [Public Comment - Jane Forbes](#)

Lydia Renner, Skyline Ridge Neighborhood Association Co-President, stated she would like to know when the City Council would move forward with its decision to convert the Skyline pickleball courts back to tennis and when the conversion would be completed. She described some of the negative behavior seen in the community and believed it would end if a decision was reached.

Jane Forbes, West Linn resident, referred to the slide she had emailed to Council showing decibel levels. The readings taken by Parks Director Warner and a West Linn police officer at Tanner Creek Park showed the decibel level generated by pickleball was unacceptably high for the Skyline Ridge Park courts, especially with the proximity of the homes and other features that increased the pickleball noise.

Jeff Bernasconi, West Linn resident, spoke to the unsuitability of pickleball at Skyline Ridge Park. He asked for the courts to be returned to tennis and for follow-through on the pickleball ban Council had put in place last year.

Giulio Ferruzzi, West Linn resident, asked Council to abide by its October 12, 2020 decision to permanently close the Skyline Ridge Park tennis courts to pickleball. The divisive issue was

hurting many members of the community around the park. Removing pickleball and retaining the signage prohibiting it would go a long way in helping the neighborhood heal.

John Busch, West Linn resident, believed neighborhood-friendly pickleball courts could be located in West Linn if a proper and affordable method of sound remediation was used. It would cost too much to do so at the Skyline Ridge Park courts. The issue had brought deep discord to what had been a true community of neighbors. Typical park sounds to be expected by neighbors were not in any way similar to the high-frequency, oppressive impact sounds of pickleball.

Council President Bill Relyea moved to uphold the previous Council's decision to ban pickleball at Skyline Ridge Park and direct staff to re-stripe for tennis courts. Councilor Mary Baumgardner seconded the motion.

Councilor Jones stated he was neither for nor against having pickleball at Skyline Ridge Park. He had asked Council to take up the issue again based on emails from people who believed they had not been heard during the process last fall, and in hope of having those for and against pickleball at Skyline Ridge Park to work with staff toward a solution. That did not happen and it seemed the issue was too far down the road to pursue. He would vote in favor but not because he believed it was right. Council should never have gotten involved in the matter nor should it have risen to the level of a City Council decision.

Councilor Bialostosky noted he had asked for more information on this issue to better familiarize himself and would vote in favor. He had read an article about homeowners associations' legal liability regarding pickleball and, if the courts were placed too close to houses, it probably was a liability for the City as well. He supported creating a proper pickleball court siting procedure to avoid issues in the future.

Mayor Walters stated she would be voting against the motion mostly because she did not have enough data and further sound mitigation efforts had not been tried.

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

**Nays: Mayor Jules Walters.**

**The motion carried 4 - 1**

**City Manager Report [8:00 pm/5 min]**

**a. Diversity, Equity, and Inclusion Update**

**b. Storm Recovery Update**

City Manager Gabrielatos confirmed that the work to convert the Skyline Ridge Park courts back to tennis could be completed within the next two to three weeks.

Agenda Items 8a, and 8b were deferred to a future Council meeting to be determined.

**City Attorney Report [8:05 pm/60 min]**

**a. Council Training Refresh**

Agenda Item 9a was deferred to a future Council meeting to be determined.

**Adjourn [9:05 pm]**

Notes approved 9-13-21.



22500 Salamo Road  
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## CITY COUNCIL AGENDA

Monday, August 2, 2021

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### 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.

### 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. Announcements, Proclamations, and Recognitions [6:20 pm/5 min]
  - a. Farmer’s Market Proclamation
5. Consent Agenda [6:25 min/5 min]
  - a. Agenda Bill 2021-08-02-01: Approval of Meeting Notes for June 7, 14 and July 1, 2021
6. Business Meeting [6:30 min/60 min]
  - a. Agenda Bill 2021-08-02-02: *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
  - b. Agenda Bill 2021-08-02-03: *Reconsider*: RESOLUTION 2021-11 DECLARING CITY-OWNED PROPERTY AT 3955 CEDAR OAK DRIVE SURPLUS REAL PROPERTY AND INITIATING A SALES PROCESS FOR THE PROPERTY
  - c. Agenda Bill 2021-08-02-04: Robinwood/Historic City Hall Costs
7. Mayor and Council Reports [7:30 pm/30 min]
  - a. Council Liaison Reports
  - b. Automatic Response to Emails
  - c. Pickleball Discussion

- 8. City Manager Report [8:00 pm/5 min]
  - a. Diversity, Equity, and Inclusion Update
  - b. Storm Recovery Update
- 9. City Attorney Report [8:05 pm/60 min]
  - a. Council Training Refresh
- 10. Adjourn [9:05 pm]

# PROCLAMATION

## West Linn, Oregon

**WHEREAS**, farmer's markets are an integral part of Oregon's food system and agricultural economy; and

**WHEREAS**, the farmer's markets in Oregon are important sales outlets for farmers and food business owners, generating revenue that supports the sustainability of family farms and the revitalization of rural communities; and

**WHEREAS**, farmer's markets provide citizens of all income levels with access to healthful, locally produced foods through Oregon markets that accept supplemental nutritional assistance program benefits and other critical food access programs; and

**WHEREAS**, the Power of Produce program offered by the Wednesdays in Willamette Summer Street Market offers children the opportunity to engage in the local food system through conversations directly with farmers and have exposure to new fruits and vegetables; and

**WHEREAS**, the Wednesdays in Willamette Summer Street Market is a cornerstone of our community, well-loved by customers, neighbors, and vendors alike; and

**WHEREAS**, the City Council recognizes the importance of expanding agricultural marketing opportunities that assist and encourage the next generation of farmers and ranchers; generate farm income to help stimulate business development and job creation; build community connections through rural and urban linkages; provide access to fresh healthy food for all of Oregon's citizens; and more.

**NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF WEST LINN**, that August 1 to 7, 2021 is National Farmers Market Week in conjunction with Wednesdays in Willamette Summer Street Market Week.

DATED THIS 2ND DAY OF AUGUST 2021

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MAYOR JULES WALTERS

ATTEST:

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KATHY MOLLUSKY, CITY RECORDER

**Agenda Bill 2021-07-19-01**

Date: July 15, 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

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**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. The June 7 minutes were revised per Mayor Walter's suggestion.

**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. June 7, 2021 Council Meeting Notes
2. June 14, 2021 Council Meeting Notes

3. July 1, 2021 Council Meeting Notes



CITY OF  
**West Linn**

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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 14<sup>th</sup> City Council Meeting Agenda concerned the formal adoption of the budget.

Deputy City Manager Williams stated additional items on the June 14<sup>th</sup> 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 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](http://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](http://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.

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.

#### [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



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# WEST LINN CITY COUNCIL MEETING NOTES June 14, 2021

## [Swearing-in Ceremony \[6:00 pm/5 min\]](#)

### Councilor Todd Jones

#### Oath

Judge Rhett Bernstein conducted the swearing-in ceremony of Councilor Todd Jones to the City Council of West Linn.

## [Call to Order \[6:05 pm/5 min\]](#)

### 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, Acting Police Chief Peter Mahuna, Finance Director Lauren Breithaupt, Public Works Director Lance Calvert, and City Attorney Tim Ramis.

### [Approval of Agenda \[6:10 pm/5 min\]](#)

Council President Bill Relyea moved to approve the posted agenda for the June 14, 2021 West Linn City Council Meeting. 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**

### [Public Comments \[6:15 pm/10 min\]](#)

Dale Blanchard, West Linn, reminded that Oppenlander Field needed to remain an open space for public use. He said he has seen hundreds of fields and acres destroyed and replaced by big, expensive houses. He encouraged Council to support the people who lived in the city instead of the builders by buying Oppenlander Field for a park.

Jeffrey Bernasconi, West Linn, stated that the issue at Skyline Ridge Park was one of the right of solace in one's home versus the privilege of playing a game that could be played at other locations. The court in the park was unsuitable for pickleball and should never have been changed. The small group of neighbors abutting the park were subjected to nuisance noise and harassment. He further detailed the problems, and asked that another location be found for the pickleball courts, as directed by Council to the Parks and Recreation Director last year. If nothing was done, he would consider legal action.

John Busch, West Linn, spoke to the noise nuisance of pickleball and the right of peaceful enjoyment of one's property. Combining the number of survey comments from those who wanted noise remediation with the number of those who wanted the tennis courts returned, resulted in a majority. Pickleball did not belong in any neighborhood parks intended to be for peaceful play, and other locations for pickleball existed in the city. He suggested the American Pickleball Association (APA) raise funds for a new court.

Ann Busch, West Linn, said one house was located between hers and the Skyline Ridge Park tennis courts. The normal noises from tennis and children playing had not bothered her in the 27 years she had lived there. The cohesiveness of the neighborhood had changed since the installation of the pickleball courts last year, and she feared retaliation. Other locations were available for pickleball within a five or 10 minutes' drive from the neighborhood. The constant high-pitched noise from the game could be heard inside and affected the livability of her home; it was not normal park noise and could affect one's health and psychological well-being. She had a work-related brain injury which was aggravated by the noise. The solutions offered so far to limit or stop pickleball at the park had not been successful, and other problems such as lack of parking were also present, and the sound mitigation material purchased by the City had not been installed.

Jane Forbes, West Linn, listed the problems with the Skyline Ridge Park pickleball courts, noting that they had been provided to Council last year and again recently. The noise situation was increasingly unbearable and the tension in the neighborhood was detrimental. The nuisance noise rendered their home uninhabitable and violated their rights as homeowners. She was concerned about the repetitive noise damaging her children's hearing. She implored Council to follow through with their decision made in October 2020 to remove the pickleball courts.

Giulio Ferruzzi, West Linn, stated his home was 60 ft away from the pickleball courts in Skyline Ridge. The noise had deteriorated his family's ability to use their property. The Council had voted that pickleball be removed from the park and the courts returned to tennis, but that had not been done. He asked Council to stand by last year's decision so the neighborhood could heal and move on. The opinions of those living closest to the park should carry more weight than those of people living farther away. He read a letter of testimony on the subject from his wife into the record.

Dean Suhr, West Linn, noted that approximately 100 people attended a rally yesterday at City Hall to respectfully demand Council accept the School District's offer of Oppenlander Field and to put the issue of using a bond for the purchase to a vote. The field would serve as a community resource for recreational and athletic use by people of all ages, and it comprised just under 25 percent of the city's current full-size baseball and soccer capacity. He noted some members of Council campaigned expressing strong support for parks in West Linn, and he asked them to honor the voters' expectations. The Friends of Oppenlander Field would offer its help to Council in the bond and purchase process.

Mark Liang, West Linn, stated his home was adjacent to Skyline Ridge Park and was about 50 ft from the pickleball court fence. He noted the Parks Master Plan indicated sports such as pickleball should be located in multi-use parks. He asked if Council was aware of Parks and Recreation Director Warner's compromise proposal of a sound-barrier wall only on the south side of the fence. He was unaware of any product on the market that would eliminate all noise. He believed he was being treated as a second-class citizen without proper consideration given to his property rights from the City. He encouraged Council to follow the Parks Master Plan to solve the noise issue and bring peace back to his neighborhood.

Mayor Walters noted Council had decided last week to gather more information about the pickleball courts. The public could testify to Council at any time, but Council would be posting information when the pickleball topic was added to a future agenda.

Lane Kadel, West Linn, spoke on behalf of the West Linn Baseball Association (WLBA), stating its support of the purchase of Oppenlander Field. The purchase would preserve the athletic and recreational sports in a field the WLBA utilized extensively. The WLBA had invested roughly \$350,000 into turf fields there. They were concerned about the difficulty of relocating a 90-ft baseball diamond in the community. Losing Oppenlander Field would be very difficult on WLBA's program.

Council President Relyea, recommended that Council not wait for further information or data at Skyline Ridge Park because it had been notified of pending litigation regarding pickleball there. Council had requested the scheduling of an executive session as soon as possible.

Councilor Baumgardner stated she agreed with Council President Relyea to expedite the decision.

Councilor Bialostosky said he would like a memo from the City Attorney before Council's executive session was held detailing the potential claims regarding the nuisance law based on what was heard tonight. City Attorney Ramis stated he would be happy to provide a high-level description of the potential issues in litigation regarding the nuisance law for discussion in an executive session. The meeting notice would need revision if the topic was added to the upcoming executive session.

#### [Announcements, Proclamations, and Recognitions \[6:25 pm/20 min\]](#)

##### [If I Were Mayor Contest Winners](#)

###### [Contest Winners](#)

Mayor Walters announced that Hallie Jones and Sadie Jones were both local winners of the If I Were Mayor Contest and would receive Certificates of Recognition from the Oregon Mayor's Association. Hallie Jones also placed second in the entire state for middle schoolers and would receive a \$300 cash reward. Members of Council expressed their thanks and appreciation to both winners.

##### [Old Time Ambassadors Proclamation](#)

###### [Proclamations](#)

Councilor Baumgardner read the Proclamations honoring and congratulating Beatrice Gilroy, Lily Walsh, Olive Trone, and Olivia Hart for their successful competition and appointments as 2021 Old Time Fair Ambassadors in the City of West Linn.

##### [2021 Pollinator Week Proclamation](#)

###### [Proclamation](#)

Councilor Bialostosky read the Proclamation, declaring June 21-27, 2021 as National Pollinator Week in the City of West Linn, and recognized that West Linn was an affiliate of Bee City USA.

#### [Consent Agenda \[6:45 min/5 min\]](#)

##### [Agenda Bill 2021-06-14-01: Approval of Meeting Notes for May 10 and 17, 2021](#)

###### [Draft Notes Information](#)

**Agenda Bill 2021-06-14-02: RESOLUTION 2021-03, CERTIFYING THE RESULTS FOR THE MAY 18, 2021 SPECIAL ELECTION**

[RES 2021-03 Information](#)

Council President Bill Relyea moved to approve the Consent Agenda for the June 14, 2021 West Linn City Council Meeting. 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**

[Business Meeting \[6:50 min/120 min\]](#)

[Agenda Bill 2021-06-07-01: Lake Oswego Communications \(LOCOM\) Intergovernmental Agreement \\*This item was added at the June 7 Meeting\\*](#)

[LOCOM IGA Information](#)

Acting Police Chief Mahuna noted the Councilors had received information via email from Cheryl Bledsoe, the Director of C-COM, Clackamas County's 911 service, as well as answers to the questions raised by Councilor Baumgardner and Council President Relyea at the June 7<sup>th</sup> Council meeting.

Council President Relyea asked how the baseline for the number of calls for service was determined as it was used along with a percentage ratio for an increase in costs. The information provided merely referred to a 15 percent increase from the previous year, but the baseline could change yearly. The costs would be unknown unless the baseline number was known.

Sue Scobert, Director of LOCOM, responded that the contract spoke to calls for service which, from a dispatch perspective, were calls that come from people in the community requesting a police response, as opposed to incidents which are calls for service and officer initiated activity. West Linn's calls for service were consistently around 8,000 a year. The 15 percent increase would be on the calls for service and not on the activity generated by West Linn's police officers which fluctuated much more. She further clarified that the clause was initially added to the contracts in 2011 when the City of West Linn was considering annexing the Stafford triangle, because such action would have drastically impacted the dispatch service area. The baseline could be set arbitrarily at 8,500 calls as suggested by Council President Relyea.

Councilor Baumgardner stated her continuing concern about racially-motivated calls for service, whether they were made consciously or subconsciously, and asked what could be done on the dispatch side or by whoever responded to the call. She further asked if a change had been made or training given about racially-motivated calls that have been made in the last

few years.

Ms. Scobert replied that as much information as possible was solicited from a complainant's call, and often the caller was questioned repetitively about exactly what the suspicious person was doing that motivated the call. If the caller was persistent about the behavior of someone who was perhaps a different race but could not articulate further about the person's actions, LOCOM would create a call for service, then notify a supervisor. The supervisor often had information unavailable to a dispatcher and could make a determination on the response. Applicable training started about four years ago. Last year, three or four of the 15 working dispatchers took short online video classes that addressed implicit or regular bias or a combination of both. The attendee would write an article afterward to be distributed in a monthly newsletter.

Acting Police Chief Mahuna clarified that an officer would often call a complainant to verify the information or to dig deeper. Frequently, the call could be cleared and no physical response would take place. Regarding training, the West Linn Police Department (WLPD) had taken bias training and perspective training to understand how interaction with police officers, or even just their presence, affected community members, especially of those of color.

Councilor Bialostosky stated a constituent had called him recently concerned about the delay between when a fire call came into LOCOM and when the call was dispatched to Tualatin Valley Fire & Rescue (TVF&R), and asked for further information.

Ms. Scobert responded that LOCOM and TV&R shared a computer system and LOCOM could dispatch TVF&R's fire apparatus. TVF&R used a different protocol for medical calls than the City of Lake Oswego, so the calls were transferred to Washington County for triage in compliance with their protocol. For calls like CPR, LOCOM would often get the call started and TVF&R would then take the call in progress.

Acting Police Chief Mahuna added that CPR calls were often dispatched to the WLPD who were often the first to arrive to start CPR.

Council agreed to Mayor Walters' suggestion that City Manager Gabrielatos, Lake Oswego's City Manager, and Council President Relyea discuss the matter of determining the number of baseline calls.

City Manager Gabrielatos pointed out that a 15 percent increase to an 8,000-call baseline would be about 1,200 calls, a substantial increase given that the number of actual calls had been consistent at around 8,000.

Council President Bill Relyea moved to approve the LOCOM Intergovernmental Agreement and authorize the Mayor to sign it. 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 2021-06-14-03: PUBLIC HEARING: 2022-2023 Budget Adoption](#)**

**[Budget Information](#)**

**[RESOLUTION 2021-04, DECLARING THE CITY OF WEST LINN'S ELECTION TO RECEIVE STATE REVENUE SHARING FUNDS \(GENERAL FUNDS OF THE STATE\) IN THE 2021-2022 BIENNIUM](#)**

Mayor Walters opened the public hearing on Resolution 2021-04 and called for the staff report.

Finance Director Breithaupt explained this declaration to receive state revenue sharing funds was required annually by the state in order to receive the funds. The City was estimated to receive \$325,000 in both FY 2022 and 2023, and the amount was budgeted to be used in the Planning Fund.

Mayor Walters confirmed there was no public testimony and closed the public hearing.

Council President Bill Relyea moved to adopt Resolution 2021-04 declaring the City of West Linn's election to receive state revenue sharing funds (general funds of the state) in the 2022-2023 biennium. Councilor Mary Baumgardner seconded the motion.

Finance Director Breithaupt acknowledged the correct biennium should be 2022-2023.

**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**

**[RESOLUTION 2021-05, CERTIFYING THE CITY OF WEST LINN IS ELIGIBLE IN THE 2021-2022 BIENNIUM TO RECEIVE STATE SHARED REVENUES \(CIGARETTES, LIQUOR, 911, AND HIGHWAY GAS TAXES\) BECAUSE IT PROVIDES FOUR OR MORE MUNICIPAL SERVICES](#)**

Finance Director Breithaupt stated Resolution 2021-05 was necessary to continue to receive the state shared revenues collected on cigarettes, liquor, 911, and the highway gas tax. The City was eligible to receive the funds because it provided a number of municipal services, and it used the revenue to support the Public Safety Fund and Street Funds.

Mayor Walters opened the public hearing, confirmed there was no public testimony, and closed the public hearing.

Council President Bill Relyea moved to adopt Resolution 2021-05 certifying the City of West Linn as eligible in the 2021-2022 biennium to receive state shared revenues (cigarettes, liquor, 911, and highway gas taxes) because it provides four or more municipal services. 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**

**RESOLUTION 2021-06, REVISING FEES AND CHARGES AS SHOWN IN ATTACHMENT A AND UPDATING THE MASTER FEES AND CHARGES DOCUMENT OF THE CITY OF WEST LINN**

Finance Director Breithaupt stated Resolution 2021-06 was the annual update to the City's Master Fees and Charges document with an effective date of July 1, 2021. Several changes had been made to the document to balance the budget. Council had given a tentative approval during the budget process along with some minor changes which she detailed. The City was recently notified of a change to the West Linn-Wilsonville School District Construction Excise Tax amount, but it was a pass-through rate over which the City had no control.

Mayor Walters opened the public hearing, confirmed there was no public testimony, and closed the public hearing.

Council President Relyea noted Councilor Jones had commented in the pre-meeting about a concern that had been raised that the fees would not cover the expected shortfall. He asked whether the issue should be resolved before the Resolution was passed.

Finance Director Breithaupt confirmed it was somewhat correct that the fees needed to be raised to keep up with the demand on City services. The Charter did not allow more than a 5 percent increase per year to the water, sewer, and storm drain fees, and that increase was being done with this update. The Utilities Advisory Board (UAB) had been discussing water specifically for quite some time in consideration of the 20-year forecast, and the expectation was to see some holes in the forecast in the next few years. The issue would likely be coming to Council with a request for an increase higher than 5 percent, and such an increase would require a vote of the citizens.

Councilor Jones clarified that the comment he made in the pre-meeting was simply to relay a concern voiced at the UAB meeting on June 8<sup>th</sup>. He did not bring up the issue with any intention to impact Council's discussion tonight on the budget.

Councilor Bialostosky stated his interest in having a conversation about the water situation and water funding due to his concern on the issue. He suggested a Council work session on the topic sometime this year. He had done some research on the history of the Charter cap which he would share with Council.

Finance Director Breithaupt believed the water issue would be discussed over the next few months. She had been working with Public Works Director Calvert on how to finance the waterline movement under the Abernathy Bridge. After that information was gathered and the 20-year forecast was completed, UAB could likely have recommendations for Council to discuss during a couple of work sessions in the next few months.

Council President Bill Relyea moved to adopt Resolution 2021-06 revising fees and charges as shown in Attachment A and updating the Master Fees and Charges Document of the City of West Linn. 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**

**[RESOLUTION 2021-07, ADOPTING THE CITY OF WEST LINN BUDGET AND CAPITAL IMPROVEMENT PLAN FOR THE BIENNIUM COMMENCING JULY 1, 2021 \(2021-2022 BIENNIUM\), MAKING APPROPRIATIONS, LEVYING AD VALOREM TAXES, AND CLASSIFYING THE LEVY PURSUANT TO SECTION 11B, ARTICLE XI OF THE OREGON CONSTITUTION.](#)**

Finance Director Breithaupt stated this Resolution would adopt the City of West Linn Budget and Capital Improvement Plan for the 2022-2023 biennium, and detailed the changes to the proposed budget. Staff respectfully requested the adoption of the budget with the appropriations along with a levy property tax rate of \$2.12 per \$1,000 for each fiscal year of the biennium. The bonded debt levy was \$1,734,000 for FY 21-22 and \$1,745,000 for FY 22-23.

Mayor Walters opened the public hearing, confirmed there was no public testimony, and closed the public hearing.

Council President Bill Relyea moved to adopt Resolution 2021-07 adopting the City of West Linn's Budget and Capital Improvement Plan for the biennium commencing July 1, 2021 for the 2022-2023 biennium, making appropriations, levying ad valorem taxes, and classifying the levy pursuant to Section 11B, Article XI of the Oregon Constitution. Councilor Mary Baumgardner seconded the motion.

Councilor Baumgardner spoke to not being able to fulfill the Sustainability Advisory Board's (SAB) request for an FTE on staff, but assured that the current City staff members, especially City Manager Gabrielatos, were very committed to the work for sustainability.

**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 2021-06-14-04: PUBLIC HEARING: RESOLUTION 2021-08, ADJUSTING THE BUDGET FOR THE 2019-2020 BIENNIUM BY ADOPTING THIS SUPPLEMENTAL BUDGET AND REVISING APPROPRIATIONS AND BONDED DEBT PROPERTY TAX LEVY](#)**

**[Supplemental Budget Information](#)**

Finance Director Breithaupt noted the biennium should in the Resolution should state 2020-2021. The supplemental budget was for the biennium ending in the next few weeks, and such budgets were used for unforeseen circumstances. A few areas were on track to be overspent, but a majority of this supplemental budget was due to the change in the accounting for the City's lease standard, which she explained in detail. She went on to discuss the anticipated expenses to be incurred, noting some were offset by coronavirus aid relief and the CARES Act. She clarified that street maintenance fees were not increased to cover the storm cleanup, but rather were absorbed by additional revenues that were not anticipated when the budget was prepared two years ago.

Mayor Walters opened the public hearing, confirmed there was no public testimony, and closed the public hearing.

Council President Bill Relyea moved to adopt Resolution 2021-08 adjusting the budget for the 2020-2021 biennium by adopting this supplemental budget and revising appropriations and bonded debt property tax levy. Councilor Mary Baumgardner seconded the motion.

Finance Director Breithaupt offered clarification in response to Councilor Jones' question about the Streets Fund, noting its expenditures needed increasing by only \$136,000. Other areas in the Streets Fund might have been underspent and thereby absorbed a portion of the storm cleanup as it exceeded \$136,000.

**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 2021-06-14-05: Willamette Falls Drive Ballot Measures for Road, Sidewalk, and Bike Improvements in Parks and/or Open Space](#)**

**[Willamette Falls Drive Information](#)**

Public Works Director Calvert presented the Agenda Bill, noting two parks could be impacted by the proposed improvements to Willamette Falls Drive. The Concept Plan was currently underway and provided detail about the road, sidewalk, and bike improvements and their potential impacts to the edges of West Bridge Park and Fields Bridge Park. The Charter required a public vote for any park land impacts, and early action helped to prepare for

construction and provided the ability to look for other sources of funding for improvements. The project page for the Willamette Falls Drive Concept Plan showed the locations of the two parks. Fields Bridge Park was located on Willamette Falls Drive adjacent to the Tualatin River and West Bridge Park was adjacent to I-205 and the Abernathy Bridge. He confirmed the final draft of the Concept Plan would likely come to Council in July.

**RESOLUTION 2021-09, TO SUBMIT A MEASURE TO VOTERS TO AUTHORIZE SIDEWALK, BIKE, AND ROAD IMPROVEMENTS TO WILLAMETTE FALLS DRIVE, HIGHWAY 43, AND THE I-205 INTERCHANGE ALONG WEST BRIDGE PARK**

Council President Bill Relyea moved to adopt Resolution 2021-09 to submit a measure to voters to authorize sidewalk, bike, and road improvements to Willamette Falls Drive, Highway 43, and the I-205 interchange along West Bridge Park and direct staff to take all necessary actions to place the measure on the November 2, 2021 General Election ballot. Councilor Mary Baumgardner seconded the motion.

Council President Relyea noted this Resolution was before Council now to allow for enough time to place a measure on the November ballot; however, the timing could have been better. As the liaison to the Planning Commission, he was privy to information the Council was perhaps not aware of, and it was requesting the public to vote on a matter for which it did not have complete knowledge. He would vote in favor, but believed these issues should come to Council sooner.

Mayor Walters pointed out the information on the Resolution was available in the staff report for Council to read.

Councilor Bialostosky stated he had not had a chance to review the Willamette Falls Drive Concept Plan, and asked if placing the issue on the ballot now was mandating approval of the Plan. He shared Council President Relyea's concerns, but was willing to vote yes as he believed it to be more of a procedural matter rather than an affirmation of the Concept Plan.

City Manager Gabrielatos said Council's concerns were duly noted and staff would try to get information to Council in a timely manner.

Councilor Jones stated he had assumed that if something needed to be on the November ballot, the process had to start now. He further assumed that if Council did not approve of the Concept Plan, the decisions made tonight could be changed.

Public Works Director Calvert replied the Willamette Falls Drive Concept Plan work had begun in 2019, and had not substantially changed except near the Arch Bridge as a result of the waterfront planning efforts. COVID-19 had impacted and delayed the project and public outreach had been very difficult during the pandemic. Council still had plenty of opportunity to review, amend, and approve the Concept Plan, and he believed Council could pull the measure from the ballot if necessary.

Mayor Walters noted a lot of feedback was being received about the streetscape redesign of Willamette Falls Drive in the Historic District Overlay Zone. She assured that what was before Council tonight dealt with a different location, and that Council was paying attention to the public when decisions were made.

City Attorney Ramis stated that even if the voters approved these measures, it did not mean they were mandating the improvements be done. Rather, this Resolution authorized the use of park land for the improvements should the City decide to go ahead with that action. The Concept Plan could be changed, and this decision would not bind the City to a particular set of improvements.

Council President Relyea pointed out that Public Works Director Calvert had informed him that the Parks and Recreation Advisory Board (PRAB) was not involved with any plans or subcommittees associated with Public Works and Engineering. He suggested something be done to keep the PRAB abreast of the type and number of projects underway.

**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**

**[RESOLUTION 2021-10, TO SUBMIT A MEASURE TO VOTERS TO AUTHORIZE SIDEWALK, BIKE, AND ROAD IMPROVEMENTS TO WILLAMETTE FALLS DRIVE ALONG FIELDS BRIDGE PARK](#)**

Council President Bill Relyea moved to adopt Resolution 2021-10 to submit a measure to voters to authorize sidewalk, bike, and road improvements to Willamette Falls Drive along Fields Bridge Park and direct staff to take all necessary actions to place the measure on the November 2, 2021 General Election ballot. Councilor Mary Baumgardner seconded the motion.

City Attorney Ramis clarified some legal costs would be incurred in working with staff on the ballot measure, but he did not know the exact cost. Not having to call a special election would provide substantial savings.

Council President Relyea noted the good opportunity to partner with the Parks Department on the bond measure regarding the trail system along the Tualatin River in order to discuss accessibility similar to the paths from the roadway to the waterfront seen along the Pacific Coast Highway.

Public Works Director Calvert indicated that could be done and, after the initial stage, assuming the voters approved the measure, the plan would move on to a more detailed design and collaboration on the improvements. He clarified the items to be placed on the ballot did

not have any association to funding and the process was just procedural. Decisions about funding and allocation would be done in the future by Council.

**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 2021-06-14-07: RESOLUTION 2021-11, DECLARING CITY-OWNED PROPERTY AT 3955 CEDAROAK DRIVE SURPLUS REAL PROPERTY AND INITIATING A SALES PROCESS FOR THE PROPERTY](#)**

**[CedarOak Drive Information](#)**

Public Works Director Calvert presented the Agenda Bill, noting that the City acquired the property at 3955 CedarOak Drive in 2008 through the Environmental Services Fund. A small creek ran along the edge of the lot. The City had not utilized the property and had no plans for its use. The lot was large enough to accommodate an R-10 zoned residential home. Staff recommended that Council declare the property surplus and allow it to return to private use. A map in the meeting materials showed the property's location.

Council President Bill Relyea moved to adopt Resolution 2021-11 declaring City-owned property at 3955 CedarOak Drive surplus real property and initiating a sales process for the property and authorizing the City Manager to initiate a process to sell the property. 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 2021-06-14-08: Award of 2021 Road Program](#)**

**[2021 Road Program Information](#)**

Public Works Director Calvert presented the Agenda Bill regarding the award of the City's 2021 Road Program. He listed the roadways for improvement, noting they were all located in the Marylhurst, Robinwood, and Bolton neighborhoods, and would require a full-depth revitalization process. Five bids were received during the bid opening on May 7<sup>th</sup>. S-2 Contractors was the lowest bidder at \$1,040,933.30. The City had worked with S-2 Contractors on other projects and found them to be a qualified, reputable contractor. Public outreach would take place in the impacted neighborhoods. He explained the process for selecting the streets needing improvement, noting staff would review the recommendations in the Pavement Condition Index (PCI) Report in reference to the budget and any other competing

interests or needs, such as waterlines. He further detailed the process and the resulting cost savings.

Council President Bill Relyea moved to authorize the City Manager to sign a contract with S2 Contractors, Inc., in the amount of \$1,040,933.30 for the 2021 Road Program. 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 \[8:50 pm/30 min\]](#)**

Councilor Baumgardner thanked those who testified earlier about pickleball at Skyline Ridge Park and assured that Council heard them. She hoped the issue could be resolved soon.

Councilor Jones reported he had met with the West Linn Chamber of Commerce on June 8<sup>th</sup> where a member had emphasized their enthusiasm for the Police Station and the Public Library being close to a particular standard of sustainability certification. The member encouraged continuing to do what was necessary to reach those certifications because it could be a boon for the City to appear on certain sustainability lists. Also on June 8<sup>th</sup> he had met with the UAB whose members expressed concern about waterline replacement projects that were being deferred because of lack of funds in the Water Fund. UAB looked forward to meeting with Council and staff about the potential increase in water fees to improve the infrastructure.

Mayor Walters congratulated the graduates of West Linn-Wilsonville and Arts & Technology High Schools, and recognized the staff and teachers' work during a difficult 18 months.

Councilor Jones reported that the total enrollment in the three classes he taught was 86 students, and 85 of them were in attendance today, participating and engaged. He expressed appreciation to their families for their care and dedication and to the kids who were very tired, but cared about their education.

#### **[City Manager Report \[9:20 pm/5 min\]](#)**

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

City Manager Gabrielatos noted last week was the first week for which City Hall was opened again to the public. Regarding in-person meetings, staff was awaiting guidance from the Governor's Office based on reaching the 70 percent vaccination threshold. Hybrid meetings were also being explored due to the convenience for the public of calling into meetings through Webex.

### Diversity, Equity, and Inclusion Update

City Manager Gabrielatos reported he had met with Monique Claiborne of The Kenley Group last week and shared the idea of the potential creation of a permanent committee to advise Council and staff on how to reach some of the goals identified in the DEI report.

### Storm Recovery Update

City Manager Gabrielatos reported he had received a detailed email from Public Works Director Calvert about creative ideas on how to remove some storm debris. He would summarize the suggestions in an email to Council later in the week.

- He was aware that Council members had interacted with the owners and patrons of businesses along Willamette Falls Drive and informed Council that the City had issued a statement Friday stating the matter was being looked into further. Tripping had been a concern, and staff was considering a temporary installation of candlestick bollards along the curb, and possibly painting the curb to permanently delineate the area.
- A request had been made from business owners to keep tables and chairs in the bike lane for a longer period and would need consideration. Clackamas County had gone to a low level of COVID-19 risk in the past week, so indoor capacity should be increasing and some of the area in the bike lane might need to be restricted.

Councilor Jones deferred to City Attorney Ramis any legal issues regarding tables in the bike lane and on the sidewalks. He lived in the neighborhood and walked the streets often and believed the neighborhood was accustomed to them. Given the struggles of some of the businesses on Willamette Falls Drive and Main St over the past 18 months, he suggested the manner in which the sidewalks were being used be allowed through Labor Day. He knew the business owners would appreciate that to accommodate more people who wanted to be in the fresh air and sunshine. He did not want to inconvenience cyclists or pedestrians and did not advocate for it permanently or seasonally.

Councilor Baumgardner referred to an email members of Council had received regarding the Cedaroak property that addressed the environmental impacts of the nearby creek. She was very concerned by the additional information and wanted to make sure it was explored further.

Councilor Bialostosky reported he had conversed with some of the business owners who were utilizing the bike lanes and sidewalks, and they had asked to keep the tables there at least through the summer. He supported their request due to the difficulties of the past 18 months, as long as it did not violate any laws. He pointed out a bike lane was located on the other side of the road and was still clear, and signage could refer cyclists and pedestrians there.

City Manager Gabrielatos described the design and potential usage of candlestick bollards, noting they could not be tipped over easily.

Council President Relyea suggested revisiting the entire layout of the street. When the streetscape was being developed, a request was made to have the median strip in the center of the street to accommodate the back-in parking. The City had since transitioned to front-in parking. He had initially requested to have the bike lane in the center of the street, and pointed out that would have resulted in the sidewalk areas becoming permanently available to the business owners for seating. He did not believe any legal issues would arise regarding the layout of the streets, so long as bicycling was accommodated, noting such use was part of the appropriation of the federal and state funding for which the City had qualified.

Councilor Baumgardner recalled from her time on the Transportation Advisory Board (TAB) a concern about having a bike lane that was usable for all levels of riders. She believed children would have a hard time navigating a bike lane in the roadway and would perhaps present a higher safety risk.

### [City Attorney Report \[9:25 pm/5 min\]](#)

#### [Legal Tracking Log](#)

#### [Project List](#)

City Attorney Ramis stated direction would be given by Council to its representatives regarding the direction to take on the acquisition of Oppenlander Field. He expected that to be followed by communication between Council's representatives and the School District's representatives about the details of the process. Currently, an option agreement was being worked on, with the hope to determine all of its terms. The option agreement would then return to the respective principals at the District and the City for final approval. If such an agreement was made, the next step would be to draft the documents necessary to put the matter on the ballot.

City Attorney Ramis noted the meeting packet contained a copy of the City Attorney Project Report, and the project list was also available online to inform the public and to show the breadth of issues being worked on.

The City Administration had authorized moving ahead with the update of the City's contract templates and purchasing rules which would allow streamlining of the City's processes. When completed, the documents would come to Council.

Councilor Bialostosky requested more information in advance regarding the process of the City Manager's evaluation taking place next week.

Mayor Walters replied that she had emailed members of Council the ICMA Guide with two sample documents to choose from. She preferred to have the documents to be filled out and returned by the end of the week and also shared with City Manager Gabrielatos for review before the evaluation. She recommended any questions be directed to City Attorney Ramis.

City Attorney Ramis stated the forms were equally good and that he endorsed Mayor Walters'

suggestion on directing questions to him.

Councilor Jones referred to Mayor Walters' email, noting that he must have misunderstood her request to mean she was asking for suggestions and not for a specific action on the forms provided in the attachment.

Mayor Walters clarified she wanted feedback on which form the members of Council preferred, reiterating that the forms were very similar. She believed it would be helpful to have everyone using the same form and standardized method. She recommended the Councilors send their thoughts to City Attorney Ramis including their individual choice of form.

City Manager Gabrielatos said that his intent had been to complete the self-evaluation form marked No. 3 this week because the form did not identify goals as the first form did. Council had not yet met to review the goals it had for him. It would be best to build on the document marked No. 3.

Council confirmed they agreed on the use of sample self-evaluation form No. 3.

City Attorney Ramis clarified he attempted to update the tracking log he shared tonight on a daily basis. It was also reviewed in a group meeting once a week. He would check on how often the tracking log was updated online for the public.

[Adjourn \[9:30 pm\]](#)

Draft Notes.



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

# **WEST LINN**

## **CITY COUNCIL MEETING NOTES**

### **JULY 1, 2021**

Call to Order: 12:00 pm

**Council Present:**

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

**Staff Present:**

City Manager Jerry Gabrielatos  
City Recorder Kathy Mollusky  
Police Chief Peter Mahuna  
City Attorney Tim Ramis

**Approval of Agenda**

Council President Relyea moved to approve the special meeting agenda as posted for the July 1, 2021 West Linn City Council Meeting. Councilor 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**

Alice Richmond regarding fireworks.

### Emergency Declaration Regarding Fireworks

City Manager Gabrielatos stated the emergency order is to disallow the use of fireworks. The City has received a lot of public comment regarding banning fireworks. This ban would allow fireworks displays approved by Tualatin Valley Fire & Rescue (TVF&R) and the Oregon State Fire Marshal (i.e., Alice Richmond's fireworks show) in West Linn.

Police Chief Mahuna informed Council they will have six police officers on duty. They are asking residents to call the non-emergency number, not 911, when neighbors are lighting off illegal fireworks. Trying to find who owns the illegal fireworks and who to cite takes a time and will be a challenge for the officers on duty. Basically, it is a B Misdemeanor of around \$500 and the penalty increases if there is an injury. He does not envision citing people using sparklers. They will educate the individuals, make them stop, and move on to the illegal fireworks where they will issue citations.

Council supports the personal fireworks ban given the hazardous conditions throughout the state. Council discussed the date the declaration should end. The declaration staff drafted expires July 9, so Council can determine if it needs to be extended at their next meeting.

Council discussed banning or postponing the events at Willamette Park due to the dry conditions or supporting the fireworks events since the Oregon State Fire Marshal and TVF&R have approved them, will inspect them, and make sure they are safe. They would like TVF&R onsite and suggested that in the future, the City makes sure the applicant pays for this service. They are concerned about getting the information out so people know fireworks are banned.

Staff will use all their means to get the communication out. The City just approved an application for fireworks on July 17 at Willamette Park. This event would be exempt from this ban. The fireworks will be fired from the softball field area. These events have to have a licensed person engineering the show. There is a site inspection by the fire department prior to the show. Staff will request TVF&R to be onsite for the July 4 event.

Council asked if the City has any liability for the July 4 event since they gave a grant to the event.

City Attorney Ramis stated there is no end to the creativity of plaintiff attorneys. The City has insurance and this is where our protection lies. The grant system gives us leverage to think through limitations Council might want to place on this event, like locating it over the water as Council discussed.

In response to Council's questions, City Manager Gabrielatos explained the Counties ban just provides for the unincorporated areas. Each City has to decide for itself. The Budget Committee approved \$3,000 for the July 4 event. It won't come before council until July 12<sup>th</sup>. He explained all the requirements listed in the application for firework events.

Council has concerns about fireworks this year. They do not want to see wildfires like last year. They are more concerned about individuals setting off the fireworks than an event approved by the Oregon State Fire Marshal and TVF&R. Council does not have the fire expertise and has to rely on the expert's determination and approval. Having one big event is better than having a lot of personal fireworks being set off.

Council went through each clause in the declaration to see if there was any issue or agreement with each of them. Listed below are the ones they discussed.

**WHEREAS**, the City has been experiencing extreme heat for several days and is expected to continue having dry and hot days through the 4<sup>th</sup> of July weekend; and

Councilor Jones stated the City will continue having dry weather thorough the month of July. He suggested it say through the month of July instead of through the 4<sup>th</sup> of July weekend. Council concurred.

**WHEREAS**, fire danger is high due to extended dry weather, extreme heat, low humidity, and east winds creating dangerous conditions for the use of fireworks; and

Council President Relyea suggested adding leaf blowers. Council majority prefers to leave it at fireworks only.

3. **Use of fireworks prohibited.** The use of any and all fireworks as defined by ORS 480.111 within the City of West Linn during this emergency is strictly prohibited. For purposes of this section, "use" includes lighting, exploding, or igniting in any way. Fireworks displays approved by the Tualatin Valley Fire and Rescue or the Oregon State Fire Marshal are exempt from this restriction. Use of fireworks that are illegal under state law continues to be prohibited at all times.

Councilor Baumgardner does not want to allow the events approved by TVF&R and the Oregon State Fire Marshal to continue, Council majority prefers to allow them.

5. **Expiration.** This declaration shall expire on July 9, 2021, unless extended or sooner terminated by the City.

Council supported changing the date to July 13, 2021.

Council President Relyea moved to approve the emergency declaration for the City of West Linn Oregon banning fireworks per the declaration made by the City Council and the City of West Linn on July 1, 2021 including the changes through first two weeks of July and expiring on midnight July 13. Councilor Baumgardner seconded.

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

**Nays: None**

**The motion carried 5- 0.**

Adjourn: 1:02 pm

Draft Notes.

DRAFT



## Agenda Bill 2021-08-02-02

Date Prepared: July 14, 2021

For Meeting Date: August 2, 2021

To: Jules Walters, Mayor  
West Linn City Council

From: Darren Wyss, Community Development Department *DSW*

Through: John R. Williams, Community Development Director *JRW*  
Jerry Gabrielatos, City Manager

Subject: July 12, 2021 Second Reading of Ordinance 1726

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### Purpose

To consider adoption of 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.

### Question(s) for Council:

Should Council adopt the proposal as recommended by the Planning Commission?

### Public Hearing Required:

Yes

### Background & Discussion:

On July 12, 2019, City Council voted four to one to adopt 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 (Ordinance 1726). As the vote was not unanimous, the Council must hold the second reading of Ordinance 1726 at a subsequent meeting.

### Budget Impact:

None, but would make the listed TSP projects eligible for various federal, state, and regional funding sources.

### Sustainability Impact:

Implementation of the concept plan would provide increased safety and opportunities for utilizing alternative transportation modes.

### Council Goal/Priority:

2. Maintain livability and affordability of all  
Initiative 1b. Pursuing regional, state, and federal funding for Highway 43 and Willamette Falls Drive improvements.

3. Support a sustainable and healthy environment for all.

Initiative 1c. Leveraging funding opportunities to build sidewalks and bike lanes on Highway 43 and Willamette Falls Drive.

4. Thrive and move forward under community/stakeholder direction  
Initiative 3a. Adopt a Waterfront Master Plan.

**Council Options:**

1. Adopt Ordinance 1726 as presented in Attachment 1;
2. Adopt Ordinance 1726 with changes;
3. Do not adopt Ordinance 1726.

**Staff Recommendation:**

Adopt Ordinance 1726 as recommended by the Planning Commission

**Potential Motion:**

1. Move to approve second reading of Ordinance 1726.

**Attachments:**

1. Ordinance 1726

**ORDINANCE NO. 1726**

**AN ORDINANCE 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.**

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

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

**WHEREAS**, the City adopted the 2016 West Linn Transportation System Plan (TSP) by Ordinance 1646 on March 28, 2016 as required by Oregon Administrative Rule 660 Division 12; and

**WHEREAS**, the West Linn Transportation Advisory Board worked with staff and the community to complete the West Linn Willamette Falls Drive 2021 Conceptual Design Plan and minor edits to the TSP project tables; and

**WHEREAS**, the Willamette Falls Drive Conceptual Design Plan (WF DR Plan) contains updated street cross-sections and corridor layouts; and

**WHEREAS**, the TSP and WF DR Plan Technical Appendices contain background information and data used to inform the WF DR Plan and were available to the public throughout the process; and

**WHEREAS**, the West Linn Transportation Advisory Board reviewed the WF DR Plan; and

**WHEREAS**, the West Linn Planning Commission (PC) held work sessions on April 21, 2021 and May 5, 2021; and

**WHEREAS**, the PC held a public hearing, which was noticed in accordance with City standards, on June 16, 2021, and recommended approval of the WF DR Plan and TSP amendments; and

**WHEREAS**, the West Linn City Council held a public hearing, which was noticed in accordance with City standards, on July 12, 2021, to consider the PC recommendation, receive public testimony, and evaluate the decision-making criteria; and

**WHEREAS**, the Council's decision is based on the findings contained in these Whereas Clauses, together with findings, conclusions, and substantial evidence found in the associated land use record file PLN-21-01, which is incorporated by this reference.

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

**SECTION 1. West Linn Willamette Falls Drive 2021 Conceptual Design Plan.** The West Linn Willamette Falls Drive 2021 Conceptual Design Plan, attached as Exhibit A, is adopted as Attachment B to the 2016 West Linn Transportation System Plan.

**SECTION 2. 2016 West Linn Transportation System Plan.** The 2016 West Linn Transportation System Plan is amended to include new text and rescind existing text as shown in Exhibit B. Exhibit B may be reformatted, and sections may be renumbered, or re-lettered. The City Recorder or designee is authorized to correct any cross-references and any typographical errors.

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

**SECTION 4. Effective Date.** This ordinance shall take effect on the 30<sup>th</sup> day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 12th day of July, 2021, and duly PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
JULES WALTERS, MAYOR

ATTEST:

\_\_\_\_\_  
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

**Agenda Bill 2021-08-02-03**

Date Prepared: July 28, 2021

For Meeting Date: August 2, 2021

To: Jules Walters, Mayor  
West Linn City Council

From: Morgan Coffie, Public Works Management Analyst

Through: Lance Calvert, PE, Public Works Director/City Engineer *LEC*  
Jerry Gabrielatos, City Manager *JG*

Subject: 3955 Cedaroak Property Surplus and Potential Sale

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**Purpose**

Provide additional history and land use details of city owned property located at 3955 Cedaroak Drive to possibly revisit the prior decision regarding potential sale/surplus of the property.

**Question(s) for Council:**

Does Council wish to maintain rescinding of the Resolution to surplus/sale the city owned property at 3955 Cedaroak Dr. or reaffirm/reapprove the Resolution?

**Public Hearing Required:**

None required.

**Background & Discussion:**

Below is a brief summary of the history of the property including the latest action to date of Council regarding the surplus/potential sale of the property at 3955 Cedaroak Drive.

- The City acquired the referenced property in 2008 utilizing the Environmental Services utility funds and was deeded through a Special Warranty Deed recorded with the Clackamas County Recorder's office on September 5, 2008.
- The property was designated as City owned property through Resolution 08-48.
- Since acquisition of this property, the City has not utilized the property for any public use and does not anticipate any future use per our recently adopted storm and sewer master plans.
- The property located at 3955 Cedaroak Drive can accommodate an R-10 zoned residential home (see attached Planning staff report for details).
- At the June 14, 2021 meeting, City Council declared the property as surplus by Resolution and directed staff to initiate a sale based on information available at that time.
- At the July 12, 2021 meeting, the City Council rescinded its approval of the surplus sale of the property until further review was conducted based on feedback from the community.
- At the July 19, 2021 meeting, City Council was provided a [staff memo](#) along with attached historical documentation/research around the history of the parcel purchase including land use and legal history indicating no restrictions on the property for development outside of the standard land use process. No discussion occurred at that meeting date as the item was tabled until the next Council meeting.

- Following the July 19<sup>th</sup> meeting legal performed a title search and confirmed there are no special restrictions on the property for development outside of the standard land use process.
- An environmental report associated with the historical documents indicated that there could have been a city sponsored creek restoration project on the property. No records of such project have been located and maintenance staff employed throughout the city ownership history of the parcel indicate that no such project has ever taken place on the parcel. In addition, no such project is listed in the current storm water master plan.
- A preliminary development and environmental code review has been performed by City Planning staff and is attached to indicate what could be done on the parcel assuming private ownership. Under private ownership, a home could be built on this existing lot of record.

**Budget Impact:**

If Council reaffirms the surplus/sale of the property, the market value of the sale proceeds of the property will be allocated back to the Environmental Services Utility Fund where the original purchase/expense was reported in accordance with city and ORS requirements. Those funds would be used for drainage/storm improvements identified in the city storm master plan. If Council would like to retain the property for some other public use (example: open space, etc.), the general fund or parks fund would need to purchase the property from the utility fund as there is no designated utility use of the parcel.

**Sustainability Impact:**

Adopted environmental protection measures will be applied to any future use of the property, public or private.

**Council Goal/Priority:**

This action relates to Council Goal 2, initiative 4: Examine civic infrastructure needs.

**Council Options:**

1. Re-adopt Resolution declaring the sale of 3955 Cedaroak Drive as surplus property and resume sales proceedings, or
2. Maintain public ownership of 3955 Cedaroak Drive, determine the public use of the property and transfer funds from the Parks or general fund to the Environmental utility fund for a public use at current market value.

**Staff Recommendation:**

Re-adopt declaration to surplus the property, thereby eliminating any city liability and maintenance associated with the unused property, and return the property to private use with revenue proceeds returning to the Environmental Services Utility Fund for needed capital projects identified in the storm master plan.

**Potential Motion:**

Move to re-establish sales proceedings for 3955 Cedaroak Drive or move to declare an alternative use for the property and determine payment for the property from the general fund to the utility fund.

**Attachments:**

1. Planning staff report
2. Title report
3. Resolution 2021-11



# CITY OF West Linn

## Memorandum

Date: July 21, 2021

To: Jules Walters, Mayor  
West Linn City Council

From: Darren Wyss, Planning Manager

Subject: Land Use Regulations on 3955 Cedaroak Drive

West Linn Planning was asked to provide information on the development potential for the City-owned property at 3955 Cedaroak Drive. The request was prompted by the City proposal to surplus the property and some community members commenting the property was not developable because of the location of Trillium Creek and its associated environmental setbacks. The analysis below shows that the property **is developable with some restrictions** as outlined in the West Linn Community Development Code (CDC).

Basic land use facts for the City-owned property at 3955 Cedaroak Drive:

Property Size:	13,556 sq. ft.
Comp Plan Designation:	Low Density Residential
Zoning:	R-10 (10,000 sq. ft. minimum lot size)
Permitted Uses:	<a href="#">Community Development Code Chapter 11.030</a> <a href="#">Community Development Code Chapter 11.050</a>
Conditional Uses:	<a href="#">Community Development Code Chapter 11.060</a>
Environmental Overlays:	Water Resource Area <a href="#">CDC Chapter 32</a> Habitat Conservation Area <a href="#">CDC Chapter 28</a>

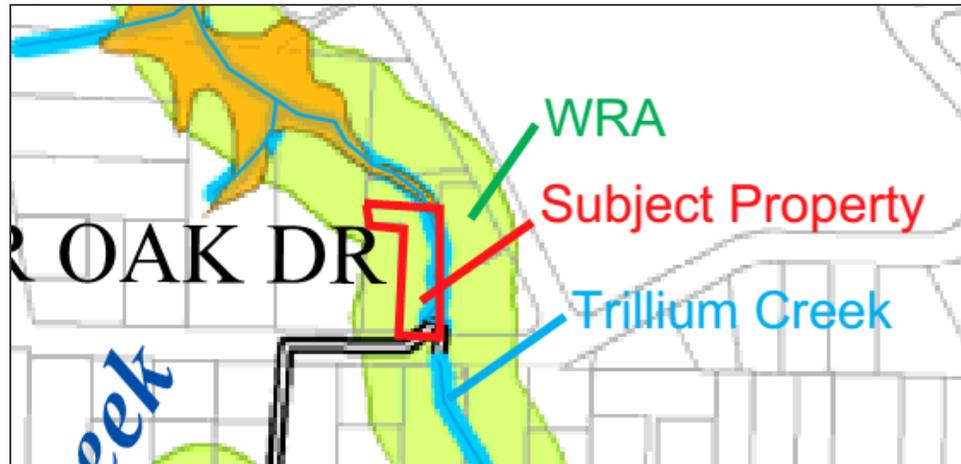
The property is entirely encumbered by the Water Resource Area (WRA) associated with Trillium Creek. The West Linn Community Development Code (CDC) defines a Water Resource Area as *“Any water resource or riparian area identified in the West Linn WRA Map and the adjacent area of varying widths, established pursuant to Chapter 32 CDC, in which development activities are restricted in order to protect the functions and values of the associated water resource”*.

Figure 1 shows the property location, Trillium Creek, and the associated WRA on the City-adopted WRA Map.



# CITY OF West Linn

Figure 1.



CDC Chapter 32 regulates the size, type, location, and mitigation requirements of development taking place on property containing a WRA. When a property is entirely encumbered by the WRA, as is the case with 3955 Cedaroak Drive, the City provides for a hardship allowance to avoid a “taking” by depriving an owner of the reasonable use of land ([CDC Chapter 32.110](#)). The process requires attending a pre-application conference and the subsequent submittal of a land use application for a WRA Permit. The code outlines a few provisions that must be met to qualify for the hardship allowance:

1. The property must have existed as a lot of record and been recorded with Clackamas County on or before January 1, 2006.

***Clackamas County Record of Survey SN2003-107, recorded March 17, 2003, shows the lot of record in its current configuration.***

2. Maximum disturbed area of 5,000 sq. ft. of the WRA.

***This requirement would get confirmed during the land use review for the WRA Permit. Maximum disturbed area includes footprints of all structures, decks, patios, sidewalks, driveways, and any disturbed area not replanted with native vegetation per an approved mitigation plan. Lot coverage and floor-to-area ratio requirements of the R-10 zone would still apply.***

3. Minimum distance from the water resource (Trillium Creek in this case) of 15 feet. Minimum permitted width of driveway required to reduce impervious surfaces. Reduced setbacks from property lines are allowed to minimize impacts.

***The requirement would get confirmed during the land use review for the WRA Permit.***

4. Mitigation and re-vegetation of disturbed areas.



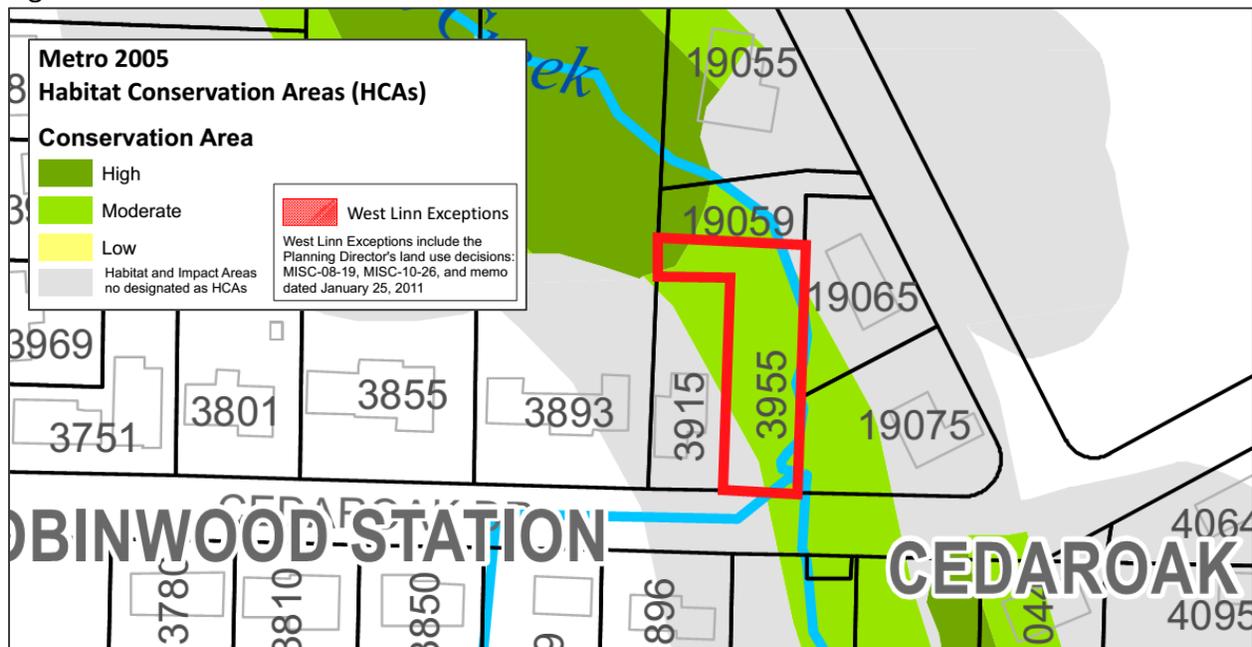
# CITY OF West Linn

***A mitigation/re-vegetation plan is required to be prepared by a qualified professional and submitted with the land use application.***

The property is also encumbered by Moderate Value Habitat Conservation Area (HCA) associated with Trillium Creek. The West Linn Community Development Code (CDC) defines Habitat Conservation Areas as “Areas identified on the Habitat Conservation Areas Map and subject to the standards found in Chapter 28 CDC, Willamette and Tualatin River Protection”.

Figure 2 shows the property location, Trillium Creek, and the associated HCA on the City-adopted HCA Map.

Figure 2.



CDC Chapter 28 regulates the size, type, location, and mitigation requirements of development taking place on property containing HCAs. When a property is encumbered by HCAs, as is the case with 3955 Cedar Oak Drive, the City provides the opportunity for development to avoid a “taking”. The regulations allow a maximum disturbance of 5,000 sq. ft. of HCA designated land with encroachment directed to low value, then moderate value, and finally high value if no other options are available ([CDC Chapter 28.110.A](#)). The process requires attending a pre-application conference and the subsequent submittal of a land use application for HCA Review and Permit. The code outlines a few provisions that must be met to qualify for disturbance of the HCA:



## CITY OF West Linn

1. The property must be a legal lot of record and have less than 5,000 sq. ft. of non-HCA land.

***Clackamas County Record of Survey SN2003-107, recorded March 17, 2003, shows the lot of record in its current configuration. There is approximately 1,300 sq. ft. of non-HCA land so the property is eligible to disturb HCA designated land.***

2. Minimize disturbance to the HCA land by directing development first to low value, then moderate value, then high value lands.

***The property has approximately 1,300 sq. ft. of non-HCA land with the remainder primarily moderate value HCA land. Minimizing disturbance would be judged against existing regulations for confirmation during the HCA land use review.***

3. Maximum disturbed area of 5,000 sq. ft. of impervious surfaces on HCA designated land.

***The requirement would get confirmed during the HCA land use review.***

4. Reduced setbacks from property lines are allowed to minimize impacts.

***The requirement would get confirmed during the HCA land use review.***

5. Mitigation and re-vegetation of disturbed areas.

***A mitigation/re-vegetation plan is required to be prepared by a qualified professional and submitted with the land use application.***

Prior to development of the property, there would be opportunity for public comment and feedback on a proposal. As noted earlier, an applicant would be required to attend a pre-application conference with City staff to learn the land use review process and the applicable CDC criteria the proposal would need to meet. Pre-application meetings are open to the public and comments can be submitted.

Upon submittal of a land use application for WRA and HCA review, all property owners within 500-feet, all neighborhood associations, the Oregon Department of State Lands, and the Army Corps of Engineers would be notified and provided the opportunity to comment. The property would also be posted with a sign notifying the community of an impending land use decision with a description of the proposal.

Please feel free to contact me at [dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov) or 503-742-6064 with any questions regarding the land use process for development on the property at 3955 Cedaroak Drive.

# Property Detail Report

3955 Cedaroak Dr, West Linn, OR 97068-1607

APN: 00372215

Clackamas County Data as of: 07/16/2021

## Owner Information

Owner Name:	City Of West Linn	For Sale:	\$195,000
Vesting:		Occupancy:	Absentee Owner
Mailing Address:	22500 Salamo Rd #600, West Linn, OR 97068-8306		

## Location Information

Legal Description:	732 Cedaroak Park #3 Pt Lt 200	County:	Clackamas, OR		
APN:	00372215	Alternate APN:	21E24BB00202	Census Tract / Block:	020505 / 2008
Munic / Twnshp:		Twncshp-Rng-Sec:	2S-1E-24	Legal Lot / Block:	200 /
Subdivision:	Cedaroak Park Plat #3	Tract #:		Legal Book / Page:	
Neighborhood:	Cedaroak Park	School District:	West Linn-Wilsonville School District 3J		
Elementary School:	Cedaroak Park Prim...	Middle School:	Rosemont Ridge Mid...	High School:	West Linn High Sch...
Latitude:	45.38763	Longitude:	-122.63579		

## Last Transfer / Conveyance - Current Owner

Transfer / Rec Date:	08/27/2008 / 09/05/2008	Price:	\$75,000	Transfer Doc #:	2008.62199
Buyer Name:	Johnson, Ronald H & Annette G	Seller Name:	Johnson Ronald & A Trust	Deed Type:	Deed

## Last Market Sale

Sale / Rec Date:	08/27/2008 / 09/05/2008	Sale Price / Type:	\$75,000 / Confirmed	Deed Type:	Deed
Multi / Split Sale:		Price / Sq. Ft.:		New Construction:	
1st Mtg Amt / Type:		1st Mtg Rate / Type:		1st Mtg Doc #:	N/A
2nd Mtg Amt / Type:		2nd Mtg Rate / Type:		Sale Doc #:	2008.62199
Seller Name:	Johnson Ronald & A Trust			Title Company:	Pacific North West...
Lender:					

## Prior Sale Information

Sale / Rec Date:		Sale Price / Type:		Prior Deed Type:	
1st Mtg Amt / Type:		1st Mtg Rate / Type:		Prior Sale Doc #:	N/A
Prior Lender:					

## Property Characteristics

Gross Living Area:		Total Rooms:	0	Year Built / Eff:	
Living Area:		Bedrooms:		Stories:	
Total Adj. Area:		Baths (F / H):		Parking Type:	
Above Grade:		Pool:		Garage #:	
Basement Area:		Fireplace:		Garage Area:	
Style:		Cooling:		Porch Type:	
Foundation:		Heating:		Patio Type:	
Quality:		Exterior Wall:		Roof Type:	
Condition:		Construction Type:		Roof Material:	

## Site Information

Land Use:	Vacant -Residential Land	Lot Area:	13,556 Sq. Ft.	Zoning:	R10
State Use:		Lot Width / Depth:		# of Buildings:	
County Use:	100 - Residential Land	Usable Lot:		Res / Comm Units:	
	Vacant				
Site Influence:		Acres:	0.311	Water / Sewer Type:	
Flood Zone Code:	X	Flood Map #:	41005C0019D	Flood Map Date:	06/17/2008
Community Name:	City Of West Linn	Flood Panel #:	0019D	Inside SFHA:	False

## Tax Information

Assessed Year:	2020	Assessed Value:	\$31,604	Market Total Value:	\$49,075
Tax Year:	2020	Land Value:		Market Land Value:	\$49,075
Tax Area:	003-002	Improvement Value:		Market Imprv Value:	
Property Tax:		Improved %:		Market Imprv %:	
Exemption:		Delinquent Year:			

# Transaction History Report

3955 Cedaroak Dr, West Linn, OR 97068-1607

APN: 00372215

Clackamas County Data as of: 07/16/2021

**Current Owner: Johnson Annette G / Johnson Ronald H**

Vesting:  
2008 - Present

CONVEYANCES								
Date	Rec Date	Verified	Price	Type	Title Company	Buyer	Seller	Document #
08/27/2008	09/05/2008		\$75,000	Confirmed	Pacific North West Title	Johnson Annette G / Johnson Ronald H	Johnson Ronald & A Trust	2008.62199

**Disclaimer:** This report is not an insured product or service or a representation of the condition of title to real property. It is not an abstract, legal opinion, opinion of title, title insurance, commitment or preliminary report, or any form of title insurance or guaranty. Estimated property values are: (i) based on available data; (ii) are not guaranteed or warranted; (iii) do not constitute an appraisal; and (iv) should not be relied upon in lieu of an appraisal. This report is issued exclusively for the benefit of the applicant therefor, and may not be used or relied upon by any other person. This report may not be reproduced in any manner without the issuing party's prior written consent. The issuing party does not represent or warrant that the information herein is complete or free from error, and the information herein is provided without any warranties of any kind, as-is, and with all faults. As a material part of the consideration given in exchange for the issuance of this report, recipient agrees that the issuing party's sole liability for any loss or damage caused by an error or omission due to inaccurate information or negligence in preparing this report shall be limited to the fee charged for the report. Recipient accepts this report with this limitation and agrees that the issuing party would not have issued this report but for the limitation of liability described above. The issuing party makes no representation or warranty as to the legality or propriety of recipient's use of the information herein.

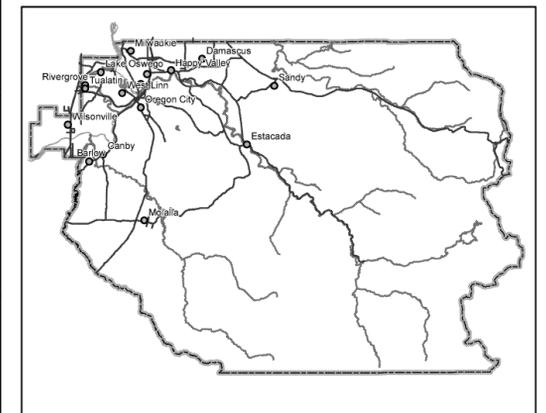
School information is copyrighted and provided by GreatSchools.org.

D. L. C.  
GEORGE WALLING NO. 62

Cancelled Taxlots

- 1190
- 1390
- 4900A1
- 4901
- 3700
- 204
- 4800E1
- 4800E2

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY



Grantor's Name and Address  
 Ronald H Johnson Trustee  
 ANNETTE G. JOHNSON Trustee  
 10667 SE 144 Loop  
 PORTLAND, OR 97236

Grantee's Name and Address  
 ANNETTE G. JOHNSON  
 10667 SE 144 Loop  
 PORTLAND, OR 97236

After recording, return to (Name, Address, Zip):  
 ANNETTE G. JOHNSON Trustee  
 10667 SE 144 Loop  
 PORTLAND, OR 97236

Until requested otherwise, send all tax statements to (Name, Address, Zip):  
 ANNETTE G. JOHNSON Trustee  
 10667 SE 144 Loop  
 PORTLAND, OR 97236

Clackamas County Official Records  
 Sherry Hall, County Clerk 2003-086430



\$26.00

07/08/2003 10:11:45 AM

D-D Cnt=1 Stn=1 LISAOLE  
 SP# \$5.00 \$11.00 \$10.00

Clackamas County Official Records  
 Sherry Hall, County Clerk 2003-091130



\$26.00

07/17/2003 10:22:03 AM

D-D Cnt=1 Stn=1 ELIZABETH  
 \$5.00 \$11.00 \$10.00

QUITCLAIM DEED

KNOW ALL BY THESE PRESENTS that RONALD H. JOHNSON AND ANNETTE G. JOHNSON Trustee hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and forever quitclaim unto ANNETTE G. JOHNSON Trustee hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of the grantor's right, title and interest in that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in CLACKAMAS County, State of Oregon, described as follows, to-wit:

21 E 24BB00202  
 CODE AREA 003-002  
 CEDAR OAK DRIVE, WEST LINK, OR 97068  
 Cedar oak Park #3 - Part of Lot 200  
 2634 Cedar oak Dr. West link OR 97068

Re-recorded because needed to add "Trustee" to names.  
 Previously recorded as: 2003-086430

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.  
 The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 1,000.00. However, the actual consideration consists of or includes other property or value given or promised which is  part of the  the whole (indicate which) consideration. (The sentence between the symbols ®, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument on \_\_\_\_\_; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Ronald H Johnson Trustee  
Annette G Johnson Trustee

STATE OF OREGON, County of Clackamas ss.  
 This instrument was acknowledged before me on \_\_\_\_\_  
 by \_\_\_\_\_  
 This instrument was acknowledged before me on July 7th, 2003  
 by Ronald H Johnson Trustee and Annette G Johnson Trustee  
 as owners  
 of 21 E 24BB00202, 2634 Cedar oak Dr. West link, OR 97068



Melissa Davidson  
 Notary Public for Oregon  
 My commission expires Sept 25, 2006

1-20-04

RECORDING REQUESTED BY  
Fidelity National Title Company of Oregon

GRANTOR'S NAME  
Ronald & Annette Johnson Revocable Trust  
Ronald H. Johnson and Annette G. Johnson  
GRANTEE'S NAME  
Ronald & Annette Johnson Revocable Trust  
Ronald H. Johnson and Annette G. Johnson

SEND TAX STATEMENTS TO:

10667 SE 144th Loop  
Portland, OR 97236

AFTER RECORDING RETURN TO:

same as above

Clackamas County Official Records 2004-024568  
Sherry Hall, County Clerk



\$31.00

00655115200400245680020024

03/25/2004 10:14:44 AM

D-D Cnt=1 Str=4 MELISSA  
\$10.00 \$11.00 \$10.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY QUITCLAIM DEED**

Ronald H. Johnson and Annette G. Johnson, Trustees under the Ronald & Annette Johnson Revocable Living Trust dated the 20th day of September, 1996, as to a portion and Ronald H. Johnson and Annette G. Johnson, as tenants by the entirety, Grantor, releases and quitclaims to

Ronald H. Johnson and Annette G. Johnson, Trustees under the Ronald & Annette Johnson Revocable Living Trust dated the 20th day of September, 1996, Grantee, all right title and interest in and to the following described real property, situated in the County of Clackamas, State of Oregon.

This deed is being recorded to correct the Grantee on deed recorded July 8, 2003, Fee No. 2003-086430 and rerecorded July 17, 2003, Fee No. 2003-091130. \*  
SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

\* Also being recorded in accordance with City of West Linn LLA-02-04.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$0.00 (See ORS 93.030)

DATED: January 13, 2004

Ronald H. Johnson, Trustee  
Ronald H. Johnson, Trustee

Annette G. Johnson, Trustee  
Annette G. Johnson, Trustee

Ronald H. Johnson  
Ronald H. Johnson, individual

Annette G. Johnson  
Annette G. Johnson, individual



STATE OF OREGON

COUNTY OF Clackamas

This instrument was acknowledged before me on

2-11-04

by Ronald H. Johnson and Annette G. Johnson

This instrument was acknowledged before me on

2-11-04

by Ronald H. Johnson and Annette G. Johnson

as Trustees

of Ronald & Annette Johnson Revocable Living Trust

Carrie Redifer

Notary Public for Oregon

My Commission Expires: 1-20-06

This instrument filed for record by Fidelity National Title as an accommodation only. It has not been examined as to its execution or as to its effect upon the title 703921

FIDELITY NATIONAL TITLE CO.

EXHIBIT "ONE"

The East one-half of the South 168.78 as measured along the West line of Lot 200, CEDAROAK PLAT NO. 3, in the City of West Linn, Clackamas County, Oregon, along with a strip of land 30 feet wide lying North of and adjacent to the North line of said South 168.78 feet of Lot 200.

2

1065990-JMI  
510-20  
48  
Pacific NW Title

**AFTER RECORDING RETURN TO:**

Jordan Schrader Ramis PC  
PO Box 230669  
Portland OR 97281  
(50015-36853 - CLK)

**UNTIL A CHANGE IS REQUESTED  
SEND TAX STATEMENTS TO:**

City of West Linn  
Attn: Gordon Howard  
22500 Salamo Rd  
West Linn OR 97068

Clackamas County Official Records 2008-062199  
Sherry Hall, County Clerk



01245547200800621990040048 \$46.00  
09/05/2008 02:32:12 PM  
D-D Cnt=1 Stn=7 BARBARA  
\$20.00 \$10.00 \$16.00

*This space is reserved for recorder's use.*

**SPECIAL WARRANTY DEED**

Ronald H. Johnson and Annette G. Johnson, Trustees under the Ronald & Annette Johnson Revocable Living Trust dated the 20th day of September, 1996, as to a portion, and Ronald H. Johnson and Annette G. Johnson, as tenants by the entirety, as to a portion, Grantors, convey and warrant to the City of West Linn, an Oregon municipal corporation, Grantee, the following described real property free of encumbrances created or suffered by Grantors except as specifically set forth herein (none):

See Exhibit A attached hereto and incorporated herein by reference.

The true consideration for this conveyance is \$75,000.00.

Grantors acknowledge and warrant to Grantee that it is their intent by and through this Deed to convey to Grantee their entire interests in and to all of the Property described herein, notwithstanding any discrepancies in descriptions of the Property reflected in various deeds recorded since Grantors' original acquisition of the Property as reflected under Document Nos. 84-019006 and 94-047091, Clackamas County, Oregon Deed Records.

Grantors, and each of them, further acknowledge and warrant to Grantee that they are the sole owners of the Property either individually, as tenants by the entirety, or as trustees of and under the Ronald & Annette Johnson Revocable Living Trust dated the 20th day of September 1996, and that no other party or parties has any ownership interest in, or rights of use to, the Property.

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON  
TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS,**

IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11 CHAPTER 424, OREGON LAWS 2007.

DATED this 27 day of August, 2008.

**GRANTORS:**

Ronald H. Johnson, Trustee  
Ronald H. Johnson, Trustee of the Ronald & Annette Johnson Revocable Living Trust dated the 20th day of September, 1996

Ronald H. Johnson  
Ronald H. Johnson, Individually

Annette G. Johnson, Trustee  
Annette G. Johnson, Trustee of the Ronald & Annette Johnson Revocable Living Trust dated the 20th day of September, 1996

Annette G. Johnson  
Annette G. Johnson, Individually

**ACCEPTED BY:**

CITY OF WEST LINN, an Oregon municipal corporation

By: Chris Jordan

Name: Chris Jordan A. Jordan

Title: City Manager

[Acknowledgements on Following Page]

STATE OF OREGON )  
 ) ss.  
County of Clackamas )

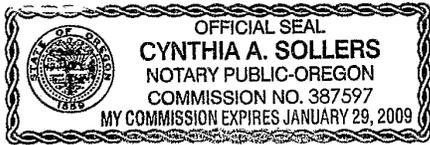
This instrument was acknowledged before me on this 27<sup>th</sup> day of August, 2008, by Ronald H. Johnson, individually and as Trustee of the Ronald & Annette Johnson Revocable Living Trust dated the 20th day of September, 1996.



Cynthia A. Sollers  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 1-29-09 *was*

STATE OF OREGON )  
 ) ss.  
County of Clackamas )

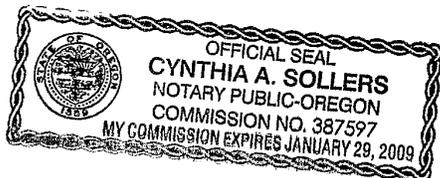
This instrument was acknowledged before me on this 27<sup>th</sup> day of August, 2008, by Annette G. Johnson, individually and as Trustee of the Ronald & Annette Johnson Revocable Living Trust dated the 20th day of September, 1996.



Cynthia A. Sollers  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 1-29-09 *was*

STATE OF OREGON )  
 ) ss.  
County of Clackamas )

This instrument was acknowledged before me on this 2<sup>nd</sup> day of September, 2008, by Christopher Jordan as City Manager of the City of West Linn, an Oregon municipal corporation.



Cynthia A. Sollers  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 1-29-09

## Exhibit A

The East one-half of the South 168.78 feet as measured along the West line of Lot 200, CEDAROAK PARK PLAT NO. 3, in the City of West Linn, County of Clackamas and State of Oregon. Together with a strip of land 30 feet wide lying North of and adjacent to the North line of said South 168.78 feet of Lot 200.

Exhibit A

50015-36853 144412\_2\g/8/27/2008

(4)

**RESOLUTION NO. 2021-11**

**A RESOLUTION DECLARING CITY-OWNED PROPERTY AT 3955 CEDAROAK DRIVE  
SURPLUS REAL PROPERTY AND INITIATING A SALES PROCESS FOR THE  
PROPERTY**

**WHEREAS**, in September 2008, the City of West Linn purchased 3955 Cedaroak Drive, West Linn, Oregon (Property); and

**WHEREAS**, Resolution 08-48, Section 4, designated the Property as city-owned property; and

**WHEREAS**, the Property has remained unutilized since its acquisition in 2008; and

**WHEREAS**, the City has determined there is no future public use of the property; and

**WHEREAS**, Environmental Services Funds were used to purchase the Property; and

**WHEREAS**, any proceeds received shall be deposited into the Environmental Services Funds.

**NOW, THEREFORE, THE CITY OF WEST LINN RESOLVES AS FOLLOWS:**

**SECTION 1. Surplus Property.** The City declares the city-owned Property surplus and authorizes the City Manager to undertake any actions necessary to facilitate the sale of the property in accordance with WLMC 2.875(4).

**SECTION 2. Depositing of Funds.** Any proceeds received from the sale of the Property shall be deposited into the Environmental Services Fund.

This resolution was PASSED and ADOPTED this 2nd day of August, 2021, and takes effect upon passage.

\_\_\_\_\_  
JULES WATERS, MAYOR

ATTEST:

\_\_\_\_\_  
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY



## Agenda Bill 2021-08-02-04

Date Prepared: July 28, 2021  
For Meeting Date: August 2, 2021  
To: Mayor Jules Walters and West Linn City Council  
From: John R. Williams, Deputy City Manager/Community Development Director *JRW*  
Ken Warner, Parks and Recreation Director *KW*  
Through: Jerry Gabrielatos, City Manager JG  
Subject: Next steps – Robinwood Station and Historic City Hall

---

### Purpose

Council update and discussion of next steps on using General Obligation bond funds for the Robinwood Station and Historic City Hall projects.

### Question(s) for Council:

With limited GO Bond funding available, construction costs increasing and limited staff for project management, how should the City move forward on these two projects?

### Background & Discussion:

Since Council's most recent update on GO Bond projects (April 5), the City has requested and received updated cost estimates from architect Todd Iselin (Attachment 1 & 2). Construction costs have risen nationally quite dramatically in the past year, with costs skyrocketing for materials like lumber, plywood, concrete, steel, copper, gypsum board, piping, and labor. Mr. Iselin reports that prices may have peaked in June in most categories and are on a slight downward trend.

The remaining project cost for the Robinwood Station is now estimated at \$ 935,000, with \$67,500 in soft costs, \$746,656 for the Station update (\$326/s.f.), with an additional \$121,680 for an interior remodel of the water utility building which is for City Use only but adds restroom for gardeners or other users. (this item could be bid out as an alternate if desired). This estimate includes a 20% construction contingency. Completion of this project as estimated would require approximately \$854,341 more from the Go Bond.

The total construction cost for Historic City Hall is now estimated at \$1,583,204 (\$226/s.f.) including the remaining "soft costs" of permitting and design services. This estimate includes a recommended 25% construction contingency. There is approximately \$71,000 remaining on the Coalition's Mt. Hood Territory Grant, which is covering due diligence and architecture work, and we have a \$70,000 grant from Clackamas County for ADA improvements, so to complete the project as envisioned would require approximately \$1,442,204 from the GO Bond.

The City has submitted for the listing of listing Historic City Hall on the National Register of Historic Places. Listing in the National Historic Register is primarily an honorific designation intended to encourage preserving important historic places. The State Historic Preservation Office (SHPO) reviewed the Historic City Hall nomination at its June 18, 2021 meeting in Salem. SHPO, with minor revisions, will

submit its recommendation to the National Park Service for final review and listing in the fall of 2021. Renovation of Historic City Hall now or delayed will not play a part in the review or listing process.

Lease agreements have been drafted for both buildings and reviewed with relevant non-profit group (Friends of Robinwood Station and Willamette Falls and Landings Heritage Area Coalition). We are still waiting for approval of a parking agreement with the owners of the property surrounding Historic City Hall, but otherwise everything is ready to bring to Council.

**Council Options:**

The biggest remaining question is how to address cost increases while remaining within the limitations of the overall GO Bond funding. GO Bond funding update is provided as attachment 2 and shows a gap between available resources of \$3,393,000 and total projected costs of \$3,520,961 (. Options include:

- Move to bidding and construction phases sequentially, i.e., prioritize one of the projects and ensure funding is available, then develop a scope for the remaining building with remaining funding.
- Find cost savings on each project or reduce one or both scopes to allow each to move forward at the same time.
- Send both projects to bid with an option to not award if costs are higher than anticipated.

**Staff Recommendation:**

- Move to bidding and construction phases sequentially, i.e., prioritize one of the projects and ensure funding and project management capabilities are available, then evaluate scope for the remaining building and make any adjustments, if needed, with remaining funding.

**Attachments:**

1. Current cost estimates for Historic City Hall
2. Current cost estimates for Robinwood Station and Water Building (City Use Only)
3. July 2021 City Facility cost estimates and revenue

For additional reference information on the Historic City Hall project including all agreements and funding overview, please refer to the [April 12 Council packet, item 7c](#).

Old West Linn City Hall Adaptive Reuse updated 5-18-21

**COST PROJECTION**

<b>CATEGORY</b>	<b>COST</b>	<b>QUANTITY</b>	<b>TOTAL</b>	<b>SUB-TOTAL</b>
<b>Division 1 - General Requirements</b>				
Soft Costs- Prof. Svcs, Permits- Lump Sum	n/a	n/a	\$110,000.00	<b>\$110,000.00</b>
Mobilization, General Conditions- Lump Sum	n/a	n/a	\$20,000.00	<b>\$20,000.00</b>
Haz Mat Remediation/ Asbestos & Fuel Oil tank	n/a	n/a	\$56,000.00	<b>\$56,000.00</b>
<b>Division 2 - Site Construction</b>				
Selective Demolition/ Grading - Lump Sum	n/a	n/a	\$7,500.00	<b>\$7,500.00</b>
Site Concrete/ Paving	\$7.20	820 s.f.	\$5,904.00	<b>\$5,904.00</b>
Curbing	\$12.00	516 l.f.	\$6,192.00	<b>\$6,192.00</b>
Seal Coat/ Stripping	\$0.60	17,400 s.f.	\$10,440.00	<b>\$10,440.00</b>
Landscaping- Lump Sum	n/a	n/a	\$7,000.00	<b>\$7,000.00</b>
Bike Racks	\$500.00	2 ea.	\$1,000.00	<b>\$1,000.00</b>
Signage/ Exterior lighting- Lump Sum	n/a	n/a	\$8,500.00	<b>\$8,500.00</b>
<b>Division 3 - Concrete</b>				
Saw cut and pourback for plumbing/ electrical	\$42.00	110 lf	\$4,620.00	<b>\$4,620.00</b>
<b>Division 4 - Masonry</b>				
Selective Repair/ Restoration- Lump Sum	n/a	n/a	\$16,000.00	<b>\$16,000.00</b>
<b>Division 5 - Metals</b>				
New exterior steel stair to replace existing	\$18,000.00	1 ea.	\$18,000.00	<b>\$18,000.00</b>
New metal awnings	\$560.00	70 l.f.	\$39,200.00	<b>\$39,200.00</b>
<b>Division 6 - Woods &amp; Plastics</b>				
Selective Demolition and temp shoring	\$2.50	7,408 s.f.	\$18,520.00	<b>\$18,520.00</b>
Rough Carpentry TI Framing	\$8.20	7,408 s.f.	\$60,745.60	<b>\$60,745.60</b>
<b>Division 7 - Thermal &amp; Moisture Protection</b>				
Attic insulation (remove and upgrade)	\$4.20	3,500 sf	\$14,700.00	<b>\$14,700.00</b>
Wall insulation (limited to disturbed areas)	\$2.60	840 sf	\$2,184.00	<b>\$2,184.00</b>
Demo existing and install new roofing system	\$36.00	3,500 sf	\$126,000.00	<b>\$126,000.00</b>
<b>Division 8 - Doors &amp; Windows</b>				
New Storefront at main entry	\$165.00	530 s.f.	\$87,450.00	<b>\$87,450.00</b>
New Wood Casement windows to replace aluminum **	\$3,200.00	15 ea.	\$48,000.00	<b>\$48,000.00</b>
Exterior Window Repair/ Painting (front elevation)	\$1,800.00	6 ea.	\$10,800.00	<b>\$10,800.00</b>
Exterior Window Repair/ Painting (sides/ rear radius top)	\$720.00	12 ea.	\$8,640.00	<b>\$8,640.00</b>
New Interior Doors and Hardware	\$640.00	13 ea.	\$8,320.00	<b>\$8,320.00</b>
New Interior windows	\$36.00	212 s.f.	\$7,632.00	<b>\$7,632.00</b>
<b>Division 9 - Finishes</b>				
Gypsum Board Walls	\$2.65	5,920 s.f.	\$15,688.00	<b>\$15,688.00</b>
Gypsum Board Ceilings	\$3.25	4,326 s.f.	\$14,059.50	<b>\$14,059.50</b>
New Flooring (hardwood)	\$12.00	2,662 s.f.	\$31,944.00	<b>\$31,944.00</b>
New Flooring and wainscotting (c. tile)	\$14.00	710 s.f.	\$9,940.00	<b>\$9,940.00</b>
New Flooring (carpet)	\$3.25	5,000 s.f.	\$16,250.00	<b>\$16,250.00</b>
Wood trim (stained 1x8 wood)	\$8.20	2,890 l.f.	\$23,698.00	<b>\$23,698.00</b>
Rubber base	\$1.40	12,000 l.f.	\$16,800.00	<b>\$16,800.00</b>
Paint - Interior	\$2.40	1,448 l.f.	\$3,475.20	<b>\$3,475.20</b>
new handrails	\$24.00	60 l.f.	\$1,440.00	<b>\$1,440.00</b>
Display cases	\$6,000.00	3 ea.	\$18,000.00	<b>\$18,000.00</b>
<b>Division 10 - Specialties</b>				
N/A	n/a	n/a	\$0.00	<b>\$0.00</b>
<b>Division 11 - Equipment</b>				
Furnishings (allowance)	\$16.00	3,500 s.f.	\$56,000.00	<b>\$56,000.00</b>
Fire Extinguishers	\$100.00	4 ea.	\$400.00	<b>\$400.00</b>

<b>CATEGORY</b>	<b>COST</b>	<b>QUANTITY</b>	<b>TOTAL</b>	<b>SUB-TOTAL</b>
<b>Division 12 - Furnishings</b>				
Casework - base	\$265.00	12 l.f.	\$3,180.00	<b>\$3,180.00</b>
Countertops	\$80.00	12 l.f.	\$960.00	<b>\$960.00</b>
<b>Division 13 - Special Construction</b>				
N/A	n/a	n/a	\$0.00	<b>\$0.00</b>
<b>Division 14 - Conveying Systems</b>				
N/A	n/a	n/a	\$0.00	<b>\$0.00</b>
<b>Division 15 - Mechanical/ Plumbing</b>				
Demo (2) Units- (1 rooftop, 1 sidewall)	n/a	n/a	\$7,000.00	<b>\$7,000.00</b>
New Ductless mini split systems	\$9,500.00	8 ea	\$76,000.00	<b>\$76,000.00</b>
New bath fans	\$500.00	4 ea	\$2,000.00	<b>\$2,000.00</b>
Rough Plumbing- Lump Sum	n/a	n/a	\$10,000.00	<b>\$10,000.00</b>
New Plumbing Fixtures- Bath group	\$1,800.00	4 ea.	\$7,200.00	<b>\$7,200.00</b>
New Plumbing Fixtures- 3 comp and hand sink	\$1,700.00	1 ea.	\$5,500.00	<b>\$5,500.00</b>
<b>Division 16 - Electrical</b>				
Rough Electrical- Lump Sum	n/a	n/a	\$12,000.00	<b>\$12,000.00</b>
Lighting Upgrades	\$4.65	7,400 l.f.	\$34,410.00	<b>\$34,410.00</b>
Low Voltage/ Alarm upgrades	\$3.65	4,000 l.f.	\$14,600.00	<b>\$14,600.00</b>
<b>SUB TOTAL</b>			<b>\$1,083,892.30</b>	<b>\$1,083,892.30</b>
Construction Contingency			\$258,720.58	25%
Contractor Fee			\$192,472.61	18%
Insurance			\$16,039.38	1.5%
Bonding			\$32,078.77	3.0%
<b>TOTAL</b>			<b>\$1,583,203.64</b>	<b>\$226.17 per s.f.</b>

Robinwood Station Preliminary Construction Cost Estimate Revised 4-21-21

CATEGORY	COST	QUANTITY	TOTAL	SUB-TOTAL
<b>Division 1 - General Requirements</b>				
Mobilization, General Conditions- Lump Sum	n/a	n/a	\$8,000.00	<b>\$8,000.00</b>
Haz Mat/ Asbestos Testing & Abatement	n/a	n/a	\$6,000.00	<b>\$6,000.00</b>
<b>Division 2 - Site Construction</b>				
Selective Demolition/ Grading - Lump Sum	n/a	n/a	\$7,500.00	<b>\$7,500.00</b>
New AC Paving and base	\$7.20	5,992 s.f.	\$43,142.40	<b>\$43,142.40</b>
Seal coat and repair existing AC paving	\$3.60	1,030 s.f.	\$3,708.00	<b>\$3,708.00</b>
Parking lot stripping and signage- Lump Sum	n/a	n/a	\$1,600.00	<b>\$1,600.00</b>
New Extruded curbs	\$14.00	90 l.f.	\$1,260.00	<b>\$1,260.00</b>
New Catch basin	\$1,500.00	2 s.f.	\$3,000.00	<b>\$3,000.00</b>
New Area Drains	\$140.00	3 ea.	\$420.00	<b>\$420.00</b>
New Storm piping (6" assumed)	\$7.20	345 l.f.	\$2,484.00	<b>\$2,484.00</b>
New sanitary and Storm piping to water utility bldg	\$7.20	290 l.f.	\$2,088.00	<b>\$2,088.00</b>
Bike Racks	\$500.00	2 ea.	\$1,000.00	<b>\$1,000.00</b>
Stormwater swale- Lump Sum	n/a	n/a	\$16,000.00	<b>\$16,000.00</b>
<b>Division 3 - Concrete</b>				
Demo of existing interior concrete stair	\$650.00	3 c.y.	\$1,625.00	<b>\$1,625.00</b>
Saw cut and pourback for plumbing/ electrical	\$42.00	44 l.f.	\$1,848.00	<b>\$1,848.00</b>
New concrete footings	\$46.00	150 l.f.	\$6,900.00	<b>\$6,900.00</b>
New garbage enclosure slab and footings	\$24.00	48 l.f.	\$1,152.00	<b>\$1,152.00</b>
<b>Division 4 - Masonry</b>				
Selective Demolition- Lump Sum	n/a	n/a	\$700.00	<b>\$700.00</b>
New CMU columns (ground face- reinforced)	\$14.20	56 l.f.	\$795.20	<b>\$795.20</b>
<b>Division 5 - Metals</b>				
Demolition of existing handrails/ guardrails- Lump Sum	n/a	n/a	\$500.00	<b>\$500.00</b>
New steel guardrails	\$42.00	10 l.f.	\$420.00	<b>\$420.00</b>
New steel handrails	\$36.00	14 l.f.	\$504.00	<b>\$504.00</b>
Garbage enclosure gates	\$250.00	2 ea	\$500.00	<b>\$500.00</b>
<b>Division 6 - Woods &amp; Plastics</b>				
Selective wood frame wall demolition	\$2.65	90 s.f.	\$238.50	<b>\$238.50</b>
New wood frame shear walls (16' high)	\$94.00	150 l.f.	\$14,100.00	<b>\$14,100.00</b>
Tension tie connectors w/ epoxy anchors	\$120.00	40 ea.	\$4,800.00	<b>\$4,800.00</b>
New wood frame walls (8' high)	\$42.00	28 l.f.	\$1,176.00	<b>\$1,176.00</b>
New wood platform and stair	\$54.00	64 s.f.	\$3,456.00	<b>\$3,456.00</b>
New roof trusses and sheathing	\$26.40	2,300 s.f.	\$60,720.00	<b>\$60,720.00</b>
Garbage enclosure- lean to (6'x8')	\$36.00	48 s.f.	\$1,728.00	<b>\$1,728.00</b>
<b>Division 7 - Thermal &amp; Moisture Protection</b>				
Demo and disposal of existing roofing	\$3.20	2,314 s.f.	\$7,404.80	<b>\$7,404.80</b>
New comp roofing and underlayment	\$780.00	32 sq	\$24,960.00	<b>\$24,960.00</b>
New pre-fin stl gutters	\$6.20	220 l.f.	\$1,364.00	<b>\$1,364.00</b>
New downspouts	\$5.40	68 l.f.	\$367.20	<b>\$367.20</b>
New fiber cement siding	\$18.00	1,240 s.f.	\$22,320.00	<b>\$22,320.00</b>
2x8 cedar barge board	\$4.25	132 l.f.	\$561.00	<b>\$561.00</b>
5/4x 10 fibercement trim	\$3.50	160 l.f.	\$560.00	<b>\$560.00</b>
5/4x 4 fibercement trim	\$2.40	212 l.f.	\$508.80	<b>\$508.80</b>
Insulation at exposed, uninsulated walls	\$3.20	2,400 s.f.	\$7,680.00	<b>\$7,680.00</b>
Insulation at attic	\$4.80	2,314 s.f.	\$11,107.20	<b>\$11,107.20</b>
<b>Division 8 - Doors &amp; Windows</b>				
New Main entry door and sidelites w/ hdwr	\$7,500.00	1 ea.	\$7,500.00	<b>\$7,500.00</b>
New stl exterior door and hdwr	\$1,600.00	1 ea.	\$1,600.00	<b>\$1,600.00</b>
New Interior Doors and Hardware	\$540.00	5 ea.	\$2,700.00	<b>\$2,700.00</b>
<b>Division 9 - Finishes</b>				
Gypsum Board-install and finish	\$3.65	2,848 s.f.	\$10,395.20	<b>\$10,395.20</b>

CATEGORY	COST	QUANTITY	TOTAL	SUB-TOTAL
New Flooring and Base	\$8.50	760 s.f.	\$6,460.00	\$6,460.00
Modular floor system at Meeting room	\$6.25	900 s.f.	\$5,625.00	\$5,625.00
Painting - Interior	\$2.65	2,314 s.f.	\$6,132.10	\$6,132.10
Painting - Exterior	\$5.60	1,671 s.f.	\$9,357.60	\$9,357.60
<b>Division 10 - Specialties</b>				
Bath Accessories- mirrors	\$80.00	2 ea.	\$160.00	\$160.00
Bath Accessories- grab bar sets	\$140.00	2 ea.	\$280.00	\$280.00
Bath Accessories- soap dispensers	\$40.00	2 ea.	\$80.00	\$80.00
Bath Accessories- toilet paper holders	\$40.00	2 ea.	\$80.00	\$80.00
Bath Accessories- seat cover dispenser	\$60.00	2 ea.	\$120.00	\$120.00
<b>Division 11 - Equipment</b>				
Demolish existing appliances- Lump Sum	n/a	n/a	\$200.00	\$200.00
New dishwasher	\$1,200.00	2 ea.	\$2,400.00	\$2,400.00
New induction cooktop	\$3,600.00	1 ea.	\$3,600.00	\$3,600.00
New ovens	\$2,500.00	1 ea.	\$2,500.00	\$2,500.00
Type 1 range hood w/ fire suppression	\$6,600.00	1 ea.	\$6,600.00	\$6,600.00
New refrigerator	\$1,800.00	2 ea.	\$3,600.00	\$3,600.00
<b>Division 12 - Furnishings</b>				
Demolish existing casework	\$32.00	11 l.f.	\$352.00	\$352.00
Casework - base cabinets	\$265.00	24 l.f.	\$6,360.00	\$6,360.00
Casework - upper cabinets	\$145.00	14 l.f.	\$2,030.00	\$2,030.00
Casework - full height pantry	\$320.00	10 l.f.	\$3,200.00	\$3,200.00
Countertops	\$80.00	48 s.f.	\$3,840.00	\$3,840.00
<b>Division 13 - Special Construction</b>				
Greenhouse replacement- complete- Lump Sum	n/a	n/a	\$32,000.00	\$32,000.00
<b>Division 14 - Conveying Systems</b>				
Platform lift	\$52,000.00	1 ea.	\$52,000.00	\$52,000.00
<b>Division 15 - Mechanical/ Plumbing</b>				
	\$600.00	n/a	\$2,500.00	\$2,500.00
New ductless mini split systems (42,000 BTU)	\$12,000.00	2 ea.	\$24,000.00	\$24,000.00
Bath exhaust fans	\$365.00	2 ea.	\$730.00	\$730.00
Demo existing plumbing fixtures	\$360.00	5 ea.	\$1,800.00	\$1,800.00
Rough Plumbing- Lump Sum	\$5,000.00	n/a	\$4,500.00	\$4,500.00
New Plumbing Fixture- water closets	\$265.00	2 ea.	\$530.00	\$530.00
New Plumbing Fixture- wall mount lav and faucet	\$420.00	2 ea.	\$840.00	\$840.00
New Plumbing Fixture- kitchen sink and faucet	\$440.00	1 ea.	\$440.00	\$440.00
New Plumbing Fixture- urinal and flush valve	\$650.00	1 ea.	\$650.00	\$650.00
New Plumbing Fixture- mop sink and faucet	\$450.00	1 ea.	\$450.00	\$450.00
New Plumbing Fixture- drinking fountain- ADA combo	\$1,600.00	1 ea.	\$1,600.00	\$1,600.00
<b>Division 16 - Electrical</b>				
Rough Electrical- Lump Sum, solar ready	n/a	n/a	\$6,100.00	\$6,100.00
Interior Lighting Upgrades	\$4.50	2,314 l.f.	\$10,413.00	\$10,413.00
Exterior and Site lighting - Lump Sum	n/a	n/a	\$6,000.00	\$6,000.00
CCTV/ Access controls	\$3.65	2,314 l.f.	\$8,446.10	\$8,446.10
20KW gen w/ transfer switch, propane tank and installation	n/a	n/a	\$11,600.00	\$11,600.00
<b>SUB TOTAL</b>			<b>\$523,969.10</b>	<b>\$523,969.10</b>
Construction Contingency			\$104,793.82	20%
Contractor Fee			\$94,314.44	18%
Insurance			\$7,859.54	1.5%
Bonding			\$15,719.07	3.0%
<b>TOTAL</b>			<b>\$746,655.97</b>	<b>\$326.62 per s.f.*</b>
<b>*Add Alternate- Water Utility Building Improvements</b>				
Interior remodel w/ new bathrooms- storage use	\$90.00	1,352 s.f.	\$121,680.00	\$121,680.00
Building utilization for City only except exterior restroom entrance for public.				

# 2018 GO Bond - City Facilities Update

July 15, 2021

Project name and elements	Status	2020 Funding Allocation	May 2021 Est. Total Project Cost	Project Cost Total to date	Remaining Funds Needed	Notes
<b>BD 1819 - Bolton Fire Hall</b>		\$100,000	\$15,803	\$15,803	\$0	Hazard study and tank removal complete,
Minor renovations to lighting, storage etc.	Removed					no other projects directed at this time
Hazardous materials study, oil tank removal	Completed					
<b>BD 1824 - City Hall</b>		\$120,000	\$200,000	\$9,608	\$190,392	HVAC remaining
City Hall pathway overlay for safety	Completed					
HVAC, mechanical, lighting and security improvements	Pending					
<b>BD 1820 - Library</b>						
Generator	Completed	\$680,000	\$505,000	\$461,741	\$43,259	Generator fence and lighting control
Roof repairs	Completed					remaining
Lighting and control upgrades	Pending					
<b>BD 1832 - Historic City Hall</b>		\$1,285,000	\$1,442,204	\$0	\$1,442,204	Entire project remaining.
HVAC, mechanical, lighting and security improvements	Pending Council approval					Due diligence and design work funded by
Complete renovation	Pending Council approval					Coalition (tourism grant)
<b>BD 1821 - McLean House</b>						
Exterior paint	Completed	\$50,000	\$37,702	\$37,702	\$0	Completed
ADA restroom upgrades	Completed					
ADA Concrete pathways	Completed					
<b>BD 1831 - Police Station</b>						
Generator to provide full functionality in power loss	Completed	\$200,000	\$243,252	\$243,252	\$0	Completed
<b>BD 1822 - Robinwood Station</b>						
Building renovation	Pending	\$775,000	\$813,320	\$80,659	\$732,661	Almost entire project remaining
Water utility building interior remodel	Pending		\$121,680	\$0	\$121,680	Potential optional package
<b>BD 1823 - Sunset Fire Hall</b>		\$100,000	\$142,000	\$50,915	\$92,000	Restroom renovation still needed, but
Exterior painting of building	Completed					2020 building evaluation found
Restroom renovation	Removed					sprinklers were required and funds
Required interior sprinkler system	Contracted					insufficient to do both
<i>Additional interest income allocated to City Facilities Category in 22-23 Budget</i>		\$83,000				
<b>Grand Total</b>		<b>\$3,393,000</b>	<b>\$3,520,961</b>	<b>\$899,680</b>	<b>\$2,622,196</b>	

**Agenda Bill**

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

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**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](mailto: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>>

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***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.

## Mollusky, Kathy

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**From:** Lisa Clifton <[REDACTED]>  
**Sent:** Sunday, August 1, 2021 4:33 PM  
**To:** City Council  
**Subject:** 3955 Cedaroak Dr.: I oppose the sale

**CAUTION:** This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Dear Mayor, Councilors, and City Manager,

Please read the following into the public record:

I am very much opposed to the sale of the property at 3955 Cedaroak Dr., as I was to its development years ago. The configuration of the land is such that access to building or any building would be too close to Trillium Creek. The maps shown do not indicate the creek where it actually is. The city's sustainability goals are to protect waterways. I am disturbed that this property is being marketed as buildable, and that the city is doing this after citizens fought against building on this lot years ago. Why sell a property so that the owner can claim a hardship per CDC and somehow build within a WRA and HCA? It doesn't make sense.

According to what is mentioned about the code, a house could be built within 15' of the creek? That is crazy. My house sits more than 100' from the same creek, and I had to have a certain setback from the top of the slope when I did an addition years ago.

The property across Cedaroak (3979 Kenthorpe Way) next to the creek was also developed more than had it had been previously. The builder did not complete city mitigation requirements prior to selling the property, and the new owner further developed the property against code. These are tricky issues along creeks that we should be protecting, and city staff cannot always ensure protective requirements are met.

According to the staff report to Council, "CDC Chapter 32 regulates the size, type, location, and mitigation requirements of development taking place on property containing a WRA. When a property is entirely encumbered by the WRA, as is the case with 3955 Cedaroak Drive, the City provides for a hardship allowance to avoid a "taking" by depriving an owner of the reasonable use of land." **Which is why the City should retain ownership of this property so that development does not occur next to the creek.**

"The property is also encumbered by Moderate Value Habitat Conservation Area (HCA) associated with Trillium Creek. When a property is encumbered by HCAs, as is the case with 3955 Cedaroak Drive, the City provides the opportunity for development to avoid a "taking"." **Which is why the City should retain ownership of this property so that development does not occur next to the creek.**

"There is approximately 1,300 sq. ft. of non-HCA land so the property is eligible to disturb HCA designated land." **Again, why sell this property so that a new owner/homebuilder can disturb an HCA and WRA?**

Please do not allow this property to be sold by the City.

Thank you!  
Lisa Clifton

## Mollusky, Kathy

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**From:** [REDACTED]  
**Sent:** Monday, August 2, 2021 1:14 PM  
**To:** City Council  
**Cc:** Warner, Kenneth; Gabrielatos, Jerry; Mollusky, Kathy  
**Subject:** West Linn City Council Meeting August 2, 2021 / Bill 2021-08-02-04

**CAUTION:** This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Dear Mayor Jules Walters and West Linn City Council,

I would like to add my name to the list of supporters for the renovation of the West Linn Robinwood Station and ask that the council approves sending this project to bid.

I understand the Robinwood Station and Historic City Hall are in competition for GO Bond Funding and the City Staff is recommending that one of these projects is prioritized. If both projects cannot be sent for bid at the same time I ask that the Robinwood Station is prioritized over the Historic City Hall. Robinwood Station is already an operating community center and a valuable resource for the citizens of West Linn, but is in dire need of renovation.

The Robinwood Station project has been in the works for many years and thanks to the prior efforts of the City and FORS there should be very few if any surprises with this project. The Historic City Hall project is much more complicated and relies on agreements from multiple parties outside of the City of West Linn. The unknowns and outstanding agreements for the Historic City Hall project make it the appropriate candidate to hold off on its bid request until a future date.

Thank you for your time and consideration.

Best regards,  
Dennis Pollmann  
3879 Kenthorpe Way  
West Linn, OR 97068  
Proud West Linn Resident of 22 Years

**Axelrod comments/testimony for 8/2/21 City Council mtg regarding funding/planning of Historic City Hall and Rosemont Station GO Bond restoration projects – triggered by 8/19/21 council work session**

Mayor Walters and Council Members, thank you for the opportunity to speak tonight. I'm Russ Axelrod, 30-yr resident of West Linn and former Mayor of our great City.

I apologize if there is an edgy tone to my voice tonight, but I must express my frustration and disappointment of what I see as staff's collective mishandling of seeing that our Robinwood Station and Historic City Hall restoration projects move forward using General Obligation (GO) Bond funding set aside for these city facilities - as was requested by our citizens in 2018 (by vote), then further authorized/specified by the City Council in 2019/20, and now also endorsed by this current Council.

My testimony and presence tonight was triggered finally by my watching your July 19, 2021 work session where these projects were discussed without representation of all affected parties.

In particular I was dismayed at the direction where staff and our city attorney seemed to embrace or encourage or pressure Council that it should or it somehow needed to prioritize one project over the other.

I also observed, for example, staff mislead Council by failing to inform you of contracting options available to help protect the City from certain recent runaway construction costs caused by the COVID-19 pandemic – costs which are expected to ease in the future when actual construction costs are realized and can lower current estimates.

Our citizens in 2018 voted to support the plan to use GO Bond funding, that included a lesser portion to upgrade certain City-owned facilities that had fallen in disrepair out of neglect by the City.

In 2019-20, the Council worked hard to vet those projects and how they should advance under new and changing realities of partnership funding and resource options.

Thankfully, for both of these projects the City has the incredible option/opportunity to partner with two highly capable and gifted non-profit organizations with outstanding proven records of operations - FORS for Robinwood Station and the WFLHAC for the Historic City Hall building. I would also note that there are experienced members in both groups capable of working with the City's architect to help with construction planning and oversight, so let's not further burden only these two GO Bond projects with the idea that a separate management consultant is needed, and at additional cost.

I'm here tonight to provide support and help address questions as part of the Coalition, but I'm also a strong advocate for the Robinwood Station project, and I know as your former Mayor that the City has the funding resources available to see that both these projects move forward now – and because the previous and current City Councils' have stated that they are both priority projects!

As just one example of available resources perspective in our City I will remind you that you have more than \$10m sitting in the total reserves contingency budget you just approved, and so the idea of undermining these two projects and the benefits they will provide to the City by a theoretical, projected pandemic driven shortfall of \$110K is ludicrous and unacceptable – especially when that overrun can be attributed to Parks insistence that FORS be responsible for certain utility building upgrades that the City should be taking care of separately – FORS should not be saddled with this artificial burden by Mr. Warner's choosing.

Mr. Gabrielatos, as our City Manager, it is your responsibility to present options to the Council to complete priority projects like these that the Council has identified – projects that have been reasonably vetted and budgeted for, and which carry great importance to our City and its residents, and I would add the Historic City Hall project carries with it additional significant regional implications which are also critically important to the economic and livability vitality of our City and its future.

Other Coalition members will address the important question raised on July 19 regarding the implications to the State and National Heritage Area efforts presented by the proposed cultural/tourism center at our historic city hall, but I will comment briefly on at least one critical aspect of the City's actions related to the effort to repair and reopen the Willamette Falls (WF) Locks.

As you know I chaired the Governor's Commission the previous 3 years to develop an approach to oversee the transfer, repair and reopening of the Locks from the USACE. We were finally successful in the legislature this year to get two bills passed that will establish the 4<sup>th</sup> Public Corporation in Oregon to oversee and manage the Locks in the future, and to provide initial funding for the project – an effort that's been more than 10 years of hard work from so many in our region.

The Coalition intends to oversee future tours of the Locks and other special aspects of the WF location, and it hopes those tours will originate from the cultural/tourism center at our historic city hall building. It's also possible that the historic building might house the WF Locks Authority under a future lease agreement.

So, it's even more critical now that the City back the legislature, the Commission, and all other efforts by our regional stakeholders and commit to the historic building restoration, and the future vision so important to our waterfront master planning goals and objectives.

Again, this isn't an issue of prioritization between these two important projects. The Robinwood Station project is well ahead of the Historic City Hall project, and so should proceed now to bid. While this occurs, the agreements and other actions needed for the Historic City Hall project should advance on its own logical track.

Looking at the bigger picture, I'm very concerned that further unnecessary delays on these two important projects could undermine their future – notably the Coalition needing to seek another location for the regional cultural/tourism center, and most likely in Oregon City, not West Linn.

I urge you Mr. Gabrielatos as our CM to complete the partnership agreements and advance these two important projects on their independent tracks without further delay.

I'm available tonight to answer any questions regarding either project, and I thank you for your time and service to our community.

Respectfully,  
Russ Axelrod

# West Linn Public Facilities Map 2021

## West Linn City Owned Property

MARCH 2012

### Legend

**City Property Classification** As adopted by West Linn City Council, see document listing below

- Park
- Open Space with Trails and Other Assets (OS)
- Open Space Natural Area (OSN)
- Public Facility
- City

### Other Map Elements

- City Property, Unique ID
- Parks Boundary
- Openspace Boundary
- Other City Areas
- Significant Ownership\*
  - West Linn Wilsonville School District
  - State of Oregon\*\*
  - Portland General Electric
  - West Linn Paper
  - Blue Heron Paper
  - Conservancy
- Taxlot Lines
- Buildings
- Ponds
- Rivers
- Paper Plant Industrial Ponds
- Streams
- Paths and Trails
- Roadways
- Private Roadways
- Unimproved Right-of-Way
- West Linn City Limits
- Metro's Urban Growth Boundary

\* Taxpayer information from Clackamas County Assessment and Taxation Database  
 \*\* Mary S. Young Park is owned by the State of Oregon and maintained by the City of West Linn.

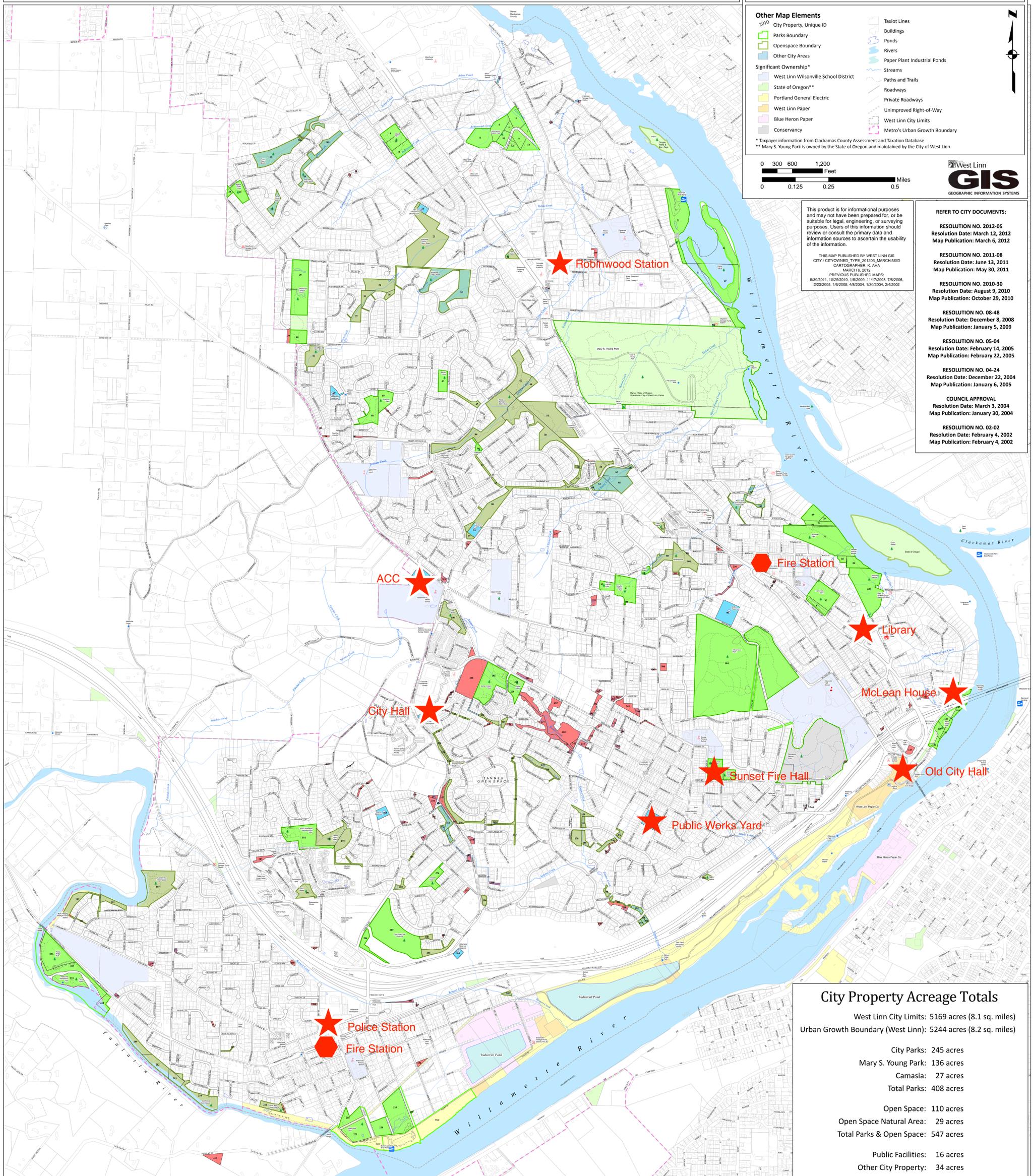


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THIS MAP PUBLISHED BY WEST LINN GIS  
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### REFER TO CITY DOCUMENTS:

- RESOLUTION NO. 2012-05  
 Resolution Date: March 12, 2012  
 Map Publication: March 6, 2012
- RESOLUTION NO. 2011-08  
 Resolution Date: June 13, 2011  
 Map Publication: May 30, 2011
- RESOLUTION NO. 2010-30  
 Resolution Date: August 9, 2010  
 Map Publication: October 29, 2010
- RESOLUTION NO. 08-48  
 Resolution Date: December 8, 2008  
 Map Publication: January 5, 2009
- RESOLUTION NO. 05-04  
 Resolution Date: February 14, 2005  
 Map Publication: February 22, 2005
- RESOLUTION NO. 04-24  
 Resolution Date: December 22, 2004  
 Map Publication: January 6, 2005
- COUNCIL APPROVAL  
 Resolution Date: March 3, 2004  
 Map Publication: January 30, 2004
- RESOLUTION NO. 02-02  
 Resolution Date: February 4, 2002  
 Map Publication: February 4, 2002



### City Property Acreage Totals

West Linn City Limits:	5169 acres (8.1 sq. miles)
Urban Growth Boundary (West Linn):	5244 acres (8.2 sq. miles)
City Parks:	245 acres
Mary S. Young Park:	136 acres
Camasia:	27 acres
Total Parks:	408 acres
Open Space:	110 acres
Open Space Natural Area:	29 acres
Total Parks & Open Space:	547 acres
Public Facilities:	16 acres
Other City Property:	34 acres

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

August 2, 2021

Dear Mayor Walters and City Council,

I recently heard that plans are likely well underway to install a structure on Main Street with a soda water dispenser and a classical statue of Rebecca by the Well on top with a perpetually running water fountain. It's difficult to tell if the public has been noticed. I apologize if I've been misinformed.

For some, 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 people might react negatively to the artwork as signifying the passé colonial American culture of domesticity, where a woman is expected to become a purely domestic, submissive housewife.

Others, including me, might want to know whether any artwork that represents West Linn's rich cultural/historical history was considered before a replica of Rebecca at the Well was allegedly selected.

If so, was the Arts and Culture Commission (ACC) was consulted? According to records available, the ACC did not discuss a fountain project during the three meetings ACC had in 2021 before they took the summer off.

That saddens me because I remember how interested ACC and Historic Willamette Main Street members were when we walked up and down Main Street last fall, searching for areas large enough for a public art installation. There aren't very many.

Although allowing staff to order a statue from a catalogue might be more efficient, it's just not right because it 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 to 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 hit the shut-off valve tonight. We deserve to know what it might cost and what fund -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 what a lively public engagement process we could 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 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

## Mollusky, Kathy

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**From:** Willamette Neighborhood Association President  
**Sent:** Monday, August 2, 2021 11:18 AM  
**To:** City Council; Calvert, Lance; Gabrielatos, Jerry  
**Subject:** Proposed fountain

Dear City Council,

Willamette Neighborhood Assoc. Board is requesting that the City Council put a **hold** on the approval/denial of the "alleged" fountain/installation. This subject has not been presented to the WNA. I heard about this via the "grapevine". WNA has not had any input, though it is to be placed within our boundaries.

I reached out to Rebecca Hollenbeck to see if she had any knowledge. She informed me that yes, Public Works had brought this to the Design Committee. The top of the fountain was discussed and the design committee offered to source some other topper options, similarly priced. Lance's response was that they were going to keep the same topper. He said that he had checked with Jerry and Jerry had approved it and said to go ahead with it. (No public input from WNA). Lance is not bringing this to City Council to vote on. It seems he is using discretionary moneys already in his budget to cover the cost. (Those are our tax dollars, we have no input?) Rebecca said that Main St. is in favor of a fountain, but not with this topper. Main St. is part of WNA, much like Central Village is part of Bolton, Public Works needs to come to WNA to make a presentation/ receive feedback.

The feedback I received from those on WFD (businesses and customers) is that the fountain pictured is not necessary, at this time (not many bike riders), is inappropriate (not historic to either Main St./ Willamette or West Linn). With all of our residents who are in dire straits, at this time, it seems that tax dollars could be put to a better use, fountain is frivolous. Carbonation = ridiculous, at this point in time we don't need the latest "shiny object". Please remember the back in parking debacle. This could be round 2.

Public Works needs to reach out to WNA to get this conversation started. We all want to share our insights/ suggestions/concerns and to have our input taken seriously.

I will bring this topic up at our Aug. 11th WNA meeting, to see if members would like to have Public Works come have a discussion/presentation with us, to receive feedback, during our Sept. or Oct. meeting.

Please place this project on hold until WNA gets a chance to give input.

Thank You,  
Kathie Halicki, WNA President

**Willamette Neighborhood Association President**  
*President*  
Neighborhood Association Presidents

#



Portland, OR current sound regulations

June 23, 2021 9:15 a.m.-9:45 a.m. Tanner Creek Park

Distance from closest out of play line.	Location (see map)	dba during play	dba voices
48 feet	A	63-65	69
113 feet	B	62-66	69-71
131 feet	C	59-64	68-71
114 feet	D	59-66	66-70

FIGURE 2

PERMITTED OCTAVE BAND SOUND PRESSURE LEVELS

FOR GIVEN PERMISSIBLE dBA SOUND LEVELS

When the permissible dBA level is:	The Maximum Octave Band Sound Pressure Levels Shall Not Exceed:								
-	Octave Band Center Frequency, in Hz								
-	31.5	63	125	250	500	1000	2000	4000	8000
45	64	58	51	46	42	39	36	33	30
50	65	62	56	50	46	43	40	37	34
55	68	65	61	55	52	49	46	43	40
60	72	68	64	60	56	54	51	48	45
65	76	72	68	64	61	59	56	53	50
70	79	76	72	69	66	64	61	58	55
75	82	79	76	73	71	69	66	63	60

## Mollusky, Kathy

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**From:** Elizabeth Smolens <[REDACTED]>  
**Sent:** Monday, August 2, 2021 4:55 PM  
**To:** Webmaster  
**Subject:** Public comment notes for tonight

**CAUTION:** This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Dear City of West Linn,  
I intend to comment on two matters you are reviewing tonight. Here are notes to help you understand my comments.

Regarding ORD1726 WFD CONCEPT PLAN

New plan vastly different from plans shared with community in 2018/2019?

Questions for staff ( moving from Willamette area to city hall area:

Why does the plan divert WFD to Chestnut? Why was a traffic circle not considered for the Sunset/WFD/ A Avenue access there?

Why was the T intersection with a traffic light abandoned for a third circle in front of City Hall?

I had heard that ODOT won't "allow" a light there , making it difficult for the city to plan a major intersection in front of city hall, why? And, has an ODOT representative presented this to Council? I think they should provide better clarity if they haven't already done so. Where is there an example of this type of traffic measure?

Are the two traffic circles on north and south end of 205 ramps an ODOT plan or a West Linn plan?

Regarding agenda bill 2021-08-02-04

I wish to express support for prioritizing the Historic City Hall. While I hope the city can manage both projects, Robinwood has already received much needed maintenance and attention and old City Hall has had none. This building is important to West Linn and will serve multiple functions for the entire community and more.