

WEST LINN CITY COUNCIL MEETING MINUTES February 8, 2010

Council Present:

Council President John Kovash, Councilor Scott Burgess, Councilor Jody Carson

Council Absent:

Mayor Patti Galle

Councilor Teri Cummings

Staff Present:

Chris Jordan, City Manager, Chris Kerr, Senior Planner; and City Attorney Tim Ramis; Tina Lynch, City Recorder

Call to Order/Pledge of Allegiance

Council President John Kovash called the meeting to order at 6:45 p.m. and led the flag salute. He explained the Mayor was not here this evening; he received a copy of an email this morning that she had sent to the City Recorder yesterday announcing that she will be on vacation until the 17th of this month. Councilor Cummings was present earlier and she chose not to participate in tonight's meeting.

Approval of the Agenda

Councilor Carson requested additional items to be added to the agenda for tonight:

- Under Report from the City Manager, a Stafford Basin update
- Under Business from City Council, add nominations for the Clackamas Wastewater Treatment Advisory Committee, a discussion on creating an Economic Development Committee, add an amendment to the Council rules with a resolution

Councilor Carson moved to approve the agenda with the above additions. Councilor Burgess seconded the motion.

Ayes: Carson, Burgess, Kovash

Nays: None

The motion carried 3-0.

Community Comments

Chief Timeus stated he has been elected the spokesperson for all nine City department directors; they stand as one before Council tonight. Between the nine of them there is 235 years of service in their areas of expertise. In common with Council is a shared commitment of excellent public service for the citizens of West Linn. Council goals, short and long term will shape the future of West Linn. With the support of their staff, they will support Council and help accomplish those goals. They are confident in their ability to help accomplish these goals because of the leadership, intelligence and integrity of Chris Jordan, the City Manager.

With Mr. Jordan in charge, city staff can do great things for the City of West Linn. He strives for excellence and professionalism; he has their unconditional support, and they are ready to move ahead with important projects under his management. Recently some comments have been made about Mr. Jordan and any suggestions that he impedes, audits or waste tax dollars is not true. Timely and award-winning audits have been completed and the City's financial health is in order. The city's website has financial reports, audits, budgets, forecasts and quarterly financials. Unfounded statements about these audits threaten the City's future financial credibility and undermine public confidence. Certified professional engineering firms well respected in their fields create capital improvement project lists.

The lists are based on significant research, review, modeling and public involvement. Demanding overhauls of capital improvement project lists without the majority support of the Council takes valuable time from productive work and degrades the public process that goes into creating these plans. Citizen involvement in budgeting is the cornerstone of city spending. The current budget received unanimous support and was subject to review of the public. Implying the City was reckless with tax dollars is an insult to West Linn's open, transparent, and citizen-focused budgeting process.

The tone used and the requests made by the mayor have had an impact on the morale of this agency. Tonight they respectfully request order and civility restored to the City. Please end the hostile work environment under which they are currently operating. They cannot in good conscience continue to manage their staff in an environment that is detrimental, divisive and negative. Staff does not appreciate the mayor coming to City Hall and screaming at Mr. Jordan and other staff members; it is totally unprofessional and unacceptable. The same goes for her hateful emails, malicious meetings, frivolous requests and mean-spirited barbs directed at Mr. Jordan, department heads and staff.

The department heads unanimously support Mr. Jordan and urge the Council to do the same. Civility and sanity must be restored to West Linn and Mr. Jordan is needed to continue the good work he has been doing in order to keep West Linn one of the best places to live in the United States.

Jim Clark, stated he lives in Oregon City and works in the building department as a specialty inspector. He thanked the three councilors for the way they have stood up with integrity through this entire process. Respect is earned and he feels these three councilors present tonight and the city manager have earned the respect of the citizens.

Melinda Robinson, 3842 Wellington Court, introduced Diane Wustrack here with her. They are here tonight on behalf of Work-Together West Linn, a group of community members who have come together to try and re-establish civility, trust and respect in their community government. Chair, Mike Jones is unable to be here tonight and he asked that this statement be made: "First, they want to thank the Council for their efforts for West Linn. The Council has dealt with many difficult issues for many months.

Over the last week there have been serious allegations raised in the media. Allegations made by the mayor about city misconduct. They believe these allegations are false, totally unfounded, and without merit. Mayor Galle has also stated that she intends to make a motion requesting the City Manager resign. They are also here tonight to voice support for Mr. Jordan and city staff.

Work Together West Linn believes that any request for Mr. Jordan' resignation is unfounded and inappropriate. He and his staff have successfully brought West Linn back to solid footing after many years of financial and operative instability. He should receive guidance from the full council and then be able to deal with the day to day business. She asked that the council work cooperatively and respectfully with each other. The city needs the manager's expertise to put West Linn back on track.

Tina Decker, stated she came tonight for two reasons and it turned out she had more pressing reasons to come.

- She thanked the Council for all the service they have given to the city and all they have endured. They did not deserve any of what they had to go through; they have given multiple years of service on task forces, advisory boards, planning committees. The city manager so much of his heart and glad he is still with us.
- She wants to make sure Mr. Jordan stays right where he is and does not go anywhere; the City needs him, and we are so lucky to have him. She has had the privilege and honor to work with him as a volunteer on several occasions. She knows what he is capable of and know what the City would be losing if the Council lets him go.
- Her primary reason for coming tonight is to ask for the resignation of Mayor Patti Galle, effective immediately. She is no friend of West Linn any longer. She needs

to resign immediately; it is not a choice when she can attend and when she cannot attend a meeting. She was elected to be here for every meeting.

- She also asks for the resignation of Teri Cummings because she too cannot just arbitrarily choose when to come and when not to come and participate in the people's business. They were voted to be here and they are not upholding their jobs.

Alice Richmond, 3939 Parker Road voiced her dissatisfaction with the Mayor; saying there needs to be more conscientious work with quality and integrity. She would not entertain the thought of having Mr. Jordan resign; she doesn't want any other person representing the City. He does his job professionally and that is what counts. The City needs to get back their integrity.

Lori Griffith, 4068 Kenthorpe Way stated she was newly appointed to the Parks and Recreation Advisory Committee. She respects the work that Chris Jordan has done for the City. Her husband is on the Citizen Review Finance Committee and he is concerned about the Mayor's actions bringing down the AA rating the City has now with Dunn and Bradstreet. She too would like to call for Ms. Galle's resignation; she is not the leader she endorsed.

Allison Bisk, 5577 River Street stated she supports Chris Jordan.

Mr. Bose, stated he was glad to see the three councilors here tonight; it is where they belong and he is proud of the work they have done. He feels there is a leadership crisis in West Linn. Just when he thought the ludicrous recall effort was behind the City, they are facing an even more vindictive effort on the part of the Mayor in respect to the City Manager who he has great confidence in. He encouraged the Mayor to lead by example and more constructively, respectfully and collaborate with all city council members and the city manager.

Beth Kieres, 1852 Fourth Avenue stated she has the utmost regard for the City Manager and the City of West Linn staff. She appreciates the amount of work that was required to restore order to the City financially. The City is moving forward with sound planning for diverse number of infrastructure improvements projected for the future needs of the City. Mr. Jordan and the entire staff deserve praise for continuing their excellent work, even under these unpleasant emotional circumstances.

The allegations reported in the paper last week are seriously disturbing and completely unacceptable.

Council President Kovash thanked the community for their comments and the support shown.

Report from the City Manager

Chris Jordan reported Tom Coffee, who is reviewing the Stafford urban rural reserve issue, provided him today with a map that just came out from Core 4 (representatives of Clackamas County, Multnomah County, Washington County and Metro). This new map shows a highlighted area where the Stafford area will be designated entirely urban.

Tom Coffee will be at the Council work session next Tuesday night to give an update on this new information. Councilor Burgess explained that Clackamas County and Metro has agreed Stafford should be urban. The next steps will be intergovernmental agreements between Metro and each of the counties. It is anticipated that the Core 4 decision will stand and the IGA's will be approved by Metro and Clackamas County.

Council President Kovash stated Councilor Carson and Cummings have worked very hard on this issue. Councilor Carson stated she is very surprised at this news and they will be discussing this new information at their next work session as to what their next steps are in response to this designation. At the Metropolitan Polity Advisory Committee that she serves on it was recommended to not have this area designated as urban but undesignated. Throughout the process it seemed that it would stay undesignated. There will be more discussion at their work session to try and keep the Stafford area rural or undesignated.

Chris Jordan thanked the citizens for their really nice statements. When you become a city manager you recognize that city managers come and go. City councils have the right to change city managers and they have the responsibility to change city managers when they believe it is in the best interest of the community. For the last 24 years of government service he has spent most of his time trying to stay behind the scenes and out of the limelight. During these past two weeks, he has been in the public eye. He sits embarrassed and very humble. He appreciates the support of all of those who came tonight and have taken the time to call and email him over the past couple of weeks. He particularly thanked all the staff who took their personal time to be here this evening. This support reflects the common values of the city staff and the community they serve; those values include professionalism, integrity and a commitment to providing outstanding municipal services. It is through hard work and these objectives that they restored credibility in this community over the past four years and how they intend to do so in the future.

Business from the City Council

Council President Kovash opened the meeting to appointment to the Clackamas County Wastewater Treatment and Capacity Advisory Committee.

Councilor Carson moved to appoint Council President Kovash as the representative and Lynn Chicoine as the alternative to the Clackamas County

Wastewater Treatment and Capacity Advisory Committee. Councilor Burgess seconded the motion.

Council President Kovash explained this selection was made so the City would have as their representation a city official and the most qualified engineer they could find. Ms. Chicoine has three years experience in wastewater, has a very strong personality, is an excellent engineer, and one of the best they could find to work in this capacity. He is pleased with the recommendation and will be voting in favor of this motion.

Councilor Burgess stated he will be supporting this motion. She is a citizen of West Linn and all three of her children when to school in West Linn. Her husband served on the school board. They are very involved in the community. As a representative she can reflect the community. She brings a lot of talent with her. He is glad to see her being nominated along with an excellent councilor.

There is a great County sewer system and it is the city's goal to stay at the table to make sure it continues to be great. This is an advisory committee and the City can walk away anytime. The City is still involved in an advisory committee for Tri-Cities and they will continue to stay strong in that committee. Even with such qualified representatives on this body, he hopes the city manager or his designee also participates in this effort. It is one of the most important issues going on in this community. Sewer is one of the city's basic services.

Ayes: Carson, Burgess, Kovash

Nays: None

The motion carried 3-0.

Council President Kovash opened the meeting to discussion of the Economic Development Advisory Committee.

Councilor Carson stated this is a request that this advisory committee issue be added to a future work session. It is very important to the City at this point in time to have this type of committee. There have been a variety of business areas vacated and she wants to make sure the City has the best businesses possible fill those vacant storefronts.

There is a main street program that is beginning in the Willamette area and there are other neighborhoods who also expressed interest in having a main street program. She feels it is crucial at this point in time that the City come up with a charter for an ongoing committee to work with the Chamber and citizens to make sure that the City is bringing in businesses that support the needs of the community.

Council President Kovash directed the audience's attention to Page 6 of the Council Rules, Communication with Staff, Paragraph D, Third Sentence.

Council President Kovash moved to change that sentence to read, "Questions regarding significant staff time or resources, one hour or more, shall require the approval of the majority of the Council." Councilor Burgess seconded the motion.

Ayes: Carson, Burgess, Kovash

Nays: None

The motion carried 3-0.

Council President Kovash directed the discussion to the issue of dissention between the City Council, mayor and staff. He read a resolution drafted to address this issue entitled: "A Resolution Censoring Mayor Galle and Calling for Corrective Action in Order to Protect and Better Serve the Citizens of West Linn." This resolution asks that Mayor Galle correctly carry out the duties of the Mayor, adhere to the City Charter, Council rules and common courtesy, work effectively as a member of the City Council, support a Council-Manager form of government and work with the Council to take action on Council priorities.

Council President Kovash read the entire resolution and moved to approve Resolution No. 2010-09, A Resolution Censoring Mayor Galle and Calling for Corrective Action in Order to Protect and Better Serve the Citizens of West Linn. Councilor Burgess seconded the motion.

Councilor Burgess reported that he has received several emails recently from people he hasn't heard from before. He read one to the audience in reference to why he feels this resolution is important and why he will be voting in favor, "Mr. Burgess, I am getting more and more concerned regarding the tone, professionalism and reasoning of our mayor. My wife and I moved here in August 2008 from northeast Portland with the hope of a more stable and reliable community in which to raise their 5 year old son. What they are reading and witnessing in the seemingly irrational personal attacks by Ms. Galle makes him truly concerned for the near future of West Linn. Again if there are any ways you can suggest that we may be of assistance as citizens please let us know."

Councilor Carson stated she will be supporting this resolution. She knows that both Mayor Galle and Councilor Cummings care deeply for the city. However, she feels at this point the City needs to return to an atmosphere of civility, respect and trust so the Council can move forward with the business of the Council and the City. City staff has continued to work very well during very trying times and have continued to be very productive. Council and City staff can do so much more if they can work together in a manner that is cooperative and with respect and adhering to the rules which allow the City to operate in an effective manner.

Council President Kovash stated there are many people here tonight; it is gratifying and unprecedented that there are so many citizens for a common cause. Staff, involved citizens and people that have not stepped up before have come forward and express

concern. The demonstration of support for the City is gratifying and he appreciates them being here.

Ayes: Carson, Burgess, Kovash

Nays: None

The motion carried 3-0.

Council President Kovash called for a 10 minute recess until the next item on the agenda.

Business Meeting - Agenda Items

1. Agenda Bill 2010-02-08B RESOLUTION No. 20-05, Step 2 Annexation – 3332 and 3151 Parker Road

Council President Kovash opened the public hearing on the step two annexation for 3332 and 3151 Parker Road.

Chris Kerr, Senior Plan provided a staff report. The City annexations require a majority vote from the city citizens. Step one determines whether the request conforms to the provisions of the Community Development Code (CDC), Municipal Code, Oregon Revised Statutes and the Metro Code. On December 14, 2009 City Council approved the step one request for this annexation and determined that the appropriate zoning district would be R-3 zoning (single-family, multi-family).

The step two annexation is a legislative action to determine whether or not to refer the requesting annexations to the voters as a ballot measure. The City Municipal Code provides the Council with the authority in making a step two decision, the Council may consider any policy issues the Council deems relevant. If Council decides to approve the step two request, they must also set the date of the election. In this case staff is recommending a May 18, 2010 date. Council may deny the step two request, even though they approved the step one request.

Mr. Kerr reviewed the site map and surrounding area with the Council. If the property was annexed into the city and the R-3 zoning were applied and an application came in for a public facility, a conditional use application would be required. This would allow the City to apply restrictive conditions to the property. At this time the School District has not indicated that they intend to construct a school on the property. Staff has estimated the maximum number of units to be constructed will be 67 units. Staff estimates the total SDCs that will come in for the City of West Linn for a 67-unit multi-family housing would be approximately \$1.3 million.

Staff finds the subject site is infill property that is located within the urban growth boundary, it is completely surrounded by property in the city, and its annexation would

represent the natural progression of logical development within the city limits. The annexation will allow the city to anticipate and control the future development of the parcel in a predictable manner in accordance with city goals, codes and local aspirations of development. Staff recommends approval of Resolution No. 20-05 and refers the annexation to the city voters for the May 18th 2010 ballot.

Questions from Council of Staff

Councilor Burgess stated the city manager indicated there were no water rights with this property. He would like to see in the ordinance a statement that any annexations require that any water rights be given up. In the future he would like to have the staff report speak to that issue if there is water on the property. He asked the City Attorney if there should be a condition about water rights on this proposal. Mr. Ramis stated the Council would be within their authority to condition annexations on the assignment of water rights. This particular stage of the annexation process is one that is discretionary on Council's part. The standard is if the Council thinks it is in the best interest of the City. If the water rights are determined to be a critical issue for the city, they can be conditioned.

One method would be the applicant who is seeking annexation would have to sign an agreement that would assign their water rights (if any) to the City effective upon approval of the annexation. In this application, at this point in time, make a motion that approves the placing of this item on the ballot as recommended by the staff subject to obtaining from the property owner, the assignment of water rights in a form approved by the City Manager.

Councilor Carson asked if there is adequate water to service this 67-unit site. Mr. Kerr stated the Capital Improvement Plan in the Water Master Plan includes improvements to be made in this water-pressure zone. That improvement has to be made prior to the site being developed.

Public Comments

Todd Jones, 1223 11th Street stated he wanted to publicly voice his support to Mr. Jordan, City staff and Council. He is here tonight as a member of the community to voice his support of this annexation. He believes that combined with the City Hall property, the Shopping Center, Rosemont Ridge and the park gives the potential to have a true nucleus for the City. Further he serves on the Parks Board and has learned that property is scarce in the City. He wants to voice his support for annexation because he recognizes that this property and a few others could serve a number of services for the City (police station, aquatic center, etc.).

Alice Richmond, 3939 Parker Road stated she was impressed with the civility of the meeting tonight even though there were many people in the room. She is in favor of this

annexation. She has served on the water board for many years and knows the water situation and there is enough water to serve this area. She would like to see a new police station before a swimming pool; people want a pool but are not willing to pay for one. A police station is needed for security and protection.

Dennis Richey, 2311 Jollie Point Road stated he is speaking as Chair of the new Public Safety Advisory Committee/Board, formerly the Police Advisory Board. He introduced Bonnie Hirshberger and Ron Whitehead. When he came to West Linn he got involved with city activities and served as vice-chair and chair of the Bolton neighborhood for four years. He is involved with Leadership West Linn; one of the exercises they did had to do with what are the needs of the city. Other than traffic problems the three things that were always on the docket were a City Hall, fire stations, and a police station. City Hall has been completed, the Bolton and Willamette neighborhood will celebrate the opening of their new fire stations, but there is still a need for a police station. It has inadequate heating, plumbing, lighting, and is not designed for the number of employees that work there. He is in favor of this annexation going forward.

Bob Thomas, 2563 Pimlico Drive stated the two proposed uses for this site are an aquatic center or police station. In the case of the aquatic center, they are never self-sustaining; they need a lot of taxpayer subsidies to survive. He questions whether this site is an optimal location for the police station. If this land is annexed, it becomes quite valuable. The City would have to raise funds to purchase this land; the School District may be inclined to sell it to developers at a density of 3.5. That high density would be a bad thing because above it is a beautiful view of Mt. Hood. The question to be considered are should this be annexed and how does the City propose to insure the School District doesn't sell this to developers for multi-family housing.

Council President Kovash closed the public comment portion of the hearing and opened the meeting to discussion among the Council.

Councilor Burgess moved to approve Resolution No. 2010-05, Submitting a Proposed Annexation Requiring Voter Approval to the Registered Voters of the City for Their Approval at the May 18, 2010 per Agenda Bill 2010-02-08B, subject to receipt from the property owner of a binding agreement in the form acceptable to the City Manager transferring to the City any water rights held by the property effective upon voter approval. Councilor Carson seconded the motion.

Councilor Burgess stated he is in favor of the motion. The School District is very clear they would not build a school on this site; however, they could sell it for another purpose. He urged the citizens to express to the School District their desires for this property. The potential for purchasing property for a police station is in the budget. There will be a lot of work involved in making a police station or an aquatic center happen here.

Councilor Carson stated she is in favor of this motion. He concurs with the comments from Councilor Burgess. She recognizes if the City proceeds with an aquatic center or police station they would need to insure there is ongoing funding to operate both ventures. She feels the City needs to get this property annexed so they have the opportunity to pursue those options.

Council President Kovash stated he supports the motion. When the annexation goes before the voter, he suggests the annexation write up have full disclosure as to what has been said tonight in terms of concerns and ramifications of this annexation.

Ayes: Carson, Burgess, Kovash

Nays: None.

The motion carried 3-0.

Adjournment

Council President Kovash adjourned the February 8, 2010 meeting of the West Linn City Council at 8:24 p.m.

RESPECTFULLY SUBMITTED,

Tina Lynch /s/

Tina Lynch
City Recorder

APPROVED BY THE CITY COUNCIL
ON MARCH 8, 2010

Patti Galle /s/

Patti Galle, Mayor