

**West Linn City Council Meeting Minutes
November 10, 2008**

Council Present: Mayor Norman B. King, Councilor Scott A. Burgess
Councilor Jody Carson and Councilor Mike Jones

Council Absent: Council President Michelle S. Eberle

Staff Present: Chris Jordan, City Manager; Richard Seals, Financial
Director; Gordon Howard, Staff Attorney; City Attorney Bill
Monahan; and Shirley Richardson, Minute Taker

Call to Order/Pledge of Allegiance

Mayor King called the meeting to order at 6:43 p.m. and Councilor Carson led the flag salute.

Proclamations, Recognitions and Presentations

- Agenda Bill 08-11-01 -- Resolution, U.S. Department of Peace 08-11-01

Lucas Pinelli, Kirk Larson and Chelsea Callas, West Linn High School student/citizens reviewed Resolution 08-42, Declaring support for the creation of a United States Department of Peace. This proposed United States Department of Peace and Nonviolence will consist of seven offices including an Office of Peace Education and Training, an Office of Domestic Peace Activities; an Office of International Peace Activities; an Office of Peaceful Coexistence and Nonviolence conflict Resolution; and an Office of Human Rights and Economic Rights.

The proposed United States Department of Peace and Nonviolence seeks to develop policies and allocate resources to reduce the levels of domestic and gang violence, child abuse and prison population and promote national and international conflict prevention, nonviolent intervention, mediation and peaceful resolution of domestic violence. Another key strategy is education; the Department will create a Peace Academy that would effectively utilize and provide the American students with the resources and environment to pursue peace related subject matter.

Lucas Pinelli noted domestic violence occurs between family members everyday. The financial cost is staggering. The United States spends \$300 Billion every year as a result of interpersonal violence. This Department of Peace will help solve these problems by offering a proactive solution to violence. Instead of only treating the symptoms, the Department of Peace will focus on addressing the root causes that lay at the foundation of domestic violence (gang psychology, etc.).

Kirk Larson stated they are here tonight asking that West Linn City Council join Portland, Corvallis, and Lincoln City in support of a movement that will diagnose and treat domestic violence in this country.

Chelsea Callas explained the United States has spent over \$570 Billion on the war in Iraq and counting. The benefits of a Department of Peace is to advise to the President, Secretary of Defense and Secretary of State means to prevent further armed conflict and replace it with more peaceful means. Personnel will be trained for post conflict reconstruction and demobilization as well as developing plans and programs for root causes of conflict in order to prevent armed international violence in the future.

Councilor Burgess suggested adding the word “activities” in the fourth paragraph of the last page of the resolution.

Ronda Case a French teacher at West Linn High School stated she has had two of these three students in her class. All three students are extraordinary and give reason for hope in the future with their vision. She has witnessed an increase of students who are taking an interest in this world. It is her privilege to be with these students and to know that City Council is considering support in these efforts. When relationships become peaceful in the family and community, they will become peaceful in the bigger world.

Stacy Erickson stated she has taught at West Linn High School for 14 years. She is currently the advisor for the student-generated and run club called Young Advocates for Peace. This is the third year for this club and over 120 kids actively engaged in seeking out ways to increase the peaceful nature of school and community. She is thankful for the support community gives to students.

Harvey Thurston is a Commander, U.S. Navy retired Viet Nam Vet, and President of Veterans for Peace, Chapter 72, supporting this area of West Linn, Portland, Vancouver and the outlining areas. He reported Veterans for Peace nationally are over 7,000 strong. He is here in support of this resolution; it is fantastic to see the school putting it forth and for council for hearing this matter. The military takes an oath to support and defend the Constitution, yet they receive conflicting orders to do things that are in violation of the Constitution in regards to treaties. He urged the community to get behind this effort and support this Department of Peace effort.

Mayor King stated he is pleased this student group has brought this resolution forward. Councilor Jones stated he is a graduate of the Navel Academy and served on submarines in the cold war. He wishes this country had put forth the resources in making the world a more peaceful place that has been put into making it a violent place. He fully supports this resolution as it is something that should guide students through life. Councilor Carson stated that she is supportive of this resolution and is glad that it has been brought forward.

Councilor Carson moved to approve Resolution 08-42, A Resolution of the West Linn City Council Declaring Support for A United States Department of Peace and Nonviolence per Agenda Bill 08-11-01 as amended:

Second BE IT FURTHER RESOLVED to read, “...organizing principles in all human activities locally, nationally and internationally; and...”

Councilor Jones seconded the motion.

Ayes: Burgess, Jones, Carson, King

Nays: None

The motion carried 4-0.

- Presentation by the City Auditors, Talbot, Karvola & Warwick

Richard Seals stated that he is the recently hired West Linn City Finance Director. One of his first tasks was to get the audits up-to-date. Fiscal year 04, 05 and 06 have been completed and filed with the Secretary of State. He is in the process of getting the years of 07 and 08 current. The report tonight will include an audit update and a request for authorization to enter into a contract with the auditors for fiscal years 08 and 09. He introduced Ron Moody who is with Talbot, Karvola & Warwick (TKW) who is here tonight to present an audit update.

Mr. Moody stated upon receipt of the final report drafts of the 07 audits, they will conduct partner and quality reviews and a technical review. It is hoped to get those turned about quickly. Time has been scheduled in late November/early December to come out and do the detailed internal control documentation for the 08 audits. If the Council authorizes TKW to conduct the 09 fiscal year, they will conduct an audit in May for interim work, final field work will be done in September/October, and everything should be filed by Christmas 2009.

Mayor King asked when the audit document will be released for the 2007 year. Mr. Moody stated that this document will be available in two/three weeks. The 2008 audit will be done in March 2009.

Burgess voiced concern that the 2008 audit will be late. Mr. Seals stated there will be an extension filed for 2008.

Mr. Seals stated part of the Council's role as the Contract Review Board is to authorize the City Manager to enter into contracts. Staff is requesting Council approve a contract with Talbot, Korvola & Warwick for the fiscal year 2008 and 2009. Mayor King noted that this renewal process will be considered under the Consent Agenda later tonight.

Mr. Moody noted that Statement and Auditing Standards #104-111 were adopted and are effective for West Linn's fiscal year, June 30, 2008. These Risk Assessment Standards created a lot of more work for auditors as they have to do documentation of internal controls and business processes to a level that has never been required before. Audit fees have been increased for all municipal clients and non-government

clients as well (30%-40%) to compensate for the extra work in the documentation of controls. The 2009 audit costs have been decreased in anticipation that they will not have to do the same level of documentation every year; it will just need to be updated.

Mr. Seals suggested the City continue with TKW through 2009 and then send out Request for Proposals (RFP) at that point. The RFP's would help determine the market at that time.

Community Comments

Kevin Bryck, 1884 Nixon Avenue, Robinwood Neighborhood President, stated he has received many responses about an email received that presidents don't have the authority to endorse candidates. He has not seen any new information that contradicts his original position there is no reason why neighborhood presidents shouldn't be able to endorse candidates. In the interim he has seen Planning Commissioners endorse candidates. Everyone needs to be on the same page. He would like to have something in writing from the City justifying their reasoning.

Roberta Schwarz, 2206 Tannler, stated she had three issues to discuss tonight:

West Linn embezzlement took place over three administrations; Thorne, Dodds and King. There were 16 councilors, two city administrators and more than one auditing firm. It is the joint responsibility of these 20 plus people that the embezzlement occurred. Even when audits were taking place, the embezzlement occurred. She voiced concern about a letter from the Mayor regarding two citizens running for office. Mayor King asked Ms. Schwartz to not continue this issue because it has nothing to do with city government.

Ms. Schwarz continued with a different issue, a recent city email stating that neighborhood association officers could not endorse candidates for office using their title because they are advisory board members and therefore city employee. She does not feel association officers are city employees. This has cost the neighborhood officers their freedom of speech rights and possibly changed the outcome of an election.

A contract was recently entered into with auditors for \$72,500. She feels this issue should be a business item so that citizens can testify. This should not be on the consent agenda.

Kurt Summers was called and passed on testifying.

Beverly Burk, 19110 Suncrest Drive stated she has been a West Linn resident for 20 years. She voiced concern about the Transportation Plan and Water Plan which will affect her. The street she lives on has no engineering controls, no crosswalk, and there is a lot of traffic. Mayor King stated the Planning Commission is considering

the Transportation Plan this month and she could testify at those hearings. Chris Jordan reported the Transportation Plan is available online. The Planning Commission is scheduled to continue their hearing on the Transportation Plan on December 3, 2008.

Lynn Fox, President of the Hidden Springs Neighborhood Association, thanked the City for working with Hidden Springs neighborhood in the past year. It was disconcerting to receive email from the City that as a neighborhood official she would be deprived of her Constitutional rights by not being allowed to use her title promoting or working with candidates. She feels she was not able to work for the neighborhood and get them the information to them they needed to be informed voters. She hopes that Council will address this issue and correct it in the future.

Ms. Fox noted there were only ten people who attended the public meeting at the library, mostly city staff. She feels that the Transportation Plan deserves more outreach and more time for people to be involved and brought into the process. She suggested the City reconsider the timeframe with the Transportation Plan.

Charles Roberts, 19636 Wildwood Drive stated there lack of confidence is a national issue. The mayor came into office two audits behind and will be leaving office two audits behind. He suggested approving a contract for one year not two. The contract should include penalties or reduction in the fees for performance. He agrees with an RFP being sent out for fiscal year 2009.

Tom Stiglitch was called; he had left the meeting.

Kerry Oaks, 1125 Marylhurst Drive, stated she wanted to talk tonight on the mayor's comments regarding candidates. Mayor King stated that campaign issues are not appropriate during community comments.

Ms. Oaks voiced concern over the recent email regarding neighborhood officers not being allowed to use their title to promote candidates. She feels neighborhood officers have been attacked and put into a negative light. People who attend neighborhood associations are participating in a Democratic process and should not be held down. The negativity has to stop so the government and citizens can work together.

Bob Thomas, 2563 Pimlico Drive stated he has never been at a Council session that has been conducted in such a manner as tonight. He does not feel there is a rule that precludes people from exercising free speech and talking about what they want to talk about.

Consent Agenda

Mayor King announced that Agenda Bill 08-11-03 has been moved to the first item of the Business agenda in this meeting.

Agenda Bill 08-11-02	Approval of October 20, 2008 Minutes
Agenda Bill 08-11-03	Resolution 08-43 – Arts Commission
Agenda Bill 08-11-08	Award of Contract for FY 2008 and FY 2009 Audits to Talbot, Korvola & Warwick, LLP

Councilor Burgess moved to adopt the consent agenda consisting of approving the minutes of October 20, 2008 and Agenda Bill 08-11-08, Award of Contract for FY 2008 and FY 2009 Audits to Talbot, Korvola & Warwick. Councilor Carson seconded the motion.

Ayes: Jones, Carson, Burgess, King

Nays: None

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

Report from the City Manager

Mr. Jordan, City Manager asked the City Attorney to address the email notice sent to neighborhood association officers, citizen's advisory boards and what staff was briefed on regarding the limitations on public employees and their involvement with advocacy for candidates or ballot measures.

Mr. Monahan stated this issue is in the jurisdiction of the Secretary of State's Office. The purpose of the communication was to apprise people of the risk involved in using their titles when that title is supported by public funds. There is a nexus between public funds, activity associated with that title, and activities (participation in the electoral process). People who are associated with the City (association presidents, etc.), even if it is a volunteer basis put the City and themselves in jeopardy of being in violation of the Secretary of State's rules. The title reflects the work they do which in part uses public funds. There is a separation between public funds and the electoral process.

Mr. Jordan stated that they wanted to make sure the neighborhood officers, advisory board members and staff were not at risk of potential of election claims being filed at Secretary of State Office. The City felt is appropriate to make sure they aired on the side of caution, provide the information to all neighborhood association officers, advisory boards and staff. City staff does not interpret state law; the City Attorney gave the interpretation. He called the Secretary of State Office and was given the same information.

Mayor King explained if this warning was not given it would be encouraging people to break the law. He asked the City Counsel if there was an elections claim filed, would it be against the City or the person who endorsed the candidate. Mr. Monahan stated the suit would be against an individual, but the City would be involved because they give the neighborhood associations money. The Secretary of States

office feels there is risk; it is prudent of the City to inform people who might be at risk to avoid the problem.

Councilor Carson asked if this rule applies to people on public advisory committees, planning commissions, etc. and were all of these groups advised of their risk. Mr. Jordan stated that all groups and City staff were provided with the same information. A briefing was held with staff one morning where the requirements were explained.

Councilor Jones confirmed and explained that it is a risk to use your title when endorsing an candidate (I, Joe Smith, Chair of the Arts Committee support Candidate Jones); however, as a citizens you can endorse who you want (I Joe Smith support Candidate Jones). Every person has the ability as single individuals to support whom they want. Mr. Monahan agreed with these statements.

Business from the City Council

Councilor Carson stated there are people in this community impacted by the economics and may be in need at this point of time for assistance. She asked City staff to draft information that explains the resources available for those in need. This brochure is available to citizens informing them of the resources available for assistance. She thanked staff for putting this information together.

Councilor Burgess thanked all who ran in this election and put themselves forward in an attempt to benefit this community. There are rules and there is a fine line between community comments that affect the City and comments that affect the Council. Community comments are intended for citizens to bring issues to the City's attention that are not on the agenda. He asked that the citizens keep the process working in a positive manner and maintain respect and decorum.

Mayor King announced two appointments for council approval:

Gary Heitsman, Clackamas Cable Advisory Board, Term ending December 31, 2008

Pam North, Library Board, Term ending December 31, 2009

Councilor Carson moved to approve two appointments: Gary Heitsman to the Clackamas County Cable Advisory Board for a term ending December 31, 2008 and Pam North to the Library Board to a term ending December 31, 2009. Councilor Jones seconded the motion.

Ayes: Carson, Jones, Burgess, King

Nays: None

The motion carried 4-0.

Mayor King congratulated those who won the election for city councilors and the position of mayor and also thanked all citizens who put themselves forward in this election. Councilor Carson added her congratulations to those who won in this

election. She encouraged those who did not make it to continue to be involved with the City and boards to stay engaged.

Mayor King noted that the vacancies on the advisory boards will be coming out this month and information on all of the vacancies will be online.

Business Meeting

1. Agenda Bill 08-11-03 Resolution 08-43, Arts Commission

Mayor King opened the meeting to discussion of Resolution No. 08-43, Arts Commission. He asked for a staff report.

Mr. Jordan reported the intent of this resolution is to place the Arts Commission on a one-year hiatus so City Council and the citizens can evaluate the purpose, responsibilities and membership of the Arts Commission so it meets the community's needs and desires for the future. It has been suggested to add a Section 3 which will explain the next steps in this process.

Councilor Burgess reported there was a meeting with the Arts Commission to address suggested improvements to the resolution. He read the suggested additional language/Section 2 to the audience: "The Council directs the City Manager to assist the Council in developing a facilitative process to evaluate and make recommendations to support arts in West Linn in a most effective manner." The current Section 2 would remain and follow this additional language.

Mayor King suggested language, "The Mayor appoint with Council approval a task force to recommend a structure and mission for a replacement for the Arts Commission or a permanent termination of the commission." He feels Councilor Burgess' language directs staff to begin work on setting up what the task force would do. What he is suggesting enables that task force.

Councilor Carson moved to approve Resolution 08-43, A Resolution of the West Linn City Council Placing the Arts Commission on a One-Year Hiatus per Agenda Bill 08-11-03 with the corrections submitted tonight:

Section 3: "The Council directs the City Manager to assist the Council in developing a facilitative process to evaluate and make recommendations to support arts in West Linn in a most effective manner."

Section 4: "The Mayor appoint with Council approval a task force to recommend a structure and mission for a replacement for the Arts Commission or a permanent termination of the commission."

Board Member Jones seconded the motion.

Ayes: Carson, Burgess, Jones, King

Nays: None

The motion carried 4-0.

2. Agenda Bill 08-11-04

Ordinance No. 1579 – Creating A
Public Safety Advisory Board

Mayor King opened discussion on Ordinance No. 1579, for the creation of a Public Safety Advisory Board. He asked for a staff report.

Mr. Jordan reported this item would repeal the existing Police Advisory Committee and create a Public Safety Advisory Board. The Police Advisory Board would have some of the same responsibilities of the Police Advisory Committee but would also add fire prevention, disaster preparedness, traffic safety, emergency services, and disaster response.

The Mayor has received an email from the Chair of the Police Advisory Committee making an additional suggestion.

Testimony in Support

Dennis Richie, Chair, Police Advisory Committee, stated he reviewed the original proposal with Mayor King's edits and it was passed two months ago. They have suggestions for the current proposal:

- Page 1, (1) Establishment Membership Term, delete second sentence, "Public Safety Advisory Board is not a governing body and shall not undertake the review of allegations and inquiries related to the actions of individual public safety personnel."
- "Page 1, (2) Responsibilities, Section F, "To report livability safety concerns to the Council and staff and recommend possible collaboration with local, county and state agencies"

Mr. Richie stated they have a concern for a process for public input. It is not addressed in this Ordinance and they do want the community involved.

Ron Whitehead, 18359 Willamette Drive, stated he is here to support the changes being made and to encourage the Council on this issue. He has had 25 years experience in the Criminal Justice community and he would take advantage of that experience and share it with it with this new board being formed.

Cassandra Ulven, Tualatin Fire and Rescue stated she is hopeful that the document presented tonight meets with the goals to expand the auspice of the group. TVFR is looking forward with working with the Public Safety Advisory Board.

Mr. Richie stated he had one more suggested change: Section 2.085 (1) Establishment and Membership: Term, add a second sentence to read, "The Public Safety Advisory Board is not a governing body and shall not undertake the review of

allegations and inquiries related to the actions of individual public safety personnel.”
The same language for 2(j).

Councilor Burgess stated he agrees with Mr. Richie’s suggestion and suggested changing the sentence to read, “Shall not undertake the review and allegations and inquiries related to the actions of individual public safety personnel.”

By the first reading of the ordinance by title only, Councilor Carson moved to approve Ordinance 1579, An Ordinance Amending West Linn Municipal Code Section 2.805(j) Relating to the Creation of a Public Safety Advisory Board per Agenda Bill 08-11-04 with a amendments made tonight:

- **Section 2.085 (1) Establishment and Membership: Term, to read, “The Public Safety Advisory Board is not a governing body and shall not undertake the review of allegations and inquiries related to the actions of individual public safety personnel.”**
- **Replace the language in 2(j) with the same language.**

Councilor Burgess seconded the motion.

Councilor Burgess moved to amend the motion to revise the language of the sentence to read, “The Public Safety Advisory Board shall not undertake the review of allegations and inquiries related to the actions of individual public safety personnel.” Board Member Jones seconded the motion.

Councilor Burgess stated he does not feel the Council should be involved in the review of allegations and inquiries related to the actions of individual public safety personnel. This is an advisory committee and having the conjunctive sentence it implies that governing bodies do have the ability to review allegations and inquiries.

Mayor King stated he would be supporting the amended version of the sentence. It is obvious that this is an advisory group and they do not have governing authority.

Ayes: Jones, Carson, Burgess, King

Nays: None

The motion carried 4-0.

Poll on the main motion:

Ayes: Burgess, Jones, Carson, King

Nays: None

The motion carried 4-0.

On second reading of the ordinance by title only, Councilor Burgess moved to approve Ordinance 1579, An Ordinance Amending West Linn Municipal Code Section 2.805(j) Relating to the Creation of a Public Safety Advisory Board per Agenda Bill 08-11-04 as amended. Councilor Carson seconded the motion.

Ayes: Carson, Burgess, Jones, King

Nays: None

The motion carried 4-0.

Recess was taken at 8:28 p.m. and the meeting reconvened at 8:40 p.m.

3. Agenda Bill 08-11-05 Franchise Agreement for West Linn Refuse & Recycling, Inc.

Mayor King opened the public hearing on the franchise agreement for West Linn Refuse & Recycling, Inc. at 8:41 p.m. He asked for a staff report.

Gene Green reported in June 2008, the City received an errata list of proposed changes to the franchise agreement between the City of West Linn and West Linn Refuse & Recycling, Inc. The list was reviewed in a meeting with Glen Friedman, Chairman of Sustainability Advisory Board and himself to further review and amend the proposed changes.

A meeting was held in July, 2008 with West Linn Refuse & Recycling, inc. representatives Fred and Andy Kahut, Steve Donovan, Roger Reis, Glen Friedman and Gene Green further negotiated the City's changes to the agreement.

Per Council direction at the October worksession, the following changes were made to the draft agreement

- An increase in the franchise fee from 3% to 5%
- Revision to Section 5.2.4, Diversion Goal. Change in wording to reflect current recycling diversion goals "...to meeting the recycling goals of the Regional Solid Waste Master Plan as adopted by Metro."
- Revision to Section 7.3.2.C, Limitation on Rate Adjustments, removed the word "most."

Steve Donovan stated he is on the West Linn Refuse and Recycling Project Team, POB 550, Canby, OR 97013. He introduced Fred Kahut, President, West Linn Refuse and Recycling and Andy Kahut, General Manager.

Mr. Donovan reported West Linn already complies with the new Metro Regional Solid Waste Management Plan. Metro, under the new master plan, requires compliance starting in January with full compliance in February 2009. Metro is responsible for the handling and recycling aspects of solid waste in partnership with the member communities.

West Linn is a leader in this region; West Linn was the first community to go curbside roll-cart program and individual carts for recycling and yard debris. Many other communities in the region have followed this lead.

Mayor King stated he is pleased with the services from West Linn Refuse & Recycling, Inc. Councilor Carson stated she too is pleased with the services and

was glad to see the curb-side recycling bins coming into play. She suggested language be added to the ordinance that there will be an on-going effort to work with the City to include other recycling alternatives such as food waste or other products as the technology becomes available.

Mr. Donovan suggested adding language in Section 5.2.4 to address Councilor Carson's concerns. He stated that he would be pleased to put the language in and asked that the City Manager draft the appropriate language.

Mayor King voiced concern that an 8-year agreement may bind future Councils. Part of this agreement allows the company to buy equipment on a continuing basis. Mr. Donovan stated the company will be investing \$2 million in new equipment starting soon. This language gives them the flexibility to pick the points to invest in that equipment. They are cognizant of rates; the current rate for standard services is \$21.28 per month per customer. This is one of the lowest rates in the region. If there is a fixed term of the contract and they invest in equipment assuming that the contract will end at the end of the term, they could put themselves in a pricing bind.

Currently the firm is under contract for a two-year period and there is one year to go. Discussion followed on the rate change. Mr. Donovan noted they are not petitioning the City on January 1, 2009 for an inflation-based adjustment. They will come before the Council in a worksession this spring to update on what investments they plan to take. There will be no rate increase other than the change for the franchise fee from 3% to 5% until July 1, 2009.

There was no public testimony on this issue.

Hearing no further questions from Council and no further response from staff, Mayor King closed the public hearing portion of the meeting.

Councilor Burgess stated he was concerned about increasing the franchise fees at this time considering the economic conditions in the community. He would like to see the fee increase amount designated to a specific issue. He is in support of the extension of the franchise and continuation of excellent service; however he will be voting to not collect the additional fee at this time.

Councilor Jones stated he too is concerned about increasing the franchise fee and the rolling contract but understands the economics of this type of business.

Councilor Carson asked staff to comment on whether the franchise fee can be amended. Mr. Jordan stated the contract can be amended at any time as long as the recycling company is willing to re-negotiate.

Mayor King stated he is in support of the amount of the increase being designated towards a sustainability position instead of roads. Mr. Jordan explained the contract spells out the amount agreed upon, it does not direct how the City spends the funds.

Councilor Jones stated he could support a franchise fee increase if it went into sustainability efforts. He would not like to see the funds sit unused or used for something that might not be the best use of the funds.

Councilor Carson moved to approve the franchise agreement between the City and West Linn Refuse & Recycling, Inc. with the 5% increase as proposed in Agenda Bill 08-11-05 with the direction to City Staff that the additional two percent in franchise fees will be utilized in funding the Sustainability Efforts Program. Councilor Jones seconded the motion.

Councilor Burgess asked staff to comment on the 2% increase. Mr. Jordan stated each year when the City Manager puts together the budget; it is based on the goals and priorities of the Council. This direction given in this motion indicates that sustainability is a high priority and it is where these funds should go towards. A new council comes in January and they may have different goals. This direction is not binding. A new council and new budget committee can set its own priorities.

Mr. Jordan stated as a suggestion, there could be a budget adjustment in December that would include an additional \$20,000 to fund a special project that would tie up the funds from January 1, 2009 to June 30, 2009. That would give this Council input and approval of a budget resolution stating how these funds will be spent in the first six months.

Ayes: Carson, Burgess, Jones

Nays: King

The motion carried 3-1.

4. Agenda Bill 08-11-06

Ordinance No. 1580, Sunset neighborhood Plan

Mayor King called to order the public hearing to consider the Sunset Neighborhood Plan as a part of the West Linn Comprehensive Plan. Mr. Monahan explained the process and procedures the City will use in considering this matter. The applicable standards to be considered are in Chapter 98 of the Community Development Code for Legislative Plan Amendments. Mayor King explained the hearing conduct.

Mayor King asked if any member of Council wished to declare any conflicts of interest or ex-parte contacts. Councilor Burgess stated he lives in the Sunset neighborhood. Councilor Jones stated he lives in the Sunset neighborhood as well.

Mayor King asked if there were any members of the audience who wished to make any challenge to any Council member's ability to participate in this decision or the Council's ability to make a decision on these issues. There were none. He asked for a staff report.

Chris Kerr, Senior Planner reviewed the staff report with Council. In the fall of 2007, at the request of the Sunset neighborhood, Council directed the Planning Department to assist with the preparation of a neighborhood plan. The City utilized the firm of Cogan, Owens, Cogan, LLC to assist with the development of this Plan.

A Sunset Neighborhood Plan Steering Committee was developed and held seven separate meetings and two public open houses to review the proposed plan as well as each of the goals, policies and actions within the plan. All the meetings were advertised.

Staff and the Steering Committee reviewed proposals received by professional consultants to complete the work on this project. After careful deliberation there was a consensus to utilize the firm of Cogan, Owens, Cogan to work with the subcommittee on the Plan. Based on the positive feedback that was received and in discussion with the neighbors at the meetings the Steering Committee ultimately made their final revisions to the Plan in August, 2008. The Sunset Neighborhood Association voted to recommend the Council adopt the Plan as proposed at their last meeting.

Mr. Kerr went over the elements of the plan and some of the goals and policies.

- Introduction outlining the purpose of the Plan, processes used for completion and definition of terms
- Profile of the neighborhood identifying some of the important features such as the Camassia Natural Area and Wilderness Park
- The vision of the community which represents their most important assets and values
- Goals, policies and specific actions of the Sunset Neighborhood Plan
- The specific action plan which restates the goals, policies and action items and moves ahead with a timeframe for each of the policies as well as identification of the parties responsible for completing that action.

The Sunset Neighborhood Plan identifies the shared vision, expresses its goals, policies and action measures to achieve that vision. The Plan will improve communication at the neighborhood level and between residents and city officials. The Plan was recommended for approval by the Planning Commission with no changes at their October 1, 2008 meeting.

Staff finds the Plan conforms with all applicable decision-making criteria of the Community Development Code and to the general policies of the City's Comprehensive Plan and strongly recommends that the Plan be adopted with the changes in his memorandum dated November 5, 2008.

The changes presented included:

- Page 3, Second Paragraph of Neighborhood Associations, language changed, "They elect officers and adopt by-laws."
- Page 12, Second bullet, changed to read, "Music in the Park – free concerts in Tanner Creek Park and Willamette Park".

- Page 12, Third bullet, changed to read, “Mary S. Young Park Arts Festival in the Forest”.
- Page 12, Fifth bullet, changed to read, “West Linn Arts Festival”
- Page 17, Policy 3, Second action bullet, changed to read, “In the City’s Transportation System Plan evaluate the possibility of reclassifying portions of Cornwall, Lancaster, Sunset, Skyline and Oxford streets to ensure safe and efficient movement of pedestrians, cars and bicycles.

Other changes to be put into the record are”

- Change the Planning Commissioner’s names to include Dean Wood and take out Ian James name.
- Page 5 correct the spelling of “creek”
- Page 11, last bullet under Community, changed to read “Farmers and Artists Market (May through October)”
- Page 18, Goal 6, Policy 1, change to read, “In conjunction with the adjacent associations, plan for the future development of the waterfront”

Councilor Carson stated that she suggested the change in Goal 6. The goal to develop the waterfront is included in both the Willamette Neighborhood Plan and the Bolton Neighborhood Plan. These neighborhood associations will work together with other neighborhood associations in the development of a Plan for the future of the waterfront. She suggested changing that language, “Collaborate with other neighborhoods in planning for the future of the waterfront.”

Mayor King asked if there was any additional correspondence received since the packets were distributed. Mr. Kerr said there was no additional correspondence.

Public Testimony in Support

Troy Bowers, 2790 Lancaster Street, introduced Doug Volts, 4972 Prospect and indicated they both served with six others from their neighborhood on the Sunset Neighborhood Steering Committee. They feel that staff and the consultant did an excellent job in help them develop this Plan. It was a very good collaborative effort; the neighborhood citizens were very active in these efforts. They are asking the Council to approve, adopt and support the Sunset Neighborhood Plan.

Mr. Volt stated he felt this was a very educational process. He enjoyed talking to the neighbors and getting a true grass roots effort involvement. He looks forward to working with the City next year.

Councilor Burgess thanked Mr. Bowers and Mr. Volt for their efforts in working with this Plan. He feels it is a good plan. He voiced concern about the language in Policy 3, action bullet 1, regarding transportation issues. He didn’t feel the City would want to decrease traffic on these streets at the detriment of smaller neighborhood streets. Another issue of concern is with the language referring to busses, he suggested “...efficient movement of pedestrians, vehicles or bicycles.”

While the Plan recognizes the two commercial lots in the neighborhood, he didn't see any language that would speak to encouraging the continuation of the Sunset Market in its current existence or upgrading. The zoning there does not speak to the intent of the neighborhood. The neighborhood supports the commercial lots and would encourage their continuation.

Councilor Burgess stated he hopes the neighborhood and the City will be involved with the Sunset School discussion. If Sunset School is no longer there, the neighborhood is concerned about how that property will be used in the future.

Mr. Volt reported at the January and March meetings the residents were very vocal about the Sunset School issue. A motion was made that the School District owns the property and they have the right to develop that property as they wish. He has had many comments made to him about excess traffic in the neighborhood. There is a lot of traffic from people who do not live in the neighborhood. They are trying to come up with a solution that serves all parties.

Mr. Bowers stated that in regards to zoning the neighborhood would prefer neighborhood commercial rather than general commercial. There is general concern voiced from the neighborhood about the disposal of the school property if Sunset School was relocated. It is hoped that there will be zoning that will limit whatever that is developed there would fit the neighborhood. There have been suggestions of a community center, swimming pool, or a use of the building that would benefit the neighborhood. This is the only flat spot in the neighborhood where kids can go and enjoy playground activities. Mr. Bowers indicated that he lives on Lancaster Street and is very concerned about the transportation planning of this area.

Councilor Carson stated that if the zoning of neighborhood commercial can be a discussion for future amendment to the Plan. She doesn't feel comfortable at this point in time of changing the zoning; it would need to be a discussion and something that came from the neighborhood. She is very supportive of the Plan.

Mayor King thanked the Steering Committee for all their work. He feels it is a very good Plan.

Hearing no further questions from Council and no further response from staff, Mayor King closed the public hearing.

Upon the first reading by title only, Councilor Burgess moved to approve Ordinance No. 1580, An Ordinance Amending the Comprehensive Plan adding the Sunset Neighborhood Plan per Agenda Bill 08-11-06 with the changes proposed by staff tonight. Councilor Carson seconded the motion.

Ayes: Burgess, Jones, Carson, King

Nays: None

The motion carried 4-0.

On the second reading by title only, Councilor Burgess moved to approve Ordinance No. 1580, An Ordinance Amending the Comprehensive Plan adding the Sunset Neighborhood Plan per Agenda Bill 08-11-06 with the changes proposed by staff tonight. Councilor Jones seconded the motion.

Ayes: Jones, Carson, Burgess, King

Nays: None

The motion carried 4-0.

Recess was taken at 10:20 p.m. and the meeting reconvened at 10:25 p.m.

5. Agenda Bill 08-11-07

Resolution 08-44, Water Master Plan

Mayor King opened the public hearing on the Water System Master Plan at 10:25 p.m. The Planning Commission recommended approval of the Plan. The proposed Water Master Plan is a supporting document to the West Linn Comprehensive Plan and subject to the administrative procedures set forth in Chapter 100 of the West Linn Community Development Code. Because it is a supporting Plan document it may be adopted by resolution rather than ordinance.

Mr. Monahan explained the process and procedures the City will use in considering this matter. The applicable standards to be considered are in Chapter 98 of the Community Development Code for Legislative Plan Amendments. Mayor King explained the hearing conduct.

Mayor King asked if any member of Council wished to declare any conflicts of interest or ex-parte contacts. There were none.

Mayor King asked if there were any members of the audience who wished to make any challenge to any Council member's ability to participate in this decision or the Council's ability to make a decision on these issues. There were none.

Councilor Burgess moved to extend the meeting to 11:00 p.m. Councilor Jones seconded the motion.

Ayes: Carson, Burgess, Jones, King

Nays: None

The motion carried 4-0.

Mayor King asked for a staff report.

Dennis Wright, West Linn City Engineer, reviewed the staff report. The City's existing Water Master Plan was completed in 1999 and was updated by staff in 2004. On February 2007, a contract was awarded to Murray, Smith & Associates to prepare the new Plan. The Plan has been through an extensive public process, reviewed thoroughly by the Utilities Advisory Board and they have voted in support of the Plan. The Plan has been before Council twice, there was a public open house

on this issue, there has been a joint worksession with the Council and the Planning Commission and the Planning Commission voted unanimously to support adoption of the Plan. The Planning Commission had two questions:

- What is the percentage of gross revenue that is budgeted for the capital maintenance plan in the existing budget?

During the last three years only one pipe replacement project has been funded (Box Tree Water Line Project for \$65,000). It was done on an emergency basis as the water quality and flow volume had become severe. The 2009 budget contains over \$4 million in the Water Fund of which \$500,000 is for capital outlay and \$155,000 for routine maintenance and repairs. The capital maintenance that is included and recommended in this Water Master Plan is currently not in the budget.

- What is the benefit of doing preventive maintenance as opposed to just waiting until the infrastructure failed?

There are a number of positive things to be gained by doing preventive maintenance. It reduces the instances of loss of service, reduces costly emergency repairs, and reducing liability to the City for damages to private property. There is less risk of water quality issues, decreased costs associated with emergency repairs, and enhances the coordination and planning of repairs with other utilities.

Mr. Wright introduced Chris Uber, P.E., Senior Vice President and Brian Ginter, P.E., Project Manager from Murray, Smith & Associates, Inc. They made a computer presentation on the Water Master Plan. Mr. Uber reviewed the planning and analysis criteria, system analysis, recommended improvements, improvement funding and policy considerations of the Water Master Plan.

Mayor King asked if the Plan assumed increased conservation and peak shaving. Mr. Ginter stated the forecast is based on peak water demands. They reviewed historical water demands over the last year and identified the typical, maximum day per capita demands are in the range of 325-330 counts per capita per day. Consideration was given to conservation recognizing there may be some limited opportunity to reduce peak demands in the community. It takes effort in terms of education and other things to achieve conservation goals and recognize it is prudent planning to remain conservative for the Master Plan looking forward.

Mr. Uber noted that over the last couple of years they have seen historically a slight reduction per capita use. It is difficult to measure that as being conservation impact or weather change impacts.

Councilor Burgess noted there is a recommendation for an additional \$2.3 million gallons additional storage (2 at Bolton and .3 at Bland). He asked for comments on the recommendation for pumping, vulnerability in terms of emergency, and sustainability issues in terms of Operations & Maintenance (O&M). Mr. Ginter stated

that there are two pumping projects identified in the Capital Improvements Projects (CIP). The first is the expansion of the emergency intertie pump station which will add one more pump to improve the firm capacity of the station to additional supply from other communities into the system.

Speaking to vulnerability, all three of the stations supplying the Rosemont zone will be proposed to have standby generators. Two of the existing stations have generators and there is a recommendation to have a generator at the third station. The goal is to have firm capacity to supply the Rosemont zone at all conditions.

The recommendation for pumping as opposed to construction additional storage at Rosemont recognizes that the City is already made investment in the construction of a second pump station into that zone. Construction of additional storage in the Rosemont zone could be challenging. Limited additional pumping capacity essentially achieves the same goal. With three stations with standby power, it is a fairly reliable system.

In terms of long-term O&M, with one, two or three stations, the same volume of water in a day needs to be lifted to that zone. Whether you add storage or pumping, the same amount of water is being pumped up to that zone. Adding a third station does increased O&M costs. A pump station does have higher O&M costs than a reservoir. A reservoir once constructed, the maintenance costs over time is lower than a pump station where you have mechanical equipment that needs to be replaced.

The CIP (\$1.1 million) is roughly a 45/55 split and so a significant portion of the CIP is allocated to existing customers. The Capital Improvement Projects are a mix of projects required for growth and for existing customers. Councilor Burgess stated that this is more than twice in terms of the water system needs. Not raising rates for a number of years was not a good idea because it has resulted in a need to find funds for maintenance of the existing system. The City is not just paying for growth; there is an existing system that needs to be maintained.

Councilor Carson suggested adding to the language on page 14, “providing for growth within the urban growth boundary.” This will clarify that the City is not talking about expanding the city, but filling in within the city boundaries.

Councilor Carson voiced concern about the required 1500 gallons per minute fire flow figure and asked if this would impact the smaller homes in the city. Mr. Ginter stated that the 1500 fire flow requirement recognizes the potential for development of in West Linn of homes of a certain size. The ISO (Insurance Service Office) reviews the fire suppression ability of the system as well as the ability of the fire department to fight fires and then develop a rating for the community for the community’s impact. Mr. Uber states that the ISO set commercial and residential fire flow insurance rates and one of the things they look at is the ability of the local water distribution system to deliver certain quantities of water.

Councilor Burgess moved to extend the meeting seven minutes. Councilor Jones seconded the motion.

Ayes: Carson, Burgess, Jones, King

Nays: None

The motion carried 4-0.

Mayor King asked if there was any additional correspondence received since the Council received their packets. Mr. Wright stated there has been no further correspondence received.

Testimony in Support

Alice Richmond, 3939 Parker Rod, stated that she has been involved with the water system in West Linn for seven years. She urged the Council to approve the Water System Master Plan as presented this evening. She has been a member of the Utility Advisory Board and knows there is a need to improve the condition of the pipes in West Linn. The Bolton Reservoir was built in 1939 when there were less than 3,000 residents in the city. She became a resident in West Linn in 1959 and the population was almost 3,000. They thought 2.5 MGM was sufficient for then; however today there are many more people here. It is time to replace the tank and increase the technology to bring it more in line with today's needs. She feels it would be safer and less costly to have an intertie with Oregon City. It is important to put this Plan into effect.

Councilor Burgess moved to extend the meeting to 11:10 p.m. for purpose of Council action. Councilor Jones seconded the motion.

Ayes: Burgess, Jones, Carson, King

Nays: None

The motion carried 4-0.

Hearing no further questions from Council and no further response from staff, Mayor King closed the public hearing.

Upon the first reading by title only, Councilor Burgess moved to approve Resolution No. 08-44, An Resolution of the West Linn City Council Adopting A New Water System Master Plan for the City of West Linn per Agenda Bill 08-11-06. Councilor Jones seconded the motion.

Councilor Burgess stated he is glad there is a new Water Master Plan. West Linn has an excellent supply of water. He encouraged staff to move forward with the rate study and rate study to include a tiered rate.

Mr. Jordan reported the Utility Advisory Board voted to support the rate increase, effective January 2009. It is on Council's agenda for November 24th or December 8th.

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Ayes: Jones, Carson, Burgess, King

Nays: None

The motion carried 4-0.

Adjournment

The meeting adjourned at 11:14 p.m.