

WEST LINN CITY COUNCIL MEETING MINUTES October 12, 2009

Council Present:

Mayor Patti Galle, Council President Jody Carson, Councilor Scott Burgess, Councilor Teri Cummings, and Councilor John Kovash

Council Absent:

None

Staff Present:

Chris Jordon, City Manager; Ken Worcester, Parks and Recreation Director; City Attorney Tim Ramis; and Shirley Richardson, Minute Taker

Call to Order/Pledge of Allegiance

Mayor Galle called the meeting to order at approximately 6:42 p.m. and led the flag salute.

Proclamations, Recognitions and Presentations

- Mark Buser – Ice Age Floods

Mayor Galle introduced Mark Buser. Mr. Buser was instrumental in the Ice Age Floods Institute (IAF) and the National Park Service Initiative to establish an Ice Age Floods National Geologic Trail. Federal Legislation to establish the trail passed in February of this year.

Mayor Galle commended Mr. Buser for his service to all citizens as he has a lengthy record of service to the West Linn community. His commitment to energize the West Linn Chamber of Commerce in 2004 is well known. Mr. Buser was instrumental in getting the Ice Age Floods is legislation passed. As the chair of the Ice Age Floods

Governmental Task Force he successfully lobbied in Washington DC for passage of the Ice Age Floods National Geologic Trail Act. He did the fund raising, project development and project management for the Ice Age Flood and Willamette Meteorite Interpretative Trails in Fields Bridge Park incorporating a scale bronze replica of the meteorite, three stone kiosks built by the City and 8 interpretative panels.

Mark Buser is president and founder of the Lower Columbia Chapter of the Ice Age Floods Institute, vice President of the Ice Age Floods Institute and nominated president of the Ice Age Floods Institute, his term begins in the fall of 2010.

Mike Buser is also the West Linn, Oregon City, Willamette Falls Heritage Area Coalition member representing the Ice Age Floods Institute and the Ice Age Floods National Geologic Trail.

Mayor Galle awarded Mr. Buser with a Pendleton Blanket. When Oregon entered into statehood in 1859, Pendleton was a camping spot on the Oregon Trail. 50 years later, with support from local citizenry, Pendleton Woolen Mills was incorporated. This blanket was woven in that original mill. The blanket is special in many ways; the artist Patty Fogerty selected imagery that is iconic to Oregon. On behalf of the City of West Linn she hopes he uses the blanket with pleasure, especially because it celebrates the beauty of Oregon. She thanked him for his hard work and continued work for all citizens.

- Roberta Schwartz – Award for Savannah Oaks

Mayor Galle introduced Roberta Schwarz and acknowledged that without her the City of West Linn would not be celebrating the beauty of Savannah Oaks today. Savannah Oaks is 14 acres acquired for future open space and to protect the 105 species that live there. Ms. Schwarz has devoted over 4,000 volunteer hours in dedication to the Savannah Oaks project. She continues, weekend after weekend bringing people who are interested in experiencing Savannah Oaks on tours of the trails and joy of the area. She continues to spread the word of open space and Savannah Oaks throughout the state.

Roberta Schwarz was awarded a plaque in appreciation for her work and dedication to the Savannah Oaks acquisition.

Community Comments

Bill Weber, 3545 Riverknoll Way stated he wanted to talk about the wastewater advisory committee. He is at a loss to explain why West Linn is even this far along in terms of becoming a member of this wastewater treatment advisory committee. He listened to comments at the last meeting and it appears to him that West Linn has what they need. Other cities do not have what they need, but they would like us to be part of this committee and ultimately pay for their wastewater treatment facilities and the dismantling of the Kellogg facility. He suggested all the Council members look at this

issue very carefully. This is something that all of the people he has talked to without exception are opposed to West Linn being a member of this. He asked for a show of hands of the number of people here tonight who are in favor or opposed to this committee.

Mayor Galle asked for a show of hands of the audience members who are in opposition and in favor of joining this wastewater committee; there were about 50 hands raised in opposition and 1 hand raised in favor.

Matthew Green-Hite, Gladstone stated he is a CPA, a MBA, the Chair of the Gladstone Planning Commission, Member of the West Linn Chamber of Commerce, and on many budget committees including the Tri-Cities Budget Committee. He is also on the master planning committee with Councilor Scott Burgess. He reported Councilor Burgess voted against this at the last meeting and he thanked him for that stance, especially since the County is threatening anyone that doesn't sign up by October 31st. One concern is that instead of one vote out of three for Tri-Cities, it will be one vote out of eight. Looking at the wastewater bylaws Section 1.2, West Linn is listed and Oregon City and Gladstone are listed, but so are Damascus, Happy Valley, and Milwaukie. If West Linn or Gladstone joins, they will be one out of eight and if they don't they will be zero out of eight.

This represents a 255% increase in wholesale rates; that is just on the unified rates. Another \$5-\$6 if Kellogg is closed; that is part of the decision to be made by this group. The big numbers are in thermal loading; will have to refrigerate water. That could be a very huge cost. The thermal loading is coming from the wastewater retreating from Milwaukie.

Mr. Green-Hite stated he feels the purpose for this is to pay and spread out the cost for Damascus getting on the sewer. This is great except that Damascus is not in the Tri-Cities jurisdiction. He is asking Council to vote against this agreement. It has already been voted down, however, just in case he is asking tonight that Council vote against this agreement. If this agreement does go through he is asking the Council to join him in looking for a new board of directors for Tri-Cities Sewer District. The current commissioners are only there out of original formation. He invited people to sign up on his sheet to receive more information or keep in touch with his website where comments in favor and opposition can be made.

Mayor Galle noted that Council did vote on this issue at the last meeting and it failed. She asked the City Attorney to comment on why this issue is again before the Council this evening. Tim Ramis explained there are two ways an issue like this can come back to the Council; one is by motion of a council member. Secondly there is a provision in the council rules called a Motion for Reconsideration. Anyone who is on the prevailing side of a vote has the ability to ask for the matter to be reconsidered. Councilor Burgess gave notice at the last meeting he might be asking for that.

Paul Edgar, Oregon City submitted information to the Council and stated that he is one of the people who attended the Wastewater 101 session. He has been published on the subject of wastewater treatment and the advantages/disadvantages to the Tri-Cities residents. He stated he is a 65 year old and was married into a family on both sides of the river 47 years ago.

He looks at the cost of seniors or low-income families as something very dear. When you have people who can be squeezed out of their houses with wastewater fees, this is a serious implication. Some can afford these fees, but not everyone; you have to be cognizant of everyone.

The information submitted shows that the wholesale rate of the Tri-Cities facility is currently \$11.65. It will escalate up to \$13.70. At the same time Clackamas Service District No. 1 (CSD#1) would be at \$36.90. That does not include all the thermal cooling requirements that could potentially be out there; nor does it talk about the potential of a big pipe that would cause the full redirection of everything from the Kellogg facility. All of the pump stations have to be reversed, everything has to come to I-205, and the current pipes are not adequate for this process. He cited Section 4.2(C), "...agreed to share the cost of major improvements or expansions of existing and/or new or additional wastewater treatment facilities and related infrastructure." There is nothing about this agreement that does not obligate West Linn. The City Manager of Oregon City recently talked about how Oregon City felt like they were an equal partner and they would be equally responsible.

Mr. Edgar stated he is a citizen of Oregon City and does not feel responsibility; he does not feel like the citizens of West Linn should feel that same responsibility and he implores the Council if this does come up again that they vote no against it. This is an issue that could affect any and everyone now and in the future.

Sally McClarty, 19575 River Road #65, Gladstone stated she is the Bolton Neighborhood Association President and a West Linn property owner. She is here tonight to voice her opposition to West Linn signing on to the wastewater treatment advisory committee agreement. This has been addressed previously under another name and it was found there was no extra benefit to West Linn in doing this and our local control would shrink enormously. When one joins forces with those whose goals conflict, progress does not result. West Linn has a hard enough time taking care of their needs properly without signing up to bail out those or anyone else. It is her understanding that Oregon City has signed on with reservations; she hasn't checked that. She has checked with Gladstone and they are not on board; she was told there were many deadlines and many questions. She checked also with Oak Lodge Sewer District and they wisely voted to opt out of any participation in this kind of thing three years ago. They want to keep their own system maintained on their own. This could result in facilitating growth when West Linn citizens have said they don't want the cost that growth brings to taxpayer. She asked

that West Linn not become an enabler to those who would take advantage of this opportunity and don't waste any more time or money on this issue.

Alice Richmond, 3939 Parker Road stated she was the only one who raised her hand in favor of the wastewater treatment advisory committee. The first subject she would like to talk about is solar energy. While a handful of people in West Linn harbor objection to this technology, it has taken a positive position with others. These few, who feel their views will be altered, will soon have panorama solar views on just about every roof as this solar energy becomes the technology for all utilities and answers to sustainable uses. She asked that people not sneer at solar energy; don't miss the boat by denying residents this opportunity when the children will benefit as people benefited from electricity when it was put into place. She would like for the residents to see the long-range gain and trust in this natural energy.

Ms. Richmond stated her second issue tonight is on the Tri-Cities plant. In the 1990's she was one of the first to be nominated and appointed on the task force on this issue. Today there is a fear and people do not believe the capacity at the Tri-Cities plant is already at capacity. Kellogg is going to be dismantled. The citizens of Oregon City, West Linn and Gladstone will not pay any costs that are not borne by their cities. She advised everyone to study the issue so they are really informed.

Ken Pryor, 2119 Green Street, stated he is here to speak about the Clearwater Water Treatment Plan. He has lived in West Linn four years and it amazes him how closely the politics and events in West Linn parallel what is going on in the national scene. Through the last eight years it has been through the looking glass environment. For all the talk about big government, here today there is consideration of taking a financially sound well-funded, well-operated asset of the cities of West Linn, Gladstone and Oregon City and turning it over to a bigger entity that basically has not proven it can run much of anything.

Section 2.2, No. 3 states, "...each member's district obligation to pay for the costs associated with growth of service needs within its territory." He is concerned about that obligation. He asked the Council to seriously consider their decision on this issue.

Keri Hellitt, 2387 Pimlico Drive stated she is a resident of Hidden Springs. She thanked the Council for voting against the sewer Intergovernmental agreement (IGA) at the last meeting. She does not believe it is the best option for citizens. She didn't realize the County is doing everything possible to squeeze the citizens. There has to be an alternative to this.

Denial of this IGA may force the County and Metro to look more closely at their alternatives. She gets the sense in reading through the emails this past week that Metro and the County have not recalibrated their vision to this economy. That means their priorities are not aligned with what's achievable. It is a disaster when you have limited

funds if you do not have your priorities correct for capital investments, the wrong decisions are made. In these emails she sees the words "mismanaged" and "mismanagement" referring to a budget of \$150,000 for a consultant went to \$300,000; it appears the business systems and the management control systems are lacking. For a consultant budget to double and after the fact they are short of funds, where is the management control system to authorize that and why didn't they take it from a different account. These are clues of circumstances that say this is not a tight ship.

Maybe this is something to look at in ten years when there is more infrastructure in place, decisions made and priorities in place. She thinks this is inappropriate.

Dr. Angela Dreyer, 5767 Terrace Drive stated she moved to West Linn in 1976 when the population was about 9,400 people. She is an admirer of Jody Carson because over the years she has been very, very deeply committed to representing the citizens of this City.

Dr. Dreyer stated it is her understanding that Clackamas County is attempting to compel the citizens of West Linn, Oregon City, and Gladstone to conform to their wishes to establish a wastewater treatment partnership agreement which is to serve not just the Tri-cities but to include the needs of Milwaukie, unincorporated Clackamas County, Happy Valley and Damascus. In other words, raise Tri-Cities fees to pay for the decommissioning of the Kellogg Treatment Facility and to finance the cost of development in unincorporated Clackamas County, Happy Valley and Damascus.

These endeavors are to be seen as huge and very expensive. Why would West Linn agree to do that considering there is already a functioning and stable wastewater and sewer treatment system with cost equally shared with Oregon City and Gladstone, along with a healthy prudent reserve to take care of future needs as they may come in the future. Why would West Linn agree to fund something the citizens don't need and for which they would gain nothing in return. When money is paid out it is in exchange for something in return. Given the enormous cost of decommissioning the Kellogg Plant alone, she doubts very much that all seven of those cities combined would be paying equal shares as it is known that four of these contingencies don't have that kind of money to begin with. Clearly ratepayers of West Linn would see a significant increase in their bills as would Oregon City and Gladstone. The money would have to come from somewhere and Oregon City, West Linn and Gladstone are the solvent ones.

This partnership proposal in her mind is a wolf in sheep's clothing, the Trojan's horse and echoes of lines in-between manipulation; a sneaker wave. It is not an invitation to serve on an advisory committee because of the requirement to sign on to and agree to a legal document. Documents of this sort are restrictive by nature and could negate a belief, a conviction, a view or opinion of an advisory member might wish to express and that would give Clackamas County what they want, money. She personally have in the past been invited to serve on a number of city advisory committees and have accepted some of those invitations and others including two for the City of Portland and one for

the State of Oregon. One can accept or decline an invitation and either way she was never asked at any time to sign any kind of legal document.

Dr. Dreyer stated that careful and thoughtful consideration must be given to the cross section of residents in each of the cities of West Linn, Gladstone and Oregon City; especially the seniors, low-income families and the economic crisis we are all in. Budget cuts are in place at the national level and state levels, small and large businesses are both letting go of people, and bankruptcies are abundant. In a recent national poll 47% of Americans list the economy as their greatest concern. There is an unemployment rate of 12.4% and it will continue to climb. Seniors will not receive social security costs of living increase in 2010 or 2011 and Medicare is to go up from a \$96 deduction to \$110 in 2010 and again to \$138 in 2011.

Ed Schwarz, 2206 Tannler Drive stated he is here tonight to ask Council to vote against the motion for reconsideration. If it passes, he asks that Council vote against joining the Wastewater Treatment Committee. He felt Mr. Green-Hite did a nice job of bringing numbers to this discussion.

Mr. Schwarz stated he is aware the financial language has been removed from the agreement that is before Council tonight; however the purpose of this Committee is to spread the cost of sewerage treatment over cities that right now can afford it (West Linn, Oregon City and Gladstone). He was told by one of the Councilors that the City could either join the Committee and be outvoted or not join and be outvoted.

Mr. Schwarz stated he feels if West Linn joins the Committee they will be outvoted and will probably end up paying more for wastewater treatment costs. By joining the Committee the City is endorsing this action. If West Linn does not join, this can be a signal to the County this is not the appropriate way to handle the situation and the City doesn't agree.

If the City is going to be outvoted either way, why not be not on the Committee and send a little message to the County Commissioners saying let's try to work out some other process to achieve what needs to be done while keeping the cost for those people who have managed them in the past at a reasonable level.

Roberta Schwarz, 2206 Tannler Drive stated she wanted to sum up a couple of things Sherri Pryor wrote recently. "Now you may wonder why we have to sign on to a set of bylaws if all the County wants us to do is to join an advisory committee. We've all asked that question too, but no good answer has been given. After all we join many committees as a City and has never been asked to sign on to bylaws or become members. A recent example of this is a committee which is providing input on the designation of Pete's Mountain and the Stafford Area as a rural or urban reserve for the next 40-50 years.

What is especially wrong about this wastewater treatment agreement is that it ultimately would cost the ratepayers of this City a lot of money and according to Mr. Green-Hite this will cost the City 255% increase on what the ratepayers are currently paying. As several people have said, a lot of folks in this town can't afford it. She works as a substitute teacher for the school district and about 10% of the kids are getting free or subsidized lunches. The seniors in this community cannot afford this.

West Linn is not planning on getting bigger; 74% of West Linn citizens recently surveyed said they don't want expansion. West Linn does not share any facilities with Damascus, Happy Valley or Milwaukie; this is pure and simple cost sharing. This is like saying you will share a bill for a restaurant meal when you go out with friends and knowing upfront that you'll be having the least expensive meal. There is no way this will be a financial benefit to you.

In the Wastewater Treatment Agreement (WWTA) West Linn will ultimately be subsidizing the growth of Damascus, Milwaukie, and Happy Valley (bailing them out). There can be no benefit to West Linn. They have ordered the most expensive meal; let's let them pay for it.

Steve Gardner, 3525 Riverknoll Way stated he has been a resident of West Linn for 20 years; it's a wonderful community. He cited facts from Mr. Green-Hite's analysis that he asked him to do for him.

Mr. Gardner stated his sewer bill is currently \$24.39 a month. If West Linn joins this Agreement, Kellogg gets decommissioned, and Damascus is brought in, his bill will go up to \$92-102/month plus what is going to have to be paid for thermal loading. West Linn's capacity right now is estimated at 8 years. That figure could go to 10-12 years with a full analysis. The capacity figures are based upon hook-up rates estimated for 2008/09 to be 2,000 hookups in the Tri-Cities entity. The actual hook-up rate was 200, one-tenth of what was projected. The estimates by Mr. Green-Hite may be very conservative in terms of duration of existing capacity. Financially there doesn't seem to be a good reason for us to join as everyone else as discussed earlier.

Mr. Gardner stated he had never come to council meetings until this year and he is starting to understand the phrase, "...don't look into politics because it is like going into a sausage factory." The last council meeting was a lot of sausage being made. Mr. Ramis' description of how this issue can come back before the Council again is because the prevailing side can re-raise it. As he remembers, the prevailing side was Ms. Cummings, Mr. Burgess and Madam Mayor. Ms. Carson was not here and Mr. Kovash voted in favor. He asked Mr. Burgess if he would be raising this issue again; if so he would like to have specific notification when the vote will take place. There has been a tremendous lack of clarity/transparency in this whole process. It has to stop; it is not right, not fair. He suspects there are issues in this item that are not legal. There is no reason to raise West Linn rates four times; if council can give him one, he is all ears.

David Smith, 19785 Street stated he does not have a lot of knowledge on the sewers but he did come across this issue about a week ago. It alarms him that the impact if this goes through could affect residential owners \$60-80 a month. He has heard figures offered much higher than that. He asked the Council think about representing the will of the citizens of West Linn. Many of the residents of West Linn are retired and on fixed incomes and an increase of that amount every month is a significant amount for many budgets. He didn't get a lot of information on this issue as a citizen/resident of West Linn. He asked again that the City represent the will of the majority of the citizens of West Linn.

Bob Thomas, 2563 Pimlico Drive submitted information to Council and stated he will reiterate a lot of the complaints against this issue that he gave at the last meeting. Anyone on the council who votes for this is voting against the best interest of West Linn and its sewerage ratepayers. Anyone who does so does not have the best interest of the residents of this city at heart. Lynn Peterson indicated the County has SDC's for sewer; it is a joke what they have. The reason the County is asking West Linn, Gladstone and Oregon City to subsidize this is because they don't have full-cost SDC's. They will never raise them because they don't want to antagonize the development community. Full-cost SDC's would be used to expand capacity; that's what they want to do. If they had adequate full-cost SDC's in place, they wouldn't be asking West Linn to subsidize this venture for growth in other cities. Why should West Linn be subsidizing Milwaukie, Happy Valley and Damascus? There is no reason at all. The expansion should be totally paid for by SDC's and no council member should try to give the residents baloney arguments of why this would benefit West Linn and its sewerage ratepayers. It will be a noose around West Linn's neck to subsidize Milwaukie, Happy Valley and Damascus. Anyone who does that does not have West Linn's interest at heart. They are working for the County's goals and for these three cities. He hopes this will be a vote to not bring this up for reconsideration. He hopes the Council will squelch this before it goes any further.

Mr. Thomas stated included in his submittals is a copy of Sherry Pryor's article, "I'm not a blind horse, and I'm watching the city wink" that was in the *Tidings*. He wrote at the bottom, "Seconded by Bob Thomas."

Doug Ainslie, 2951 Beacon Hill Drive stated he wanted to talk tonight on the solar highway project. He recently learned in an email that Oregon Department of Transportation (ODOT) instead of doing a full environmental impact will be able to utilize a categorical exclusion whereby they will not be required to do full diligence on how they go about determining the environmental impacts of this project. This will allow them to shortcut the process and do it the way they want. This is a disappointment and concern on his part.

At the neighborhood meeting at the senior center this past summer Linn Frank promised to get some sort of comparable safety information that would give him comfort living next to six football fields of solar panels. Currently there is no comparable. He does not want this to be the asbestos situation where it is found out 15-20 years later there is a problem. There are already re-evaluating cell phones and their impact. That is the comparable that Mr. Frank gave; it was just like having a cell phone. He asked for confidence that this will be a safe project. He had considered dressing up like a rat and presenting himself to Council because this project is an experiment. His house is close to this whole project and has a 14 year-old daughter that is in remission from Cancer. He has no interest in putting her or anyone else at risk with this project.

Mr. Ainslie asked if the council still had an opportunity to vote on whether or not this solar project goes through. He would like Council to be thinking about the evidence, the lack of evidence, and circumstances that would cause this project to be suspended. He is not against solar energy; he is against this experiment.

Lynn Fox, 2006 Conestoga Lane stated she is a property owner in West Linn and the president of the Hidden Springs Neighborhood Association. She serves the 3,800 people who live inside the boundary of this neighborhood association and their interests involved with their neighbors and other neighborhood associations. She serves the entire city in that capacity. She asked Council to think about who they serve. There are two issues before the City. The Wastewater IGA being brought back for reconsideration has already been voted down and she applauded the Council for that decision. She feels this represents the best interest of the citizens of West Linn. As a president of the Hidden Springs NA, she is the person people turn for financial help; they have lost a huge number of retired people (60% of people she represent are retired) and they have lost a huge number of them who cannot afford to live in their homes. If you bring this IGA back into consideration it will be putting more of her citizens in her community at risk.

Ms. Fox stated she would also like to talk about the solar highway that was just alluded to by Mr. Ainslie and that is an issue that she would like to see brought back. She does not feel it received adequate consideration from the public. Her neighborhood association didn't receive notice from the City in time to properly evaluate or consider the issue. This solar project is putting people at risk by allowing it to go through without further consideration. That is an issue she would like Council to bring back and reverse. She asked Council to think about who they serve.

Gail Holmes, 801 Wendy Court stated she wanted to talk about the West Linn Historic Resource Board. The Willamette District was awarded a National Registered District. The process for securing this award started back in the 1980's. The West Linn Historic Resource Board was developed in January 2007, so getting this historic registry has been going on for 25 plus years. It is a great accomplishment for West Linn and hopefully it will bring in tourism and community awareness of this resource.

Ms. Holmes stated she is concerned about the sewer issue. There has been discussion on whether West Linn needs to be at the table. She asked if West Linn will really have the ability to say what is wanted and needed for the City. There is very little need for build-out; if West Linn is good for another 8-10 years, there is time to think about this. The City does not need to rush into this because the County Commissions want to create this group. If West Linn is one out of eight represented, how much of the community needs will be given weight. She feels Council should vote no on this issue. The Council and Mayor need for be looking out for the community not for the development and growth of the county. Please be very careful in this decision.

Kevin Bryck, 18840 Nixon stated he is here tonight to address the transit shelters that were to be installed. He wonders how long it takes the City to buy a couple of \$5,000 transit shelters and bolt them down to the sidewalk with four bolts. He could do it in a half of day. His community has been asking for these shelters for years. The rainy season is here and there are no transit shelters.

Karie Oakes, 1125 Marylhurst Drive thanked the council members who voted in opposition of entering into the wastewater treatment agreement. She questions Councilor Burgess' vote because it seems like it was a turn-around in his position. She would be disappointed if he did this in order to bring it back for reconsideration until Council President Carson was here banking on her vote for entering into the agreement.

Ms. Oakes stated she agrees with what has been said by the community, it was very well spoken. She appreciates Mr. Green-Hites' figures. It is her understanding this committee is in addition to the existing service district advisory committees. This is another committee that West Linn has to send representatives to; one from the committee already formed for Tri-City, one staff person, and one from the Council. All these representatives involved for the purpose of a regional wastewater treatment center. She feels this is a waste of time and money. West Linn elected officials are voted in to look out for West Linn's best interest. From what she has heard tonight, this is not in West Linn's best interest. There should be focus on Tri-Cities' treatment facility and if need be, get out from under the thumb of Clackamas County on that issue.

Consent Agenda

1. Agenda Bill 09-10-12A Approve City Council Meeting Minutes of September 14, 2009
2. Agenda Bill 09-10-12B Contract Award for Design of a Rehabilitation Process for Existing Sewers by CIPP Method (PW 1004)

Council President Carson read the 2 items above and moved to approve the consent agenda. Councilor Burgess seconded the motion.

**Ayes: Carson, Burgess, Cummings, Kovash, Galle
The motion carried 5-0.**

Mayor Galle asked Mark Buser to give an update on the progress of the Trail. Mr. Buser reported through the passage of an Omnibus Bill this past spring; Congress authorized the establishment of the Ice Age Flood (IAF) National Geological Trail. This action allows the National Park Service (NPS) and its governmental and private non-profit partners to proceed with the necessary steps to begin making the National Geologic Trail a reality.

Mr. Buser stated his group is repurposing to become the marketing entity of the trail that will be coming soon. There will be funding available in the spring of 2010, a trail manager will be hired, and the next step is to develop a management plan. The Plan will specifically suggest how this trail will be built. The process will include 2-3 years of public meetings for robust discussion amongst all impacted communities. This trail will cross Oregon, Washington, Idaho and Montana. West Linn has unique opportunities with this trail and the Willamette District being added to the National Register of Historic Places is a plus.

The goal of this local trail is that visitors will come to West Linn. That was the concept of the trail behind Fields Bridge Park. West Linn has incredible beauty and great geology, much of it unknown that can now be interpreted. There is \$12 million authorized in this bill for interpreted exhibits, waysides, signage and all of the things that would be beneficial to the community. Another purpose of these funds is for interpretive centers. In the special resource study, it was determined there will be an interpretive center and visitor center in the Willamette Valley. He feels it belongs in West Linn since they have anchored the story. There would be potential funding for a natural science museum.

Mr. Buser encouraged the City to stay tuned and remain supportive as in the past and expects great things from this initiative.

Report from the City Manager

Chris Jordan reported Council last week in their worksession requested the city's website be updated on the issue of urban and rural reserves designation issue. The site has been updated and includes maps that the City has generated, maps that were based on Clackamas County recommendations for designations, and METRO maps. This was done in anticipation of public meetings that will be held. There is a meeting scheduled tomorrow at Clackamas County's Public Services Building hosted by METRO. There is an open house beginning at 4:00 p.m. and a public hearing at 5:15 p.m. where they will

be taking comments on urban reserve designations. Council President Carson will be there as a member of Metro Policy Advisory Committee (MPAC) to hear the public testimony. He encouraged the citizens to attend and make comments.

Business from the City Council

Council President Carson acknowledged the fact that the Willamette area is now a Historic District and thanked all the time and effort the city staff, countless community volunteers, and citizens put into making this a reality. Soon the official plaques will be displayed indicating that it is a National Heritage Area.

Councilor Burgess moved to reconsider his vote on Resolution 09-20, the Wastewater Treatment Advisory Committee for hearing on the Council Meeting of October 26, 2009. Councilor Kovash seconded the motion.

Councilor Burgess stated he appreciated the comments on the wastewater treatment committee expressed tonight; clearly there is a lot of interest. This issue has been around for several years, some remember the Clearwater effort that was not in the best interest of West Linn. Unfortunately West Linn did not adequately participate at that time.

Clearly there is a desire and need for additional information, there have been a number of issues raised in emails, documents submitted, and public testimony. The City owes it to the citizens to address those issues. If this motion passes, it will allow an opportunity to get that information and have a discussion again at the October 26th Council meeting.

Councilor Cummings asked that the record include the advice received from the City Attorney regarding the language that was originally before the Council that was the result of work by Chris Jordan, West Linn City Manager and Larry Patterson, City manager from Oregon City. That advice, "West Linn going along with this would be an endorsement," is well taken. She is not in favor of reconsidering this issue. West Linn should devote energy into exploring options for doing what they can to protect what they have for the citizens.

Mayor Galle stated she did seek outside legal counsel on the issue of Councilor Burgess' request for reconsideration because she was concerned that it was reconsidered simply to come back at a time when there would be three votes and joining the wastewater treatment committee would pass when in fact it had failed. That person's legal view was that parliamentary rules, ordinances and laws are designed to protect the citizen; when you reconsider it is done because you have consideration to protect the citizen. In speaking to West Linn City Attorney this evening she was informed that anyone can call up reconsideration and there is no need for a reason to do so. This is not an ethical question; it is legal.

Mayor Galle stated she wanted the citizens to understand her process; she does not think this should be brought back for reconsideration. She does not endorse this program and does not think it is in the best interest of the citizens. She will be disappointed if the Council votes to have it reconsidered and heard again on October 26th. Her vote tonight will be no to reconsideration.

Council President Carson called for the question:

Ayes: Burgess, Kovash, Carson

Nays: Cummings, Galle

The motion carried 3-2.

Council President Carson asked staff put on the website the current revised version of the bylaws. Changes were made by Council and a copy has been submitted to other members of the potential advisory board for comment. She asked the citizens to review these changes to have a clear understanding what is and is not in the bylaws. Council will be taking a vote on this issue at the October 26th Council meeting. There will be an opportunity to make additional comments.

Staff will make available on the website information sheets, the revised bylaws, and the City Attorney's comments on the proposed bylaws. There are still two sewer districts; Tri-Cities and the Clackamas Service District #1 are not combined. They will still have individual advisory groups. There is no financial commitment from West Linn and the City can withdraw at any time. She hopes by getting this information to the citizens on the website they can review it and are fully informed on this issue.

Mayor Galle stated they have not joined this wastewater treatment agreement; it is not a formal group yet. She cited from the minutes from the last meeting of the representatives from the cities, "...Issue of who pays for a \$300,000 consultant bill for addressing Kellogg came up at the end of the meeting. Mike K pointed out that CSD1 had already budgeted \$150,000...Eric from Damascus, in for a penny, in for a pound...Milwaukie, Happy Valley all believed Tri-Cities should spend between 33% and 50% of the total...Oregon City volunteered up 25%...West Linn said less."

Mayor Galle stated this committee is not even established and they are already in the process of deciding who will pay for what. This is about providing infrastructure to Happy Valley and Damascus. She feels any new legal agreement will have loop holes in it where a year from now it will require West Linn to pay. She has never been invited to an advisory group and had to sign a legal document. If the County wants West Linn's opinion and not money, she is happy to go and talk about regional sewer. She encouraged the audience to read the article in the *Oregonian*; it outlines specifically that METRO and the county have plan for regionalizing infrastructure. The cost of infrastructure is out of site in terms of the ability to pay for it. Their concept at this point is to regionalize because when seven are paying it is cheaper than one. She is not

going to put West Linn citizens in the position of having to pay for any other service when there is a perfectly fine, well-functioning, financially sound Tri-Cities facility.

If this is in by this Council the next step is to begin the process to become their own district where they are not under control of the county, not under the control of Metro and be able to do their own business for their own City.

Councilor Kovash encouraged every individual who pays for sewer to read carefully the agreement that will be on the website that was revised on the 28th this month. He urged the citizens to read the information to see if what has been said tonight is in there. In his opinion there is a lot of speculation on this issue. If you read the revised bylaws and know for yourself what is in this document. There is a lot of history of in this community about wastewater and what happened a long time ago; that is not today. The proposed agreement is one of advising, there is nothing in the agreement of going to an advisory committee that would make this a regional situation or raise rates. It is not in the agreement. The wholesale rates are set by someone else, whether West Linn is at the table or not. He feels if West Linn is not at the table, the County will do what they will do without West Linn's input. He thinks it is intuitive, if people are making decisions that affect will affect West Linn, it is to West Linn's best interest to have a seat at the table.

Councilor Cummings asked that Council to consider exploring what West Linn's alternative options is in terms of an independent sewer district. Mayor Galle asked Tim Ramis, City Attorney to look into the feasibility of legal requirements to become an independent sewer district.

Recess was taken at 8:08 p.m. and the meeting reconvened at 8:29 p.m.

Business Meeting – Agenda Items

Council President Carson moved to continue Agenda Bill 09-10-12C, Regulatory Improvement Package for the Community Development Code to November 9, 2009. Councilor Burgess seconded the motion.

Ayes: Cummings, Kovash, Carson, Burgess, Galle

Nays: None

The motion carried 5-0.

1. Agenda Bill 09-10-12F Resolution 09-21, Temporary Sign Revisions

Mayor Galle opened the meeting to discussion of the temporary sign revisions at 8:33 p.m.

Chris Jordan, City Manager reported this resolution allows for the temporary suspension of enforcement of certain temporary signs on Sundays. Included are details on the time, place and manner of these temporary signs and what would be allowed. The current resolution terminates on September 30 and this resolution would extend the suspension of enforcement through March 31, 2010.

Councilor Cummings read Resolution 09-21 for the first time by title only and moved to approve said ordinance, A Resolution of the West Linn City Council Directing Staff to Suspend Enforcement of the Sign Code Related to Temporary Signs per Agenda Bill 09-10-12F. Council President Carson seconded the motion.

Ayes: Kovash, Carson, Burgess, Cummings, Galle

Nays: None

The motion passed 5-0.

2. Agenda Bill 09-10-12E Fields Bridge Field Local Contracting Rules
Exemption

Mayor Galle opened the discussion on The Fields Bridge Park Infield Project at 8:34 p.m.

Ken Worcester reported the West Linn Baseball Association through fundraising efforts and donations of materials and services has offered to provide artificial turf infields for the two baseball fields at Fields Bridge Park at a taxpayer cost savings of approximately \$160,000. Previously, the City Council pledged \$90,000 towards this project. In order to move forward with the project, an exemption to the Local Contracting Rules is necessary by the Council as the Contract Review Board. The project will comply with the BOLI wage and hour rules. Staff is requesting Council to adopt the findings and authorize the City Manager to enter into an agreement with the West Linn Baseball Association for these two fields.

Acting as the Contract Review Board, Council President Carson moved to approve the Contract Award and Findings in Support of an Exemption to the Public Bidding Process Under West Linn Local Public Contracting Rule Board Local Public Contracting Rules for the Fields Bridge Park Infield Project per Agenda Bill 09-10-12E. Councilor Cummings seconded the motion.

Council President Carson stated she feels this is a great effort to coordinate with the West Linn Baseball Association. It is wonderful they were able to fundraise and get donations of materials and get volunteer services to allow the City to move forward with this project at such a cost savings to the City. She commends the Baseball Association.

Mayor Galle noted this is a sustainability issue; as the water rates go up, this project will save on watering these fields.

Ayes: Carson, Burgess, Cummings, Kovash, Galle

Nays: None

The motion carried 5-0.

3. Agenda Bill 09-10-12G Contract Award for the Trails Master Plan

Mayor Galle opened the meeting to discussion of the Trails System Master Plan at 8:38 p.m.

Ken Worcester reported the Parks and Recreation Department advertised for and received competitive written competitive proposals for consultant services to develop the city-wide comprehensive trails master plan.

After receiving five proposals, a committee of staff and Parks and Recreation Advisory Board members decided on three finalists and conducted individual interviews with the finalist teams. Based on the criteria in the request for proposals, and a need to encourage the public to participate in this project in a multiple of forums and media, the committee finally concluded that MIG of Portland would be the best fit for this project.

Acting as the Contract Review Board, Council President Carson moved to approve the Contract Award to MIG of Portland for the Comprehensive Trails System Master Plan per Agenda Bill 09-10-12G. Councilor Burgess seconded the motion.

Ayes: Burgess, Cummings, Kovash, Carson, Galle

Nays: None

The motion carried 5-0.

Mayor Galle asked staff to give an update on the bus shelters referred to by a citizen in the public comment portion of the meeting.

Chris Jordan reported the Council received an update that outlined the schedule for the bus shelters. Planning staff has completed a report that outlined the option for shelters which included locations and types of shelter. They reported to the Transportation Advisory Committee in August where the Committee asked for additional information. Staff had further discussions with the Transportation Advisory Board in September. At this point, the next step is to approach the Robinwood Neighborhood Association and the Bolton Neighborhood Association about the specifics of the locations with the goal that the shelters will be ordered soon and hopefully installed before the end of this year.

Mayor Galle asked staff if they are aware of the exemption reported by the citizen in the public comment portion regarding the Solar Project. Chris Jordan stated he was not aware of this issue and has made a note to check with Oregon Department of Transportation (ODOT) and find out exactly what the process is.

Adjournment

Mayor Galle adjourned the October 12, 2009 meeting of the West Linn City Council into Executive Session pursuant to ORS 192.6602(e) to discuss real property negotiations at 8:47 p.m. Mayor Galle announced Council would not be returning to public session.

RESPECTFULLY SUBMITTED,

Tina Lynch /s/

Tina Lynch
City Recorder

APPROVED BY THE CITY COUNCIL
ON NOVEMBER 23, 2009

Patti Galle /s/

Patti Galle, Mayor