



# WEST LINN CITY COUNCIL MEETING MINUTES May 24, 2010

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**Council Present:**

Mayor John Kovash, Council President Scott Burgess, Councilor Jody Carson, Councilor Teri Cummings, and Councilor Jim Mattis

**Council Absent:**

None

**Staff Present:**

Gene Green, Director of Public Works; Richard Seals, Finance Director; John Sonnen, Planning Director; Jim Whynot, Water Operations Supervisor; Dennis Wright, City Engineer; and City Attorney Tim Ramis

**Call to Order/Pledge of Allegiance:**

Mayor Kovash called the meeting to order at 6:37 p.m. and led the flag salute.

**Approval of Agenda**

**Council President Burgess moved to approve the Agenda as revised to include a presentation on the recent tree cutting incident; under Report from City Manager a public hearing on the water rates; and under Business from City Council there will be a Planning Commission appointment. Councilor Carson seconded the motion.**

**Ayes: Burgess, Carson, Cummings, Mattis, Kovash**

**Nays: None**

**The motion carried 5-0.**

**Presentation on Recent Tree Cutting Issue**

Mayor Kovash explained there has been a situation where an owner has cut down protected trees, a violation of the City Code. He asked the Planning Director for a staff report.

John Sonnen, Planning Director reported in 2006 the City approved a two-lot partition on Bland Circle with a condition that called for a retention of significant trees and locating the house at the rear of the lot with access provided to avoid damaging these trees. There was an appeal to the decision and it was denied by Council and a subsequent request to modify the conditions of approval in 2007 to accommodate the owner removing some of the trees so he could place the house closer to the front of the lot. The amendment was denied; however it was determined that one of the significant trees was unhealthy at that point. On January 2009 the applicant sought removal of the deemed unhealthy tree and asked to have the house sited in the area where the vacated tree was located. Staff agreed with the removal of the tree; house plans were submitted, approved and submitted. This (new) owner was made aware that there were issues with the trees and asked to be in consultation with the City Arborist.

On April 10, 2010 the new property owner removed several trees, including those that were deemed protected. Police were called out to the site and when they arrived, the trees have been cut down. Staff was advised that the tree removal had taken place on April 12<sup>th</sup>. Staff went out and investigated the situation, put a stop work order on the site and proceeded with enforcement. Originally staff pursued a voluntary compliance. After knowledge that staff had advised this owner of the violation to remove the tree as well as the documentation on the building plans staff pursued enforcement through the municipal court.

The property owner was cited, he acknowledge the violation and in the documents that went to the Court and citation, staff asked for all penalties available to the City under the Municipal Code which includes a \$2,000 fine plus three times the appraised value of the protected trees, 6 replacement trees planted on site, and \$3,800 to compensate for one-to-one mitigation that cannot be done on site. The date for Municipal Court has been set for July 22, 2010.

Tim Ramis, City Attorney reported a stop-work order was imposed when staff learned of the violation. It was lifted once the matter was sent to Judge. Under the City's code, it allows the Planning Director the discretion to lift the stop-work order when the issue is dealt with. Given the issue is now in the Municipal Court, it was the judgment of City staff to lift the stop-work order.

From enforcement point of view, once the violation is admitted by the property owner, there is no need for the punishment of the stop-work order. The penalty that will be imposed through the Municipal Court will deal with violation. There are no other remedies available directly to the City Council under the Code; there is a remedy under the Nuisance Provision of the Code which is to declare this a nuisance. This is a role of the City Manager. Typically the City has used the nuisance enforcement tool when there is something that can be repaired. In this situation, the trees are gone and the only thing to do is mitigate by replacement. Whether this is something the City Manager would choose to treat as a nuisance. If the remedy at the Municipal Court is not effective, the City Manager can use the nuisance tool as backup.

Mayor Kovash asked if the location of the house going to change with the recent tree cutting. Mr. Sonnen stated the cutting does not change the proposed location of the house. Staff was advised by the owner that when the forester was on site, it was the forester's advice that the trees would likely be damaged through the construction process and advised the owner to remove the trees. The house location itself does not change and there should be no additional to remove any other trees to construct the house.

Councilor Cummings asked how the mitigation of the trees removed is calculated. Mr. Sonnen stated staff has photographs of the stumps in place and original site plan that shows the caliper of the trees. There will be a forensic assessment to determine the value of the trees that were removed.

Councilor Cummings voiced concern that this situation is still unresolved and the stop-work order should stand until there is a decision by the Municipal Judge. Mr. Sonnen explained mitigation involves planting of replacement trees; the arborist recommendation is to defer the tree plantings until the house has been completed and the site disturbance is over. Mitigating now would lead to further damage to the planted trees.

If the stop-work order were in place the trees can be planted and the City would receive a check. However, the trees would likely be damaged during house construction and site grading and the trees would have to be replanted again. When the citation was issued the owner admitted the violation; he did not contest it. It is up to the Judge to decide which of the full range penalties that the City asked for will be applied to the site. Staff felt there was no purpose in this situation to continue the stop-work order.

Mr. Ramis stated the code does not have a specific time limit prescribed for stop-work orders. The Code empowers the department head or the City Manager to make the judgment.

Council President Burgess asked if the calibration of the tree is by height or breadth. Mr. Sonnen stated the measurement is by breadth (inch by inch). The penalty is assessed by the

violation committed; staff has previous information as to the size of the tree and has asked for every penalty provided.

Councilor Cummings asked if there is any guarantee this owner will not gain additional developable area or will not be encroaching into original constrained area. Mr. Sonnen stated the owner can only build according to the approved foot print on the building plans.

Council President Burgess asked if the City is allowed to charge for staff time. Mr. Sonnen stated if the City pursued a voluntary compliance there is one-to-one mitigation for tree and staff time. Through the court proceeding, the owner will be charged for cost of prosecution; however, it doesn't specifically indicate staff time.

Councilor Cummings asked if there is now fencing in place. Tom Soppe, Associate Planner reported he was on site earlier today and there was no fencing in place. The owner indicated fencing will be put up according to the site plan. Mr. Sonnen stated staff will check to see that the fencing is in place.

**Proclamations, Recognitions and Presentations** - None

**Community Comments:**

Alice Richmond, 3939 Parker Road stated she is disappointed the proposed police infrastructure measure failed. She feels this is a huge detriment to the City. The West Linn Police Department serves with conscientious integrity. The proposed site is suitable for quick response throughout the City in time of emergency, earthquake or calamity of the day. It is her hope that on the next vote, this measure is passed.

Mary Kramer, unincorporated Multnomah County introduced herself as a candidate for State Senate in this district. She is running on the platform of getting small businesses going again. Many small businesses are paying 11% tax rates and corporations 7%. She would bring common sense so there are funds for priorities such as schools, public health, safety, and transportation.

Point of Order – David Rittenhouse asked if Community Comments were open to political commentary. It was noted that Council rules allow for political comments.

Midge Pierce, 1789 Britton Street, stated she is here tonight about the Borland Road Corridor. Last week she attended a Metro hearing where she testified on behalf of the Willamette Neighborhood Association. She was concerned about a loop-hole in Title 11, which would allow Metro to bring an area into the Urban Growth Boundary (UGB) without a concept plan or agreement on governance. The fear is this will allow Metro to circumvent

the City and to bring newly designated reserves into the UGB paving the way for new development.

Her specific area of concern is the future of the Borland Road Corridor, south of I-205 also is considered in all of the City's concerns about the Stafford Triangle. While the City has been outspoken in their support of preserving the area it calls North Stafford, the City has not yet addressed the area below I-205 that drives into the heart of the Willamette District. Borland is an area of critical importance to City and especially the 5,000 residents of Willamette which borders this corridor. They are as much stakeholders living adjacent to Metro's planned urban reserves as North Stafford is.

David Rittenhouse, 2101 Ridge Street, stated he has been receiving comments on the changes of the application for the Bland Street trees. He asked if there was a requirement that the neighboring residents be noticed when the City deemed the trees to be not-healthy. This application may not be valid. Since the owner indicated the tree-cutting firm advised him that the trees should be cut down, Mr. Rittenhouse suggested pulling this business-owner's license.

Julia Simpson, 1671 Killarney Drive stated it takes a village to take care of a tree. City, police and neighbors are all involved in attempting to protect the trees on Bland Circle. She suggested Council consider appointing a tree committee to do an annual review of the tree code. The committee could consist of staff, a council member, and citizens. The goals will have to be defined with the possibility of creating an education program about tree care, advising citizens if there are experts in committee about trees when asked and when feasible, and checking with other cities on how they deal with various issues and developing code changes.

Karie Oakes, 1125 Marylhurst Drive stated she is happy to see the City pursuing enforcement with penalties knowing that Mr. Chan knowingly, willingly and intentionally cut down the trees. This information was not on website and in local news. She spoke with Tom Soppe, Associate Planner on Wednesday who stated the City was pursuing a lesser penalty for unintentional violations.

Ms. Oaks asked and was granted more time. She suggested that the property owner be mandated to plant trees to mitigate everywhere on his property where likely to grow. The business responsible for cutting the trees should have their license revoked. She submitted a letter with tonight's comments to the Council.

Bob Thomas, 2563 Pimlico Drive submitted information to the Council on his opinion regarding the replacement of the existing 18-inch main. At the last Council meeting he stated the Council was to be responsible custodians of taxpayers derived funds yet the City endorsed spending \$1.6 million on water pipeline project 65 which entails unnecessary

replacement of an 18-inch steel main (4,200 feet) with a ductile iron 24-inch main. He has previously submitted several memos to Council verifying from an engineering standpoint that such replacement is unnecessary. For a constant flow of velocity through the existing 18-inch main of 5 feet per second, maximum velocity recommended to cause erosion in the pipe, can deliver 5.2 million gallons (MGD) over a 24-hour day to the Bolton Reservoir and that is more water than is needed to be supplied to that reservoir even at build-out within West Linn's present urban growth boundaries. Murray Smith and Associates claim the future capacity requirement for the subject transmission main is estimated to be 10 MGD of maximum daily demands. This is equal to the entire transmission capacity of 10 MGD of a 24-inch supply line from South Fork. That would leave no water at all the remainder of the city that is not fed from the Bolton Reservoir.

Mr. Thomas stated when he was through speaking the City Manager said he was wrong in his testimony about asking for \$1.6 million being unnecessarily spent on Project 65 to instead spend it on necessary projects like replacing cast-iron pipes and pipes in certain areas that are too small to provide fire flow. Spend the estimated \$75,000 for the intertie instead of waiting until 2011.

Parris Chargois, 18880 Nixon stated there were three presenters in her party and they would like to have five minutes of time to make a power-point presentation on the aquatic center. She introduced Thomas Boes and Anne Culbertson. Mayor Kovash asked if this issue could be put on the agenda for a future City Council meeting or worksession. Ms. Chargois stated this issue is time sensitive because of the recent measures voted on. Mayor Kovash allowed each person three-minutes tonight.

Thomas Boes, 18707 Upper Midhill Drive stated there is a current open Request for Proposal (RFP) from the City for a consulting team to assist the program and planning of a new Aquatic Center. The measure to annex the Parker Road property was approved; that property was the target location of the aquatic center. He is in support of this project stressing that there be serious effort to realize this vision, responding in a serious and thoughtful manner to community input, user recommendations and City concerns and objections. Selection of the project team will be completed on June 9<sup>th</sup>, before the next Council meeting.

Anne Culbertson, 2206 Michael Drive stated she wanted to speak to the aquatic center as a resident of West Linn. This center will provide a place for the children in the area and the aging baby boomers. She is a physical therapist and she works with patients diagnosed with arthritis, stroke, neurological conditions, fibromyalgia, back pain and sports injuries that would greatly benefit from a community-based aquatic exercise program after they are discharged from therapy. She has to refer her patients to facilities in Tualatin, Sherwood, Easter Seals in Portland by OHSU and some she sends to the Oregon City pool. All of these resources are inconvenient for this aging population.

Paris Chargois, 18880 Nixon stated she has lived in West Linn for 18 years. The last 10 years she has been working on the Aquatic Taskforce and Parks Board. She is here to express her personal views, not representing any groups she serves on a volunteer basis for the City.

There is a group forming that has an interest in furthering this project. She is here to advocate for a full community center aquatic park vision on the Parker Road site and to place the police station on more appropriate site for three reasons; public support, safety concerns, and insufficient space. She then began the power point presentation, "Taking the Splash." Pictures showed possible pool opportunity for kids, seniors, and those with physical disabilities. The citizens have waited a long time for this concept.

Jeff Van Horn, 2225 Tannler Drive stated he is here tonight to talk about the recent tree cutting violation. The trees taken down were essentially in the view of his back yard and he was surprised. The police officers came out twice that day and talked to the tree-cutters and further talked to the cutters in the Albertson's parking lot. He feels the City needs to have fines that meet the crime. If the fine is large enough, the contractors will police themselves to make sure the trees don't come down by accident. If the fine is \$100,000 per tree, this won't happen again.

Rebecca Van Horn, 2225 Tannler Drive stated the tree removal is very upsetting to her. Many of her neighbors who are close to the subject property are also upset. Many of these citizens are here tonight and they are formally asked that a stop-order be put in place. They feel there are too many unanswered questions about what occurred and what the facts really are. As neighbors they have a personal, financial and legal interest in this issue and right now they are not feeling like they have the support they need from the City to make sure everything is being taken cared of on this issue before it is moved forward.

Her property borders the subject property and they were informed about a permit. Should they have been notified? The tree-cutting happened on a Saturday morning when Mr. Chan had a better chance to get the cutting done. Several people called the police and the tree cutting was still allowed. Children were watching that didn't understand why they beautiful trees were being ripped down behind their homes.

JoEllen Murphy-Haggerty , 2227 St. Lewis Loop stated the owner of the property broke the law when he removed the trees. It is a deplorable example of un-manageable greed. If this owner were charged a \$10,000 fee, it would be worth every bit of it to him. He is a manipulator; he knew it was illegal and didn't give any notice. He now wants to put up a building and he wants a permit. She feels this is throwing something in the community's face that is atrocious. He has no honor, dignity or respect for this community.

**Consent Agenda:**

- a. Agenda Bill 2010-05-24B Approval of the Minutes of City Council Meeting of April 19, 2010
- b. Agenda Bill 2010-05-24C Approval of the Minutes of City Council Meeting of April 26, 2010
- c. Agenda Bill 2010-05-10D Approval of the Minutes of City Council Meeting of April 28, 2010
- b. Agenda Bill 2010-05-10E Approval of the Minutes of City Council Meeting of April 29, 2010

**Council President Burgess moved to approve the Consent Agenda consisting of Agenda Bill 2010-05-24B; Approval of City Council Meeting Minutes of April 19, 2010; Agenda Bill 2010-05-24C, Approval of City Council Meeting Minutes of April 26, 2010 as revised; Agenda Bill 2010-05-10D, Approval of City Council Meeting Minutes of April 28, 2010; and Agenda Bill 2010-05-10E, Approval of City Council Meeting Minutes of April 29, 2010. Councilor Carson seconded the motion.**

Councilor Carson stated she was present for all meetings except the April 28<sup>th</sup> meeting and she approved those minutes. She is abstaining from the other meeting minutes as she was not in attendance.

**Ayes: Carson, Burgess, Kovash**

**Nays: None**

**Abstentions: Cummings, Mattis**

**The motion carried 3-0-2.**

### **Report from the City Manager**

Mayor Kovash opened the public hearing on water rates and conservation pricing options at 7:43 p.m. The City is opening the dialogue with the Citizens of West Linn, City Staff and Council about water rates. This affects every person in the City. Discussions will be held about the infrastructure, conditions of that infrastructure and what it costs. The public will be educated about the City's water delivery system; there will a public hearing on this issue at every Council meeting until the end of next month. Hopefully, this issue will be on the ballot in the future; the citizens of West Linn will make the decision about water rates.

There have been discussions about the 18-inch main that feeds the Bolton Reservoir and a debate whether the City should spend \$1.6 million to replace that main. A week ago there

was a water main failure, a break in that 18-inch water main. He asked Jim Whynot, Water Operations Supervisor to give a report on the recent break.

Mr. Whynot reported on May 17, 2010 he received a call about a water leak on Broadway Street. Pictures were shown of the water break. City Crews worked around the clock to patch the main. The main supply to the Bolton Reservoir shut down; 14 homes were out of water for over 16 hours. Shoring was delivered and the crew had to dig 10-feet to install the repair bands. It was very expensive to make the repairs as the City is not set up to do this type of maintenance. Displayed on a table in the chamber was a portion of the damaged pipe along with other pipes representative of the condition of West Linn's infrastructure.

It took two repair bands and a new service valve to be able to turn the water back on; however the job is not complete. Staff has ordered more parts and when they are received will have to go back into the area and complete the repair. Staff worked around the clock getting the three leaks under control.

Slides were shown of a water leak that occurred December 2, 2009 on Skyline Circle by the Bolton Reservoir. They were able to shut it down immediately; however there was serious damage to a nearby home (washed away all landscaping, a rock wall, etc.). There are other pipes on the project list that need to be repaired. Corrosion restricts water to pipes. At the table Mr. Whynot showed examples of cracked pipes, holes in asbestos pipe, examples of reasons for maintenance needed. The public was invited to come up to the table and see infrastructure that makes up the West Linn water system.

Richard Seals, Finance Director stated he is here to talk about how best the City can pay for their water system investment. The City will need to first identify all the necessary project costs in the Water Master Plan. Tonight he will review with the audience

- Current water rates and rate structure
- A proposal for increasing the rates to fund the project costs
- A proposal for conservation pricing options
- The next steps for the City
- The role of utility Advisory Board
- How best to involve the community, gaining their feedback
- Placing the question on the ballot for voters to consider

There was a list of projects adopted in the Water Master Plan in 2008. This list includes projects necessary over the next 20 years. The Plan is a result of significant public involvements, estimated a total of \$33 million needed, \$21 million of which related to existing maintenance needs. The balance of \$12 million translates into future needs which are paid for through system development charges (SDCs).

A bar graph was shown comparing West Linn water rates to other cities. West Linn is at the lowest water utility rates (\$16 average residence); Wilsonville has five times that amount and Oregon City charges their citizens twice as much and they get their water from the same source as West Linn.

West Linn's current rate structure has a base charge of \$14.54 and the first seven units of water used are included. Any additional water consumption is charged at one-tier rate of \$1.67 per unit (100cf/748 gal). Conservation pricing options increase the overall water rates to cover all the project costs. Conserving water becomes an incentive at all usage levels. The policy question becomes whether should there be a one-tier rate or a three-tier rate and whether or not to increase the rates all at once or in phases.

The impact on the various customer groups was reviewed to determine how many houses currently fall in each of the tiers. 18% of the homes use 3 units or less (senior citizens and small families), their bill will go up and if less than 3 units are used the bill will go down. 52% of the citizens use 7 units (half the city uses 7 units or less and half use 7 units or more); and two-thirds of the users are at the 10 units or more mark.

A slide was shown of the one-tier rate structure and the three-tier rate structure over the next three years. In the one-tier structure the base rate decreases from \$14 to \$10 but there will be a charge for each unit. The charge will be phased in over three years. The average house that uses 7 units of water would have a water rate of \$16/mo. In the first phase it would increase to \$22; second phase \$26; and the final phase \$30. In five years the rate will be \$33.02.

The three-tier rate structure has the same lowered base rate. Currently the average user pays \$16/mo; the bill would go up \$20-21. The second year of the phase the rate would increase \$3; and the fifth year \$28/mo. A slide showed how these increased rates compared to other cities with an increase rate of 5%. This puts West Linn with the third lowest rate (\$26/mo.).

In the next steps the Utility Advisory Board is hosting three town-hall meetings. Over the next 30 days the City is encouraging dialogue pending Council's decision. Over the next 100 days, there will be education and information to the residents on the need for increasing water rates

- Public comment on May 24, June 14, June 28
- Various communication tools; newspaper articles, website , printed materials
- Council decision on June 28<sup>th</sup> Council meeting
- September 2010 ballot

Council President Burgess asked if both the one-tier and three-tier option was still on the table. Mr. Seals noted because of the economic times phasing with the three-tiered option seemed to be more acceptable; however both options are still being considered.

Councilor Carson noted there is a two-fold approach; raise fees to balance the need to replace ailing infrastructure and promote conservation. She would like to see as much information on the website to allow citizen's questions to be answered, possibly an "ask the experts" section.

Mayor Kovash asked that when this information is put on website that it is as straightforward and clear as possible. The conservation piece is very important and it is predicated on large users such as the schools, the City and some developers. Hopefully in coming meetings there will be more dialog about the best way to provide incentives for conservation.

Council President Burgess noted the City cannot raise rates more than 5% a year per code; whatever is done to address the water maintenance issues will cost more than five years of a 5 percent increase. The City needs to address the water system so there will be a cost. In addressing the cost the City also needs to address conservation. This rate increase addresses the distribution system not the supply system.

Councilor Cummings thanked staff for bringing in the pipes to show the condition of some of our infrastructure. There is no doubt that the City's infrastructure is in need of repair. The number one concern is repair and maintaining existing infrastructure. Beyond that the City needs to be concerned about how much water the City needs to keep taking out of the river. West Linn has not addressed conservation. West Linn uses a lot more gallons per person per day than other metro cities. There needs to be more discussions about conservation (sprinkling, landscaping, and use of water).

#### Public Testimony

Bob Thomas, 2563 Pimlico Drive informed citizens that the water rates have been increased five percent every year since 2005. He asked for the dollar amount of those revenues and a detail accounting on what those revenues have been spent on to date. Also, how much in dollar value has been collected in water SDCs and what has those funds have been spent on. There is a reimbursement element and improvement element to SDCs. The reimbursement element can be used for utilization of existing capacity, maintenance and repair. How much has been collected in water SDCs over the past five years, what these funds have been spent on, and what is currently in that fund to date. This is information that the public should have.

Alice Richmond, 3939 Parker Road stated she have been involved in water issues in West Linn since 1959. She suggested that the display brought tonight be displayed in the lobby at City Hall and at the library where residents can see it and leave their questions. 5% would not produce enough funds for the repairs that are needed. All citizens deserve clean water and these capital improvements need to be repaired to insure that it is possible. She too agrees conservation needs to be addressed.

Gene Green, Public Works Director stated staff will display this equipment at the library, City Hall lobby and where ever there may be traffic for people of the City to see.

Mayor Kovash closed the public testimony portion of the hearing and opened it to discussion among the Council.

Councilor Cummings asked if there was a camera monitoring system through the water lines. Mr. Green stated there is a TV system with sewer lines but not water lines. Currently the system is running about a 10% water loss which is a good number. Anything over that amount staff goes out to find reasons for possible leaks. A map has been created that shows lines that need to be replaced or repaired. Asbestos pipes are an issue when they are exposed; there is no concern if the pipes stay underground and are wet. Ingesting of asbestos is not an issue; sampling is done for asbestos fibers and none have been detected. The effectiveness of pipe decreases as the pipe life diminishes and it becomes brittle and breaks easily. West Linn currently has 12.1 miles of 50-year-old pipe.

**Council President Burgess moved to continue this hearing to June 14, 2010. Councilor Mattis seconded the motion.**

**Ayes: Cummings, Mattis, Burgess, Carson, Kovash**

**Nays: None**

**Motion carried 5-0.**

### **Business from the City Council**

Councilor Carson reported West Linn, as part of South Fork Water Board (SFWB), contributes to the Clackamas River Water Providers Consortium (an organization of all the water providers along the Clackamas River) does conservation efforts through that group. The group is also a part of a regional water consortium and there are conservation efforts through that group.

Under the Clackamas River Water Providers there are demonstration gardens at Clackamas Community College, courses are offered on water-efficient landscaping, there are materials available on their website about how to conserve water, and a variety of brochures and information. She attends this consortium as a representative of South Fork.

Councilor Carson noted that Metro is starting to look at greenhouse gas emission scenarios. House Bill 2001 and 2186 relating to what the metro area can do to reduce green house gas emissions. The City will have to respond to these scenarios.

Councilor Carson stated she and other staff members have testified in support of not designating the Borland area as urban. The City is in support of protecting this area. Councilor Cummings reported she too spent a lot of time testifying on the Borland area. She shares the concerns to have this area left undesignated.

Councilor Cummings reported the League of Oregon Cities will be coming out with a ballot in June for cities to weigh in on their priorities regarding state legislation. West Linn does not want to see any legislation that would undermine their support for the Stafford Triangle.

Councilor Cummings suggested the City draft a policy on what to when there is a drought.

Council President Burgess thanked the citizens of West Linn for voting in favor of two out of three of the recent election. The annexation of the Parker Road Site will allow the City to move forward with the purchase of that property to provide for a site for a police station and recreation purposes which could include an aquatic center. Giving up 1.6 acres for Sunset school is a very good cause. He is very sorry that the police measure did not pass; it was a real opportunity for the City.

Mayor Kovash noted Council will be having a work session on goal setting. This discussion will include how to go forward with a police station that is badly needed. There is a committee forming that will address the aquatic center.

**Mayor Kovash moved to appoint Jennifer Tan the Planning Commission. Council President Burgess seconded the motion.**

**Ayes: Mattis, Burgess, Carson, Cummings, Kovash**

**Nays: None**

**The motion carried 5-0.**

Recess was taken at 8:47 p.m. and the meeting reconvened at 9:02 p.m.

### **Business Meeting**

Agenda Bill 2010-05-24F

Renewal of Senior Services Agreement with West Linn and City of Oregon City Pioneer Community Center

Mayor Kovash opened the meeting to discussion of renewal of senior services for the 2010-11 fiscal year at 9:03 p.m. and asked for a staff report.

Gene Green, Public Works Director reported the renewal of the senior services agreement would provide Meals on Wheels, client services, home visits and transportation services to West Linn seniors and qualified persons during the 2010-11 Fiscal Year. West Linn has had an agreement for many years with the Pioneer Community Center in Oregon City to provide these services to seniors and qualified individuals. He submitted information prepared by Ken Worchester, Parks and Recreation Director, which provides information on this program.

Meals on Wheels volunteers deliver meals four times during the week to citizens that cannot get out and provide for themselves. Frozen meals are provided for the weekends. A lift-equipped bus picks up senior residents who cannot get to their doctor appointments, etc. There was an average of 427 riders who used this transportation in 2009. The amounts being requested for the nutrition program is \$23,000 and \$15,866 for the transportation program for the renewal of the City's agreement with Oregon City.

Councilor Cummings stated she is in support these services. West Linn's population is aging; Metro figures indicate the average age is 40. This program supports 40-50 seniors who require 200 rides per month. The City is paying about 16.5 cents per ride and \$6.38 per meal for the nutritional program. There are so many needs the Client Services portion of the program provides; social security/taxes, referrals, counseling, and senior information.

Council President Burgess asked staff to provide to Council suggestions on how to make citizens aware of the senior services available to residents.

**Public Testimony -- None**

**Acting as the contract Review Board, Council President Burgess moved to authorize the City Manager to sign a Letter of Understanding, renewing senior services for the 2010-11 fiscal year per Agenda Bill 2010-05-24F. Councilor Cummings seconded the motion.**

**Ayes: Burgess, Carson, Cummings, Mattis, Kovash**

**Nays: None**

**Motion Carried 5-0.**

Agenda Bill 2010-05-24I  
Park

Contract Award for Grading and Utilities at Douglas

Mayor Kovash opened discussion on the grading of Douglas Park at 9:13 p.m. He asked for the staff report.

Gene Green, Public Works Director reported this is a staff recommendation of a contract award in the amount of \$48,965 to DBEC Excavation and Construction of Milwaukie for grading and utility work at Douglas Park. There were three responses for quotes and staff feels the chosen contractor is very responsible to do the work. Information regarding this project was previously submitted to Council from Ken Worcester, Parks and Recreation Director.

Councilor Cummings asked staff to explain the budget adjustment for an additional \$25,000. Mr. Green stated the additional \$25,000 is for in-house work that will be done with City crews that is not part of the contract award. He will provide Council with a memo which will address the details of the budget adjustment.

Public Testimony - None

**Acting as the Contract Review Board, Councilor Carson moved to the City Manager to enter into a contract with DBEC Excavation and Construction of Milwaukie in the amount of \$48,964 per Agenda Bill 2010-05-24I. Councilor Mattis seconded the motion.**

**Ayes: Carson, Cummings, Mattis, Burgess, Kovash**

**Nays: None**

**The motion carried 5-0.**

Agenda Bill 2010-05-24G

Contract Award, Blankenship Road Improvements

Mayor Kovash opened the public hearing for discussion on the contract award for Blankenship Road improvements at 9:18 p.m. He asked for the staff report.

Dennis Wright, City Engineer reported staff identified a section of Blankenship Road in need of street widening, bike land and sidewalk improvements. An engineering plan was created and the State awarded the City with a \$293,525 grant. The first phase of the project has been completed and this is the second phase.

This contract consists of installation of a retaining wall, widening Blankenship Road, construction of new curb, sidewalk, reconstruction of existing sidewalk and pedestrian ramps to meet ADA standards, installation of street lights and pedestrian crossings with islands and flashing pedestrian activated lights.

Bids were open on May 11<sup>th</sup>; there were ten responses. The lowest responsible bidder was NW Kodiak Construction LLC whose bid is \$221,366.10. References have been checked and found to be satisfactory.

**Public Comment** -- None

**Acting as the Contract Review Board, Council President Burgess moved to authorize the City Manager to award contract to NW Kodiak Construction LLC for Blankenship road improvements, Project PWD9010 per Agenda Bill 2010-05-24G. Councilor Carson seconded the motion.**

**Ayes: Cummings, Mattis, Burgess, Carson, Kovash**

**Nays: None**

**The motion carried 5-0.**

Agenda Bill 2010-05-24H

Contract Award, Mapleton Sewer Rehabilitation Project  
(PW 1004)

Mayor Kovash opened the meeting to discussion of the Mapleton Sewer Project at 9:20 p.m. and asked for a staff report.

Dennis Wright, City Engineer reported the Sanitary Sewer Plan identified areas in the existing sanitary sewer system that are severely deteriorated and require immediate attention. Staff is looking for the least disruptive, cost competitive method to fix the problem at the same time providing structural repair for the system. With development of the new trenchless technology, new methods, materials and equipment, staff is confident that CIPP demonstrates the best of the available features offered in the market today at competitive prices.

A mandatory pre-bid site visit, attended by ten contractors, was held to ensure that all bidders were aware of the location of the work and field conditions. The engineer's estimate was \$452,000. Bids were opened April 29, 2010 and two bidders submitted bids ranging from \$311,513.75 to \$323,900. The low responsive responsible bidder is Insituform Technologies, Inc. at \$311,513.75.

**Acting as the Contract Review Board, Councilor Carson moved to authorize the City Manager to sign a contract with Insituform Technologies, Inc. in the amount of \$311,513.75 for the accomplishment of PW 10-04 per Agenda Bill 2010-05-240F. Council President Burgess seconded the motion.**

**Ayes: Mattis, Burgess, Carson, Cummings, Kovash**

**Nays: None**

**Motion carried 5-0.**

**Adjournment of Business Meeting**

Councilor Mattis commended Kevin Bryck for putting on an informational presentation on potential disasters and how to save yourself and your neighbors. It was well attended. Councilor Carson stated she attended this event and felt it was great. She encouraged citizens to watch the video on emergency preparedness on the City's website.

Council President Burgess reported that playground installation at Douglas Park will take place around August 18<sup>th</sup> through the 23rd.

Hearing no further business from the citizens, staff or the Council Mayor Kovash adjourned the May 24, 2010 West Linn City Council meeting at 9:28 p.m.

RESPECTFULLY SUBMITTED,

**Tina Lynch /s/**

Tina Lynch  
City Recorder

APPROVED BY THE CITY COUNCIL

ON JUNE 28, 2010

**John Kovash /s/**

John Kovash, Mayor