



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

WEST LINN CITY COUNCIL MEETING MINUTES August 9, 2010

[Call to Order & Pledge of Allegiance](#)

Council Present:

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

Staff Present:

Assistant City Manager Kirsten Wyatt, City Attorney Tim Ramis, Parks & Recreation Director Ken Worcester, Planning Director John Sonnen, Finance Director Richard Seals, and Associate Planner Sara Javoronok.

[Approval of Agenda](#)

Council President Scott Burgess moved to approve agenda for Monday, August 9, 2010 with the following changes: remove minutes from consent agenda; move letter of support to ODOT to the business meeting. Councilor Jody Carson seconded the motion.

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

Nays: None.

The motion carried 5 - 0

Community Comments

Bryan Greenwood - thanked the City for their informational brochure on roof treatment products.

Bob Thomas - shared his belief that Agenda Bill 2010-08-09-04 should not have been on the consent agenda; voiced his disagreement with capital maintenance projects in the 2008 Water Master Plan; shared his concerns about treatment of Teri Cummings by the City Council.

Reena Heijemann - entered Chris Jordan's August 2, 2010 memo to the City Council into the record.

Peggy Kirkendall - attempted to show a DVD that did not work with available City A/V equipment; concerned about the perceived lack of transparency on the City Council.

Council conversation on A/V materials used during Community Comments.

Peggy Kirkendall - concerned about the 'lack of cooperative spirit.'

Roberta Schwarz - carefully selected West Linn when she moved to Oregon from California; concerned with the LOC presentation; voiced support for Councilor Teri Cummings; took issue with the June 14 minutes.

Ken Pryor - took issue with the June 14 minutes; concerned with the LOC presentation; not supportive of Kirsten Wyatt's promotion and pay increase; concerned with the recent communications about the City finances and Moody's credit upgrade because of Moody's involvement with junk bonds.

Alice Richmond - concerned with Teri Cumming's 'filibuster function.'

Brenda Georgiatis - concerned with the Marylhurst Park project and that residents in the area are not included in park plan conversations.

Jim Koll - spoke on behalf of the Marylhurst Neighborhood Association. Noted that according to the Marylhurst Park development schedule, that park development began today. The City and the

Marylhurst NA had not been able to give neighbors near the park adequate notice about park development plans. He asked that park development be delayed.

Christa Burke - concerned with the Marylhurst Park project and the proximity to her home.

Beth Markey - concerned with the Marylhurst Park project; shares her perception that children do not use playgrounds in West Linn.

Alice Beckman - concerned with the Marylhurst Park project and lack of communication to her about the park development plans. Shared her belief that the park development plan should be reevaluated.

John Huntsman - concerned with the Marylhurst Park project plan and process.

[Consent Agenda](#)

Agenda Bill 2010-08-09-04: Resolution Number 2010-32 - Referring to the voters a measure to modify water pricing to pay for water system maintenance and promote conservation

[Agenda bill cover sheet - Resolution Number 2010-32](#)

[Resolution Number 2010-32](#)

[Attachment A to Resolution Number 2010-32](#)

Council President Scott Burgess moved to approve Agenda Bill 2010-08-09-04 including Resolution Number 2010-32. Councilor Jody Carson seconded the motion.

Councilor Cummings noted that she will be voting against the consent agenda because although the resolution is for conservation rates, it does not seem to promote conservation because she believes the rates will fund a larger water system.

Mayor Kovash clarified that the vote is for the consent agenda approval, not on the content of the resolution because that has already been discussed.

Councilor Cummings asked for additional time to discuss her thoughts. Additional time was granted to her by Mayor Kovash. She further clarified that she supports the 2004, not the 2008 Water Master Plan.

Mayor Kovash clarified that the consent agenda was about voter referral, not versions of the Water Master Plan.

Ayes: Mayor John Kovash, Council President Scott Burgess, Councilor Jody Carson, and Councilor Jim Mattis.

Nays: Councilor Teri Cummings.

The motion carried 4 - 1

[Report from the City Manager](#)

Assistant City Manager Kirsten Wyatt provided an update on the Hillside Drive code enforcement issues that were raised at a July City Council meeting. She also shared the filing list for the November 2010 general election for two City Council seats - Kamon Bryck, Kevin Bryck, Scott Burgess, Jody Carson, Gail Holmes and Mike Jones.

Mayor Kovash asked for clarification on the Hillside Drive homes issue and if we know how the weeds can be reduced. Ms. Wyatt indicated that code enforcement is working on this issue. Mayor Kovash also indicated that the home owners still need to be identified and Ms. Wyatt confirmed that code enforcement will approach this in the best way possible.

[Business from the City Council](#)

Councilor Cummings walked by the Hillside Drive homes and she saw the issues that were raised by citizens. Ms. Wyatt noted that the garage door issue is being addressed currently.

[Agenda Bill 2010-08-09-05: Appointment to the Sustainability Advisory Board](#)

[Agenda bill cover sheet - SAB appointment](#)

[SAB Application](#)

Mayor John Kovash moved to appoint T.W. Linder to the Sustainability Advisory Board. Council President Scott Burgess seconded the motion.

Councilor Cummings noted that she will not be supporting the applicant because she did not receive the applicant's contact information in advance to personally contact them.

Councilor Mattis noted that the contact information was made available to the Council at their request and not shared publicly to protect the applicant's privacy. He further clarified that he trusts when staff shares information with the Council that it is correct.

Ayes: Mayor John Kovash, Council President Scott Burgess, Councilor Jody Carson, and Councilor Jim Mattis.

Nays: Councilor Teri Cummings.

The motion carried 4 - 1

Councilor Carson requested that staff ensure that City Council meetings are posted on the web site. She provided an update on the Neighbors Helping Neighbors event on October 16. Would like an update from the Parks Director on the Marylhurst Park project. Parks & Recreation Director Ken Worcester shared information about the project and the timeline for the park's development.

Mayor Kovash noted that it is not uncommon for the City Council to face this issue as with Marylhurst Park where the process was completed, but when the project begins, there is a perceived lack of communication. The City tries very hard to keep everyone involved and on board. It would be helpful if the Neighborhood Association met with the Parks Department so there is open communication. Mr. Worcester is agreeable to this meeting.

Mayor Kovash shared that he met with 60 mayors at the Oregon Mayors Association conference. He had a chance to discuss business with other mayors and had the chance to hear from John Kitzhaber and Chris Dudley; as well as sessions on social media; intergovernmental affairs. It was very helpful to him. Also, last week, he attended a Metro meeting on Highway 43 and there are important decisions to be made on Highway 43 in the future related to ownership (currently owned by ODOT). It is important for West Linn to be at that table for that discussion.

Councilor Cummings shared information about the free Clean Up Day offered by the City; this year it is on September 18 and will again feature Goodwill drop off sites as well as trash sites in five locations in West Linn. She apologized to neighbors who were not aware of the Marylhurst Park development and reminisced about the park planning process. She also asked Mr. Worcester about "phasing" the project.

Mr. Worcester noted that the park development will begin, and will continue until the park is completed.

Councilor Cummings noted that the water rate ballot measure was delayed to the November ballot due to an error. She shared her concerns about minutes, and noted that an 'audit of record keeping' may be in order. She has particular concern about noticing executive session, as well as executive session minutes. Mayor Kovash affirmed that this topic has been brought up 'continually' by Councilor Cummings and that this has been discussed many times. Councilor Cummings read from the Public Meeting Law related to public meetings and applied this language to executive session minutes. Mayor Kovash asked the City Attorney to weigh in.

City Attorney Tim Ramis affirmed that he had looked into the noticing requirements for executive sessions and the minutes contents and have instructed staff on how to process. Councilor Cummings asked staff to review this information again, and said that she will begin making recordings of executive sessions. City Attorney Ramis indicated that recording executive sessions would then result in a disclosure issue. Mayor Kovash suggested that Councilor Cummings ask the Council for a further discussion on this at a different time.

Councilor Teri Cummings moved to provide that the City videotape or have written minutes for executive sessions and that executive sessions' nature be specifically noticed. Motion died for lack of a second.

Mayor Kovash said that the City already properly notices executive session. Councilor Cummings disagreed.

Councilor Carson asked the City Attorney to give a more formal review of what the requirements are related to executive session minutes. Council President Burgess clarified that the City already correctly notices executive sessions, so the City Attorney's review would be limited to minutes only.

Council President Scott Burgess moved to direct the City Attorney to advise the Council and staff on the contents of minutes for executive sessions. Mayor John Kovash seconded the motion.

Councilor Cummings reminded the Council that they should read what the City Attorney reviews for the City.

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

Nays: None.

The motion carried 5 - 0

Councilor Cummings stated that the LOC presentation was regrettable. She received an apology from City Manager Chris Jordan, but she believes the apology needs to be extended to former Mayor Galle. She is not supportive of Kirsten Wyatt's promotion and does not support a pay increase for Ms. Wyatt. She asked if a conflict of interest statement from Jeff Condit was received and voiced her support of getting a conflict of interest statement.

Business Meeting

[Agenda Bill 2010-08-09-09: Authorizing the mayor to sign a letter of support to the Oregon Department of Transportation for a roundabout feasibility study for 10th Street and Willamette Falls Drive and a parking management program](#)

Staff report from Planning Director John Sonnen.

Councilor Carson commented that this was a good proposal and that considering a roundabout was part of the 10th Street project and has neighborhood support. Parking issues are also a neighborhood concern. This is a long-overdue project.

Councilor Jody Carson moved to authorize the mayor to sign a letter of support to the Oregon Department of Transportation for a roundabout feasibility study for 10th Street and Willamette Falls Drive and committing the City to conduct a parking management program. Council President Scott Burgess seconded the motion.

Councilor Mattis noted that this study makes a lot of sense, and that the study will consider the best options, not only a roundabout.

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

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2010-08-09-02: Resolution Number 2010-30 - Designation of property as "park"](#)

[Agenda bill cover sheet - Resolution Number 2010-30](#)

[Resolution Number 2010-30](#)

[Exhibit A to Resolution Number 2010-30](#)

Staff report from Parks & Recreation Director Ken Worcester.

Councilor Cummings asked if the resolutions should be voted on at the same time. Mayor Kovash noted that he wanted the staff reports done concurrently.

Council President Scott Burgess moved to approve Resolution 2010-30, designating property as "park." Councilor Teri Cummings seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2010-08-09-03: Resolution Number 2010-31 - Naming a new park the White Oak Savanna](#)

[Agenda bill cover sheet - Resolution Number 2010-31](#)

[Resolution Number 2010-31](#)

[Exhibit A to Resolution Number 2010-31](#)

Councilor Cummings expressed her thanks to Roberta Schwarz and the White Oak Savanna committee.

Council President Scott Burgess moved to approve Resolution 2010-31, naming a new park the "White Oak Savanna." Councilor Jody Carson seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2010-08-09-06: Resolution Number 2010-33 - Authorizing the issuance of General Obligation refunding bonds, authorizing the execution and delivery of related documents, designating an authorized representative of the City, and related matters](#)

[Agenda bill cover sheet - Resolution Number 2010-33](#)

[Memorandum to the City Manager on GO bond refunding](#)

[Resolution Number 2010-33](#)

Staff report from Finance Director Richard Seals.

Council President Burgess recognized Mr. Seals and staff for their hard work and working with City finances. A credit upgrade is the ultimate award. Asked Mr. Seals to translate the interest savings to the average impact on a homeowner. Mr. Seals noted that the average household will save \$25 per year.

Council President Scott Burgess moved to approval Resolution Number 2010-33 authorizing the issuance of General Obligation refunding bonds, authorizing the execution and delivery of related documents, designated an authorized representative of the City and related matters. Councilor Jim Mattis seconded the motion.

Councilor Mattis asked to take a few minutes to laud and praise the Finance Department. At many meetings, much time is spent on the adequacy of minutes and other past issues. We spend a lot of time on these things. Here, we have an issue that will save us money and reduce taxes. And this should be pointed out over other items that 'don't amount to a hill of beans.' Councilor Cummings disagreed with this statement from Councilor Mattis, but shared her thanks to the Finance Department.

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

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2010-08-09-07: Resolution Number 2010-34 - Authorizing the issuance of Full Faith & Credit refunding bonds, authorizing the execution and delivery of related documents, designating an authorized representative of the City, and related matters](#)

[Agenda bill cover sheet - Resolution Number 2010-34](#)

[Memorandum to the City Manager on FFCO bond refunding](#)

[Resolution Number 2010-34](#)

Council President Scott Burgess moved to approve Resolution Number 2010-34 authorizing the issuance of Full Faith & Credit refunding bonds, authorizing the execution and delivery of related documents, designating an authorized representative of the City and related matters. Councilor Jody Carson seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2010-08-09-08: Ordinance Number 1597 - Amending multiple chapters of the West Linn Community Development Code related to a Historic Review Board and amending Sections 2.060 and 20.85 of the West Linn Municipal Code related to municipal boards, committees and commissions*Public Hearing](#)

[Agenda bill cover sheet - Ordinance Number 1597](#)

[Memorandum to the City Manager on HRB creation](#)

[HRB public hearing draft](#)

[Link to Historic Review Board land use case file](#)

Staff report from Associate Planner Sara Javoronok.

Mayor Kovash read from the prepared land use hearing script. Mr. Ramis read from the prepared land use hearing script.

Councilor Cummings inquired if Councilor Carson has a conflict on this issue. Councilor Carson noted that she lives in the historic district, but nothing in this issue poses any potential conflict.

Council President Burgess asked for clarification on the Planning Commission recommendation. Ms. Javoronok listed the historic chapters of the Code that the groups would be responsible for reviewing.

Mayor Kovash opened the public hearing:

Charles Awalt - noted that historic structures are very small, and have little opportunity for significant changes because lot sizes are so small. For new development, those projects are larger and the Planning Commission should weigh in on those. He recommends Option #4 because it places decisions on the correct boards with the most authority.

Councilor Cummings asked about process and if combination of the Planning Commission and parallel review was sufficient in Mr. Awalt's perspective. Mr. Awalt concurred, and noted that the Planning Commission's role was appropriate in Option #4. Councilor Cummings asked about the 120-day rule and how it relates to a Historic Review Board and Mr. Awalt indicated that the 120-rule is not new to the Historic Review Board.

Karie Oakes - stated that she was confused by the four alternatives and she did not understand the materials as presented. Also wanted to ensure that the public had the opportunity to participate in reviews of historic properties. And, voiced concern with the extension of terms of office because people who are unwilling to actively participate will affect quorum.

Alice Richmond - recognized the efforts that went into this issue including Planning Commission and Historic Resource Advisory Board volunteers.

Ms. Javoronok clarified that the public hearing draft begins on page 53 and that is the Planning Commission's recommendation; the alternatives were also shared with the Planning Commission.

Councilor Carson expressed her appreciation to the volunteers who worked on this issue and recognized the important impacts that a Historic Review Board process can have on West Linn. Also expressed her support for Option #4. Asked for clarification about code language. Ms. Javoronok indicated that code language is prepared, but not given to the Council yet. Councilor Carson asked for copies of the code language to review once the options were narrowed down by the Council. Would also like public input on the proposed Code language.

Mayor Kovash clarified that the Planning Commission would be okay with Option #1 or Option #4. Mr. Ramis clarified that the practical aspects of applying the provisions of Option #3 or Option #4 would involve double-approval implications that need to be addressed - the 120-day clock, and inconsistent decisions between the two bodies (Planning Commission and Historic Review Board).

Councilor Cummings acknowledged how awkward double-approval issues could be. She also wanted to emphasize the importance of public involvement in this processes. Also, she was interested in why the Historic Review Meetings would not be public hearings. Ms. Javoronok clarified that they would not be public hearings, but instead, public meetings. This was due to the issues related to the 120-day period. Ms. Cummings asked about how the lack of a public hearing created more time; and Ms. Javoronok clarified that it related to the noticing requirements and Mr. Ramis noted that it would remove the opportunity for continuances. Councilor Cummings shared her interest in transparency and open flow of information.

Councilor Mattis was inclined to go with Option #4 but that there are some issues although not insurmountable. Councilor Mattis found the maps and properties involved to be very helpful in the presentation materials.

Council President Burgess indicated that the Council would not make a decision tonight. He professed his appreciation for the Code and that the Council is the only body that can change the Code. He recognized the expertise on both the Planning Commission and Historic Resources Advisory Board. The County's Historic Review Board used to review these issues. Now, we need to try to replicate that experience in our own body. Option #1 will allow us to have the most expertise in reviewing land use issues. The issues and options presented are becoming clearer with each Council discussion on this topic.

Councilor Carson requested that issues related to appeals be incorporated into any draft language going forward, based on the issues raised by the City Attorney. She also clarified that public meetings would still be important in the process, even if they were not public hearings. Also, she requested code language for Option #4 so it could be compared and contrasted with Option #1 code language at a future work session, and next Council meeting.

Mayor Kovash requested that the public hearing be continued to a time and date certain. Also, he summarized the requests of staff (research, comparisons to other communities, appeals issues).

Council President Burgess requested a decision tree on the various options so they can be compared.

Councilor Carson provided some background information on the Clackamas County Historic Review Board for the Council. Council President Burgess inquired about the workload of the Clackamas County Historic Review Board and how that difference makes it a very different entity than what West Linn is trying to create.

Council President Scott Burgess moved to continue the hearing to September 13, and to keep the public hearing open. Councilor Jody Carson seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Adjournment of Business Meeting](#)

Executive Session - (if needed)