



CITY OF
West Linn

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

WEST LINN CITY COUNCIL MEETING MINUTES February 28, 2011

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

Council Present:

Councilor Mike Jones, Council President Jody Carson, Councilor Teri Cummings, Councilor Jenni Tan, and Mayor John Kovash.

Staff Present:

City Attorney Tim Ramis, City Manager Chris Jordan, Assistant City Manager Kirsten Wyatt, City Recorder Kathy Mollusky, Senior Planner Chris Kerr, and Special Projects Planner Zach Pelz.

[Approval of Agenda](#)

Councilor Mike Jones moved to approve the agenda for the February 28, 2011 West Linn City Council Meeting. Council President Jody Carson seconded the motion.

Ayes: Councilor Mike Jones, Council President Jody Carson, Councilor Teri Cummings, Councilor Jenni Tan, and Mayor John Kovash.

Nays: None.

The motion carried 5 - 0

[Proclamations, Recognitions and Scheduled Presentations](#)

[Metro Update Q&A with Metro Councilor Carlotta Collette](#)

Councilor Carlotta Collette informed the Council that the Lake Oswego street car steering committee voted to move forward with the street car recommendation. It is expected to come back to Metro Council in June or July. ODOT offered \$8 million to transfer ownership of Highway 43 to the jurisdictions and are now in negotiations with the City of Portland and Clackamas County. ODOT is not planning on spending any money in this corridor for a long time, so getting anything out of them is an improvement.

Councilor Jones clarified the jurisdictions must all agree to the transfer of Highway 43, ODOT is not transferring piecemeal.

Mayor Kovash asked for a Highway 43 workgroup meeting. Councilor Collette will schedule and will also ask ODOT to send updates to jurisdictions.

Councilor Cummings expressed her concerns regarding ODOT leaving West Linn out of the discussions and the lack of money being offered.

Councilor Carson asked for clarification regarding jurisdictional issue if Portland and Clackamas Counties are in negotiations with ODOT rather than with the cities.

Councilor Collette has not been in the meetings with ODOT and Portland or ODOT and Clackamas; however, she assumes ODOT will negotiate with Clackamas County and Clackamas County will negotiate with West Linn.

Councilor Carson informed Councilor Collette that West Linn Council has discussed looking at transit impacts in West Linn. Councilor Carson asked what avenues Council will have for input as planning proceeds.

Councilor Collette replied that the streetcar decision and what TriMet decides on the bus service are two separate decisions.

Councilor Carson would like to be included in the changes in the transit lines discussion.

Councilor Collette mentioned TriMet is beginning a transit investment plan; getting bus service back up is a top priority over getting a streetcar to Lake Oswego. They may partner with TriMet to convene a regional look at bus service to see what they can do to raise operating revenues.

Councilor Tan asked about the size of the Highway 43 work group; the membership; and the negotiating power that group has.

Councilor Collette clarified the City of Portland, ODOT, Multnomah and Clackamas Counties, Metro, the cities of West Linn, Lake Oswego and Oregon City are members of the work group. Clackamas County and City of Portland are main negotiators with ODOT.

Councilor Collette asked citizens to check out www.oregonmetro.gov for information.

Councilor Collette also wanted citizens to know that Metro is doing "OptIn" where citizens share their opinions with the government. Metro is hoping to get 10,000 focus group members. A private holding company is running "OptIn" so it's confidential. The website is www.oregonmetro.gov/connect. Metro is one of the first governments to do this.

Councilor Cummings expressed concern over Stafford being designated as urban.

Councilor Collette stated the process was followed and Stafford is a good area for an urban designation because it meets the criteria.

Mayor Kovash thanked Councilor Collette for her time and presentation. Metro updates will be scheduled quarterly.

[Metro Handouts](#)

Community Comments

Alice Richmond would like signs put up against littering with a fine attached to it on Parker Road.

Charles Ormsby lives in Clackamas County and took transit here. West Linn citizens will be required to make two transfers to get downtown. He encourages Council to take the bus at least once. There is a minimum of seven minutes for each transfer. He believes it is a safety issue and West Linn needs bus service to the top of the hill.

Karie Oakes questioned if the City Manager evaluation for 2010 is complete and if the public can see it.

Report from the City Manager

Chris Jordan discussed the Lake Oswego-Tigard Water Partnership. Lake Oswego discussed waiving the Covenants, Conditions, and Restrictions (CC&Rs) with neighbors to build the plant, but have been unsuccessful. West Linn will hire a mediator for these discussions and Lake Oswego will pay for the mediator.

The City of West Linn and Tualatin Valley Fire and Rescue (TVF&R) are co-sponsoring an Emergency Preparedness Fair on Tuesday, March 8 at 4:00 p.m. It will be located at the Church of Latter Day Saints on Rosemont Road.

The next Sustainability Advisory Board lecture series is scheduled for March 10 at the West Linn library. The topic is harvesting rainwater.

Business from the City Council

Councilor Carson is the Clackamas County City representative on Metropolitan Advisory Committee (MPAC). One of the goals is focused on the greenhouse gas emissions. In 2007, legislation passed requiring that by 2020 there will be a 10% reduction and by 2050 there needs to be a 75% reduction below 1990 levels. In 2009 and 2010 there was subsequent legislation

requiring Metro to come up with policies as to how that would be addressed. Phase 1 - scenario recommendation and tool development to how to reduce greenhouse gasses. Phase 2 - alternatives will be prepared so there can be analysis of the different scenarios and how we can reach those targets. Phase 3 - picking preferred scenario and adopting a strategy and implementation goals. There needs to be major changes in how we do business to meet these goals.

Councilor Carson inquired about the Blue Heron Mill closing. She wants staff to find out what is happening with settling pond with different materials in the pond and what happens if they do not continue to treat and aerate it? City Manager Jordan will have staff call DEQ and follow up on the process.

Councilor Jones thanked the staff for all their work on the CCR issue with the Maple Grove plat. The City cannot get involved as a policy issue but staff can make sure citizens are represented. The West Linn Library Foundation is giving its first gift of \$5,000 to the library. Over 30 teenagers chose what to purchase with the gift. It will be used for a flat screen television, a Wii, game consoles, and board games.

Councilor Cummings joined the Savannah Oaks group a couple of weeks ago. There were a couple of busses of West Linn students and Bosky Dell Nursery. They planted plants and harvested Oak seedlings to nurture and grow. Councilor Cummings shares Mr. Ormsby's concerns as to what our businesses pay for TriMet tax because she does not feel they are getting their money worth. Regarding Ms. Oakes comments, she would like a synopsis of the City Manager evaluation for the public.

Mayor Kovash is giving the State of the City tomorrow for the West Linn Chamber of Commerce. It will be televised, will also be on Facebook, and hopefully will be in two newspapers. ODOT invited the Councilors to the Oregon City-West Linn bridge tomorrow to view the progress on bridge.

[Appointments to Boards and Committees](#)

Mayor Kovash would like to appoint Erik Simshauser to the Utility Advisory Board.

Council President Jody Carson moved to approve the appointment of Erik Simshauser to the West Linn Utility Advisory Board. Councilor Mike Jones seconded the motion.

Ayes: Councilor Mike Jones, Council President Jody Carson, Councilor Jenni Tan, and Mayor John Kovash.

Nays: Councilor Teri Cummings.

The motion carried 4 - 1

[Business Meeting](#)

[Agenda Bill 2011-02-28-01: Ordinance 1601 - Municipal Code Amendments for assessing civil penalties for violations of the Building Code](#)

[Municipal Code Amendments](#)

Senior Planner Chris Kerr Staff Report.

Council President Jody Carson moved to adopt Ordinance 1601 which amends the Municipal Code to establish procedures for administrative civil penalties for violations of the Building Code and eliminates the Building Board of Appeals. Councilor Jenni Tan seconded the motion.

Ayes: Councilor Mike Jones, Council President Jody Carson, Councilor Teri Cummings, Councilor Jenni Tan, and Mayor John Kovash.

Nays: None.

The motion carried 5 - 0

Council President Jody Carson moved to on second reading adopt Ordinance 1601 by title. Councilor Mike Jones seconded the motion.

Ayes: Councilor Mike Jones, Council President Jody Carson, Councilor Teri Cummings, Councilor Jenni Tan, and Mayor John Kovash.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2011-02-28-02: Ordinance 1600 - Municipal Code Amendments adopting the most recent state specialty codes](#)

[Municipal Code Amendments](#)

Senior Planner Chris Kerr Staff report.

Council President Jody Carson moved to adopt Ordinance 1600 which adopts the latest State specialty code. Councilor Mike Jones seconded the motion.

Ayes: Councilor Mike Jones, Council President Jody Carson, Councilor Teri Cummings, Councilor Jenni Tan, and Mayor John Kovash.

Nays: None.

The motion carried 5 - 0

Council President Jody Carson moved to adopt Ordinance 1600 on second reading which adopts the most recent state specialty codes. Councilor Jenni Tan seconded the motion.

Ayes: Councilor Mike Jones, Council President Jody Carson, Councilor Teri Cummings, Councilor Jenni Tan, and Mayor John Kovash.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2011-02-28-03: Resolution 2011-04 - Support staff preparing Transportation and Growth Management \(TGM\) grant application to update Transportation Safety Plan \(TSP\)](#)

[TGM Grant Information](#)

Special Projects Planner Zach Pelz Staff Report.

Councilor Teri Cummings moved to adopt Resolution 2011-04 indicating support of the City's Transportation and Growth Management (TGM) grant application. Council President Jody Carson seconded the motion.

Ayes: Councilor Mike Jones, Council President Jody Carson, Councilor Teri Cummings, Councilor Jenni Tan, and Mayor John Kovash.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2011-02-28-04: Resolution 2011-05 - Support legislation regulating single use plastic bags and non recycled bags](#)

[Legislative Support](#)

Chris Jordan Staff Report.

Councilor Mike Jones moved to adopt Resolution 2011-05 which supports legislation regulating the use of single-use plastic bags and non-recycled paper check out bags at retail stores. Council President Jody Carson seconded the motion.

Ayes: Councilor Mike Jones, Council President Jody Carson, Councilor Teri Cummings, Councilor Jenni Tan, and Mayor John Kovash.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2011-02-28-05: Adoption of City Council Rules](#)

[City Council Rules](#)

Council President Carson explained the process Council has completed regarding the Council Rules.

Audience member Karie Oakes interrupted the meeting with a demand to speak regarding the Council Rules.

City Attorney Tim Ramis stated it is up to the Council if they want to take public testimony

regarding Council Rules.

Mayor Kovash reminded the Council that these are Council Rules and it is up to the Council as to how they want to conduct themselves.

Councilor Cummings feels we have to take testimony regarding Council Rules.

Councilor Jones does not agree that we have to allow public testimony, but would agree to allow three minutes.

Council President Carson is fine with allowing the testimony.

Councilor Tan would like to hear the public testimony.

Mayor Kovash took a vote and Council agreed to hear the public testimony.

Ms. Oakes does not want Council to remove the ability of the Council to comment back to the community during community comments. Council minutes should summarize the discussion in a written way and put down the names of the public that speak and their subject. She is happy the censure rules were added.

Alice Richmond thinks Council Rules are Council Rules, not public or citizen rules. If the public asks a question, they can choose to stay; they do not have to leave.

Councilor Tan thanked public for coming to coffee meetings. This Wednesday is cancelled.

Council President Jody Carson moved to approve the rules as distributed with the following amendments: Page 7 under Censure (D) change it to a majority vote based on legal council comment; Page 10 under Council Rules should say these rules may be suspended upon an affirmative vote of the majority of the Council; Page 11(C) changing it to as determined by the Council, a sound recording of the meeting shall be made as provided for in ORS; Page 18 under Planning Commission Testimony, the first sentence will be deleted. Councilor Jenni Tan seconded the motion.

Ayes: Councilor Mike Jones, Council President Jody Carson, Councilor Teri Cummings, Councilor Jenni Tan, and Mayor John Kovash.

Nays: None.

The motion carried 5 - 0

[Executive Session, if needed](#)