



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

WEST LINN CITY COUNCIL MEETING MINUTES September 27, 2010

Council Present:

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

Special Guests Present:

Councilor-Elect Jenni Tan

Staff Present:

City Manager Chris Jordan, City Attorney Tim Ramis, Assistant City Manager Kirsten Wyatt, Police Chief Terry Timeus, and Planning Director John Sonnen.

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

[Proclamation - West Linn/Oregon City Football Game](#)

Councilor Mattis read from proclamation declaring "West Linn/Oregon City Rivalry Day" in celebration of the West Linn High School and Oregon City High School football game.

Approval of Agenda

Council President Scott Burgess moved to approve the agenda for the September 27, 2010 West Linn City Council Meeting with two additions: high school football rivalry proclamation and high speed rail letter approval. 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

Roberta Schwarz - offered her congratulations to John Kovash and Jenni Tan; asked for City Council apology for the treatment of Councilor Cummings; asked for Mayor Kovash to apologize to Councilor Cummings on water rate discussions; offered her opinions on public meetings law related to Council meals and emails.

Peggy Kirkendall - shared her opinions about: perceived disenfranchisement of citizens concerned by Marylhurst Park planning; extension of City Manager's contract; the 2008 City Manager's performance evaluation; August 9, 2010 video concerns and June 14, 2010 video concerns.

Alice Richmond - shared her concerns about Councilor Cummings "filibustering."

Karie Oakes - responded to Mayor Kovash's statement regarding the 2009 City Manager's performance evaluation; noted that she requested the 2008 evaluation criteria; noted that City of Tigard provided its City Manager's evaluation in a timely manner; shared the performance evaluation tool she received from the City of West Linn.

Consent Agenda

Mayor John Kovash moved to approve the following items included on the September 27, 2010 Consent Agenda: minutes from the August 9, 2010 City Council meeting; and minutes from the September 13, 2010 City Council meeting.

Councilor Cummings indicated that she will be voting "no" on the consent agenda because she did not receive a second paper copy of the minutes documents until Monday evening and she has concerns based on Ms. Oakes' community comments.

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

Nays: Councilor Teri Cummings.

The motion carried 4 - 1

Agenda Bill 2010-09-27-01: Minutes from the August 9, 2010 Meeting

[Draft August 9, 2010 Minutes](#)

Agenda Bill 2010-09-27-02: Minutes from the September 13, 2010 Meeting

[Draft September 13, 2010 Minutes](#)

Report from the City Manager

City Manager Chris Jordan shared three items. First, the PERS system released new two-year rates; City had optimistically hoped its rates would only increase by three percent; rates are actually only increasing by 1.9 percent. This is a big win for the City (other cities have eight- to nine-percent increases). Second, the election results from last Tuesday will be certified by October 4 and swearing-in will take place on October 11. Third, on behalf of staff, he thanked Councilor Mattis and noted that his expertise has been valuable.

Business from the City Council

Agenda Bill 2010-09-27-04: Appointments to the Historic Review Board

Councilor Carson thanked the applicants; and noted she is excited for the work ahead for the Historic Review Board.

Councilor Cummings inquired if there a way to reconfigure the appointment terms to give a longer term to Charles Awalt and to give the short term to Councilor Mattis.

Mayor Kovash replied to Councilor Cummings that an amendment to the motion is needed.

Councilor Mattis clarified that the switch in term lengths is okay with him as he wants to take on a bigger role with the City; this would include a Willamette Falls area long range plan, if that is ever pursued by the City.

Mayor Kovash noted that the Council still seeks one more person for HRB appointment.

Councilor Teri Cummings moved to amend the appointments to reflect the following change: Charles Awalt's term ends 12/31/11 and Jim Mattis' term ends 12/31/10. Councilor Jim Mattis 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

Mayor John Kovash moved to appoint the following people to the Historic Review Board: Charles Awalt to a two-year term ending 12/31/11, Sandy Carter to a two-year term ending 12/31/11, Jim Mattis to a one-year term ending 12/31/10, John McLoughlin to a three-year term ending 12/31/12, Brian Pearce to a three-year term ending 12/31/12, Chris Sherland to a three-year term ending 12/31/12.

Council President Scott Burgess 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

[Historic Review Board Applications](#)

[High speed rail letter](#)

Councilor Mattis provided background information for the City Council. He attended a meeting in Lake Oswego called by the Clackamas County Commission Chair. The discussion was focused on high speed rail in the State of Oregon. The need to include many people in the discussions on high speed rail was a topic of the meeting. All cities are signing onto a letter calling for more openness and transparency in the high speed rail discussion; and asking that a third-party manage the discussion so it can be open and honest.

Councilor Carson indicated that a draft of the letter will be available online for public review and understanding once it is drafted and available.

Councilor Jim Mattis moved to authorize the mayor to sign a letter of support related to public involvement on high speed rail planning. 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

Councilor Cummings offered her thanks to Councilor Mattis for his time on the Council and offered congratulations to Councilor-Elect Tan and Mayor Kovash for their victories. She also thanked Ms. Lairson and Mr. Hitesman for their willingness to serve. She mentioned that campaign season brings up discussions about who we want to be as a City. She clarified that

dinner meetings make her uncomfortable and that she would like an "open-door" policy.

Councilor Carson thanked Councilor Mattis for his service, and offered congratulations to Mayor Kovash and Councilor-Elect Tan.

Mayor Kovash expressed his appreciation to Councilor Mattis for stepping into the Councilor position; he noted that Councilor Mattis will be missed but he will continue to contribute to the City. He welcomed Councilor-Elect Tan to the Council and indicated that the Council has confidence in her. He also noted that he attended the League of Oregon Cities conference and learned about other cities and how they conduct business. He mentioned that it was refreshing to look outside our City to get new ideas and become better at our jobs. Then, he addressed the fact that the City Manager's evaluation keeps coming up, and offered his perspective that the City has spent enough time on the evaluations of the past. He clarified that it is incorrect to cite the Charter on evaluations, and he read from the Charter language regarding City Manager's evaluation to prove that the Council has complied with the Charter. He closed by stating that the Council is now focused on the 2010 evaluation so it is meaningful and useful.

Councilor Cummings appreciated the opportunity to participate in the League of Oregon Cities conference and she learned from the valuable speakers and the chance to be with Councilor-Elect Tan, Mayor Kovash and Councilor Carson. She attended a valuable session was on dealing with angry people and civility. She noted that no apologies were offered to her regarding the June 14 meeting. She would like everyone to not talk about people who cannot defend themselves. She believes that the February resolution should be withdrawn. But, she understands there is more important business to attend to in the City and wants to get these issues off the table.

Councilor Mattis shared he must respond to the Community Comments statements made about meals. He clarified that it is not against the law to be at social gatherings with a quorum of the City Council. He noted that he has attended the pre-meeting dinners and that they are offered to Councilors because many Councilor come directly from work, and these meals allow them to have dinner before the Council meetings. To his knowledge, the Council has never conducted business at these meetings. He then offered congratulations to Mayor Kovash and Councilor-Elect Tan on their elections.

Council President Burgess stated that modifications should be made to Chambers to allow the A/V operator to offer or receive feedback if there is tape or sound disruption. He offered congratulation to Mayor Kovash on his election and noted that turnout was good for a special election. He offered congratulation to Councilor-Elect Tan and shared his belief that she ran a

good, clean campaign. He offered thanks to Councilor Mattis for his service and his continued service to the City.

Councilor Carson offered direction that meeting minutes are available online ahead of time. She clarified that the City Council eats dinner before meetings but they are not business meetings and the meals are offered as a chance to have dinner after work, before Council meetings. She clarified that email is not used for any Council business and is used to ask questions to staff. And, she reminded that that email is a public record. She also noted that four members of Council attended the League of Oregon Cities conference and gained information on sustainability, planning and other valuable topics.

Business Meeting

Agenda Bill 2010-09-27-03: Letter of Concurrence to Tri-Met

Staff report from Planning Director John Sonnen.

Councilor Carson expressed her support but requested additional language added to the letter to express that the City wants its expectations to Tri-Met clearly included in the letter of concurrence.

Council President Burgess noted that the Council would like additional language added to the letter that express West Linn's concerns and issues and the understanding it has in giving concurrence.

Council President Scott Burgess moved to authorize Mayor Kovash to sign a letter of concurrence regarding the proposed Tri-Met bridge across the Willamette River in Portland. Councilor Jody Carson seconded the motion.

Councilor Cummings reiterated that this item is about a TriMet light rail line.

Council President Burgess noted that the motion is to give the mayor signing authority for a letter to Tri-Met.

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

[Letter of Concurrence to Tri-Met](#)

[Agenda Bill 2010-09-27-05: Final Order - Denial of Bundy Appeal of a Planning Director's Denial of a Water Resource Area Protection Permit \(AP 10-01\)](#)

Staff report from City Attorney Tim Ramis.

Council President Scott Burgess moved to adopt the Final Order pertaining to AP 10-01 denying the appeal of Troy and Gina Bundy, and upholding the Planning Director's decision to deny a water resource area permit. Councilor Jim Mattis 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

[Denial of Bundy Appeal Final Order Information](#)

[Agenda Bill 2010-09-27-07: IGA - Multi-Jurisdictional SWAT Team Participation](#)

Staff report by Police Chief Terry Timeus.

Councilor Carson inquired if there are any equipment needs for SWAT participation. Chief Timeus clarified that there are some specialized equipment needs and that the City has funds available to cover these costs.

Council President Burgess inquired about the status of the officers when they are SWAT. Chief Timeus clarified that they are always "our" employees, and their participation will not take away from City business.

Council President Scott Burgess moved to approve the Intergovernmental Agreement between the Clackamas County Sherriff's Office SWAT Team and the City of West Linn; and authorize the Police Chief to sign the IGA. 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

[Multi-Jurisdictional SWAT Team IGA Information](#)

[Adjournment of Business Meeting](#)