



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

WEST LINN CITY COUNCIL MEETING NOTES November 18, 2013

Call to Order

Council Present:

Mayor John Kovash, Council President Mike Jones, Councilor Jody Carson, Councilor Thomas Frank, and Councilor Jenni Tan.

Staff Present:

City Manager Chris Jordan, City Recorder Kathy Mollusky, City Attorney Tim Ramis, and Assistant City Attorney Megan Thornton.

Work Session

Assistant City Attorney Megan Thornton Staff Report.

[Lake Oswego-Tigard Agreements PowerPoint](#)

Adjourn Work Session

Call to Order

Approval of Agenda

Council President Mike Jones moved to approve the revised agenda for the November 18, 2013, West Linn City Council Meeting with the clarifying statement that public comments will be

allowed for business meeting items one and two; there will be one public comment period for both items. Councilor Thomas Frank seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Consent Agenda](#)

Agenda Bill 2013-11-18-01: October 14 and November 4, 2013 Draft Notes Approval

[Draft Meeting Notes Information](#)

Agenda Bill 2013-11-18-02: Willamette Historic Street Sign Grant Approval

[Historic Street Sign Information](#)

Council President Mike Jones moved to approve the Consent Agenda for the November 18, 2013, West Linn City Council Meeting which includes the October 14 and November 4, 2013, meeting notes and the Willamette Historic Street Sign grant approval. Councilor Jody Carson seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Community Comments](#)

[Report from the City Manager](#)

[Business from the City Council](#)

[Business Meeting](#)

[Public Comment](#)

Lamont King does not feel this project provides a benefit, there is no guarantee of water. This is a new water plant, not just an expansion. He thinks Lake Oswego-Tigard are trying to become water wholesalers. He thinks the pipe attached to the bottom of the I205 bridge is more secure than the Lake-Oswego emergency water pipe.

Jenne Henderson asked about the Joint Funding of Water System Improvements IGA, what percentage will Lake Oswego and West Linn pay. She thought Lake Oswego was paying the full amount, not Lake Oswego 80 percent and West Linn 20 percent. Councilor Mike Jones clarified

West Linn is extending the pipe beyond the project. That is what West Linn is paying for, our pipe expansion. She does not like that the old pipes are being abandoning in place, she feels it will add time to West Linn and utilities work in the future.

Teri Cummings cannot believe West Linn did not complete these agreements prior to Lake Oswego beginning the work. She feels the onetime payment will not offset Lake Oswego and Tigard's use for perpetuity. She does not feel this serves the best interest of city. She does not care what the attorneys say, she wants people to have a vote.

Alice Richmond thanked the West Linn residents, the West Linn Tidings, and the Adult Community Center friends for voting against the aquatic center. If West Linn has spare funds, they could use it for bonuses or something, not waste it.

[Agenda Bill 2013-11-18-03:](#)

[Agenda Bill & Staff Memo](#)

[Intergovernmental Cooperative Agreement for the Water System Intertie](#)

[IGA for Water System Intertie](#)

Council President Mike Jones moved to approve the Intergovernmental Cooperative Agreement for the Water System Intertie and authorize the Mayor to sign it. Councilor Jody Carson seconded the motion.

Councilor Jenni Tan stated the proposed IGA does have many benefits. It has a redundant water line that is approximately \$11.2 million, it connects West Linn to the greater water consortium, and it pays for the \$2.2 million expansion for the intertie between West Linn, Tigard, and Lake Oswego. She discussed with TVF&R Chief Dyke the importance of the intertie, having a robust water system, and that if this intertie did not exist, he believes West Linn's insurance cost would increase because of fire hazard. They would not be able to respond properly to a fire. This Agreement is important and does provide many important benefits and access to water in perpetuity. The problem is, she would like to see the 4 million guarantee past 2041. She is not comfortable with this point.

Councilor Thomas Frank said when he was on the Planning Commission, they looked at a draft IGA and it did have the language of 4 mgd through 2041. Within the Conditions of Approval, he thought it was in perpetuity, not limited to 2041. The Agreement says the quantity can be amended, not the time frame. The intertie does have a strong benefit to West Linn and agrees with most of it except that it is only through 2041; not knowing what the outcome and repercussions of that could be.

Councilor Jody Carson thinks this provides West Linn access to safe drinking water in perpetuity and access to emergency water. The 4.2 million gallons per day is a guaranteed over and above having access in perpetuity. There are many benefits in this agreement that West Linn did not

have in the old agreement besides being in perpetuity, for instance that all parties need to renegotiate the Agreement. The Water Master Plan includes the expansion of the intertie which West Linn really needed to have. The project is estimated at a cost of \$2.2 million, this intertie provides this to West Linn at no additional cost.

Council President Mike Jones thinks the point that needs to be made is that this is for emergency use. The 4 million guarantee really is a bonus. If a future Council wants to negotiate, it has to negotiate the agreement with all cities, so Lake Oswego-Tigard cannot take away West Linn's ability to have water in an emergency at any point.

Mayor John Kovash stated the Parties have been working on this a long time. To get to the point where West Linn is tied to a regional water supply in perpetuity is a huge step for this City and a huge benefit. The guarantee of a fixed amount of water in perpetuity is not feasible.

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

Nays: Councilor Thomas Frank and Councilor Jenni Tan.

The motion carried 3 - 2

[Cooperative Agreement for Enhancement and Restoration Projects in Mary S. Young State Park](#)

[Mary S Young Cooperative Agreement](#)

Council President Mike Jones moved to approve the Cooperative Agreement for Enhancement and Restoration Projects in Mary S. Young State Park and authorize the City Manager to sign it. Councilor Jenni Tan seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Cooperative Agreement for Joint Funding of Water System Improvements](#)

[Joint Funding Agreement Information](#)

Council President Mike Jones moved to approve the Cooperative Agreement for Joint Funding of Water System Improvements and authorize the City Manager to sign it. Councilor Jody Carson seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Ordinance 1616 Lake Oswego-Tigard Water Partnership Franchise Agreement](#)

[ORD 1616 Franchise Agreement](#)

Council President Mike Jones moved to approve First Reading for "Ordinance 1616 granting a nonexclusive franchise to the City of Lake Oswego, approving the form of the franchise agreement, and authorizing signature of the agreement," and set the matter for Second Reading. Councilor Thomas Frank seconded the motion.

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

Nays: None.

The motion carried 5 - 0

Council President Mike Jones moved to approve Second Reading for "Ordinance 1616 granting a nonexclusive franchise to the City of Lake Oswego, approving the form of the franchise agreement, and authorizing signature of the agreement," and adopt the ordinance. Councilor Thomas Frank seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2013-11-18-04: Resolution 2013-19 Designating the Lake Oswego-Tigard Franchise Agreement Proceeds to the Bolton Reservoir Project](#) [Resolution 2013-19 Franchise Proceeds Information](#)

Council President Mike Jones moved to adopt Resolution 2013-19 designating the revenues from the Lake Oswego-Tigard Water Partnership Franchise Agreement to the City of West Linn for the purpose of designing and constructing a new Bolton Reservoir. Councilor Jenni Tan seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Adjourn](#)