



WEST LINN CITY COUNCIL MEETING MINUTES April 26, 2010

Council Present:

Council President John Kovash, Councilor Scott Burgess, Councilor Jody Carson

Council Absent:

Councilor Teri Cummings

Staff Present:

Chris Jordan, City Manager; Peter Spir, City Planner; Chris Kerr, Senior Planner; and City Attorney Tim Ramis

Call to Order/Pledge of Allegiance

Council President Kovash called the meeting to order at 6:46 p.m. and led the flag salute.

Approval of Agenda

Councilor Carson noted changes to tonight's agenda:

- No consent agenda – draft minutes for approval will be considered at next meeting
- Add Resolution 2010-20 under Council Business
- Add Resolution 2010-21 under Report from the City Manager

**Councilor Carson moved to approve the revised Agenda dated April 26, 2010 as proposed.
Councilor Burgess seconded the motion.**

Ayes: Carson, Burgess, Kovash

Nays: None

The motion carried 3-0.

Proclamations, Recognitions and Presentations

- National Preservation Month

Sandy Carter, Historic Resource Advisory Board Member read the proclamation of National Preservation. Historic preservation is relevant for communities across the nation. It is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people. "Old is the New Green" is the theme for National Preservation Month 2010, cosponsored by the City of West Linn and the National Trust for Historic Preservation.

Councilor Carson moved to approve the Proclamation that May 2010 be National Preservation Month in West Linn and encourage all West Linn citizens to join in this observation. Councilor Burgess seconded the motion.

Ayes: Burgess, Carson, Kovash

Nays: None

The motion carried 3-0.

Community Comments:

Alice Richmond, 3939 Parker Road, reported the Police Department Open House was a great success. The event was well attended and citizens left with a sense of need for a new station. She does not want the City to be known as not recognizing the need for a new facility. She encouraged all citizens to pitch in and pass the measure to have a police facility that is safe place for the employees that work there.

Brian Greenwood, 2339 Athena Road, stated he talked with the City Manager today and was informed that Council will be taking up the issue of the wooden shingle green treatment. He is here tonight to thank council for addressing this matter. He will be delivering more information to the City on Friday.

Bob Thomas, 2563 Pimlico Drive reported that a survey shows that 69% of West Linn residents are opposed to urbanization of the Stafford Triangle. He asked if City Council has taken an official position to oppose urbanization of the Stafford Triangle. The Stafford Triangle should be retained as a rural reserve to be in tuned with the desires of the vast majority of West Linn residents.

Mr. Thomas noted the City Manager is not authorized to select and hire an attorney or firm to represent the City in legal matters. It is solely within the authority of the Council to hire and retain legal advisors as stipulated in Chapter 3, Section 8, Paragraph F of the City Charter. The City Manager violated this section of the Charter in hiring Jeff Condit to represent the City in regards to the Stafford Triangle. A citizen spoke to the Council at the April 12th Council meeting advocating that Council hire attorney Peggy Hennessy to represent the City in any court action to oppose the designation of the Stafford Triangle as urban reserve. He agrees that Ms. Hennessy should be hired to represent the City in this endeavor; she has a track record of having successfully done so before. Mr. Condit's firm represents developer interests.

Report from the City Manager

Chris Jordan asked the Council to consider Resolution 2010-21 which was read by City Attorney Monahan.

Mr. Ramis stated the function of this resolution is to equalize the stipend paid to council members and the mayor. The reason is to eliminate the possibility of a conflict of interest in the event the council members vote on the replacement of the mayor. The City wants to eliminate any possibility there would be a temptation to vote based on the difference in compensation. Changing the compensation and making it equal across the board eliminates any conflict of interest.

Mr. Ramis noted to Council members when they vote to mention there is the potential conflict in voting on this measure. A council member might fill the role of mayor and therefore voting on a matter that involves the compensation of that job creates a potential conflict of interest in the eyes of the Ethics Commission. Councilors need to state they understand the potential conflict of interest.

Councilor Burgess reported the difference in compensation of \$4,000 and \$6,000. This equalization is only for the interim period until the citizens elects a new Mayor.

Councilor Carson moved to approve Resolution 2010-20, A Resolution Of The West Linn City Council Establishing A Salary Level For the Office Of Mayor During The Period Of Time That The Office Is Filled By Appointment Until A Special Election Is Held To Fill The Remainder Of The Unexpired Term. Councilor Burgess seconded the motion.

Councilors Carson, Burgess and Kovash indicated they have a potential conflict of interest because of the possibility that any one of them might be appointed to fill the interim Mayor position.

Ayes: Carson, Burgess, Kovash

Nays: None

The motion carried 3-0.

Chris Jordan reported that Jeff Condit represented Lake Oswego, West Linn and others in 1997 during the urban reserve discussions and appealed to the State Appeals Court and was successful. He has mitigated these actions previously on behalf of West Linn as well as other communities. Hiring Mr. Condit was the City's attempt to hire the best attorney to represent West Linn as well as one that would be supported by Tualatin and Lake Oswego should they decide to mitigate along with West Linn if the City takes that step.

Mr. Jordan explained the process for appointing a new mayor. The city has received 31 applications. The deadline was noon today. The City greatly appreciates this many applications; it is a good sign that many people are willing to contribute their time and efforts to help the City at this point.

Because of the number of applicants, it would be difficult to have Council interview each person individually. Council has discussed this and is proposing a different process. Applicants who have previously been scheduled will be contacted and on Wednesday, April 28th, at 7:30 p.m. the Council will conduct a group interview. All applicants will be asked to come that evening, introduce themselves to the Council, and provide a short background and any information about themselves. After the interview process Council will decide what they want to do next. They may at that time decide who they want to appoint to be mayor or hold a second round of interviews with a few candidates on Thursday evening. The ultimate objective is to have the new mayor sworn in at the May 10, 2010 Council meeting.

Business from the City Council

Councilor Carson responded to the comment about the Stafford Triangle. This council passed a resolution that they did not support the urbanization of the Stafford Basin and did support the area being designated as rural. The Council has consistently and continuously testified in all forums that this is the City's stance. Councilors Cummings, Kovash and herself have all testified as well as their consultant and they will continue to do so at all opportunities. No legal action will be taken until final decision is made by Land Conservation and Development Commission (LCDC) in October.

Councilor Burgess reported the City Manager has the authority to hire attorneys to represent the City. In this case, Council has discussed the issue and decided to move forward with Mr. Condit. As stated, the Council has passed a resolution to go forward united in opposition to the urbanization of the Stafford Basin.

Council President Kovash noted the magnitude of the efforts of this council in establishing the City's position on the Stafford area; they have attended over 100 meetings. A

consultant has been hired and he attends many of those meetings, writing reports, keeping informed, laying a basis for legal action, and every effort has been very solid and consistent in working towards the goals of the City.

a. Appointment – Planning Commission Vacancy

Council President Kovash opened the meeting to discussion of the Planning Commission vacancy.

Councilor Carson moved to appoint Michael Babbitt to fill the vacancy on the Planning Commission. Councilor Burgess seconded the motion.

Councilor Burgess explained there were two vacancies on the Planning Commission. Mr. Babbitt will fill one vacancy and there is still one opening remaining. He asked those who are interested in taking this position to let the City know.

Ayes: Burgess, Carson, Kovash

Nays: None

The motion carried 3-0.

Councilor Burgess read a resolution to the audience that he wrote requesting citizens to support and vote yes on the three ballot measures before the voters in May:

- Measure 356, authorizing the sale of \$10.8 million in general obligation bonds for a new police station to replace the existing outdated, seismically unsound, energy inefficient and inadequate station.
- Measure 357, to annex 7.5 acres of land currently in the County but surrounded by the City which could be purchased by the City from the School District as a site for the police station and recreational purposes such as potentially an aquatic center.
- Measure 358, to allow the City to sell 1.6 acres of Sunset Park to the School District to build a new Sunset Primary School at the same location in the Sunset Neighborhood.

Councilor Burgess moved to approve Resolution 2010-20, A Resolution Of The West Linn City Council Supporting All Three City Measures On The May 18, 2010 Ballot Providing For Better Schools, Public Safety, And Recreation Facilities and Urging A Yes Vote. Councilor Carson seconded the motion.

Councilor Burgess stated this is “West Linn’s Triple Play,” a significant opportunity to move the community forward, provide critical and desirable services to this community that have long been needed. He noted a possible conflict of interest. He lives in that neighborhood but his children are all grown and no longer use the facility.

Councilor Carson stated she agrees all three measures are important and supports this resolution. She will be voting in favor of this resolution.

Council President Kovash stated there is a definite need for a new police station. He stated he may have a possible conflict of interest as his grand-daughter attends the school. He has visited and taught math at this school and he agrees that it needs to be replaced. The issue tonight is whether the school will be replaced on the same site (which the neighborhood wants) or whether there will be another site selected. He will be voting in favor of this resolution.

Ayes: Carson, Burgess, Kovash

Nays: None

The motion carried 3-0.

Business Meeting

- a. Agenda Bill 2010-04-26A Second Reading – Ordinance No. 1594, Amending CDC Chapter 25 – Modifying design standards in the Willamette Historic District (continued from April 12, 2010 Council Meeting)

Councilor Carson recused herself from voting on this issue because of a conflict of interest. Since there are three councilors present tonight there is no issue of a quorum with two councilors voting on this issue. Council President Kovash opened the public hearing to discussion of Ordinance No. 1594 at 7:24 p.m.

Peter Spir, Planner reported the proposed amendments were approved by two to one vote at the March 22, 2010 public hearing which necessitates a second reading to be final. Because of the potential for remodeling activity during the spring that is not conducive to maintaining the historic integrity of the District, the City Council vote included the declaration of an emergency which requires that, for the benefit of community health, safety and welfare, this ordinance shall become effective immediately.

Councilor Burgess moved to approve the second reading of Ordinance No. 1594, An Ordinance Modifying Design Standards and Setbacks For Homes, Accessory Dwelling Units and Other Development in the Willamette Historic District per Agenda Bill 2010-04-26A. Council President Kovash seconded the motion.

Councilor Burgess reported these changes are the first of others that will come later. The proposal has been in front of the Planning Commission twice and has received multiple public hearings. An employee has been hired with the expertise in Historic Preservation. There has been a lot of discussion on this issue. He will be voting in favor of this Ordinance.

Council President Kovash stated the architecture in the Willamette Historic District is very important to the people who live there. They have been working on this for a long time. Planning for this type of District is ongoing and future modifications will follow. He will be voting in favor of this ordinance.

Ayes: Burgess, Kovash

Nays: None

The motion carried 2-0.

Councilor Carson returned to the dais at 7:31 p.m.

b. Agenda Bill 2010-04-B

Resolution No. 2010-17, Support of Willamette
Falls Heritage Area Coalition

Council President Kovash opened the meeting to discussion of Resolution No. 2010-17 at 7:32 p.m.

Chris Jordan reported for several years the City has been involved with the Willamette Falls Heritage Area Coalition; Councilor Carson has been the City's representative. It is now time for the City to provide written support of the actions of this group, including steps to a National Heritage Area Feasibility Study.

The mission of the Willamette Falls Heritage Area Coalition is to advocate for and strengthen the identity of the historic working communities of Oregon City and West Linn by preserving and promoting their important and distinctive natural, cultural, scenic, recreational and industrial resources through public/private partnerships.

Sections 1 through 5 of the Resolution indicate the City of West Linn will support the efforts and the goals of the Willamette Falls Heritage Area Coalition; continue to participate in, and provide leadership for, the development of the Willamette Falls Heritage Area and toward the completion of the National Heritage Area feasibility study; pending availability of resources, continue to provide an appropriate share of financial assistance and staff time to complete the Willamette Falls National Heritage Area feasibility study; provide letters of support for securing additional resources for this effort; and that this resolution is effective upon passage.

Councilor Carson reported the Coalition has been working together for a number of years now to try to determine the best venue to interpret the entire area of Willamette Falls, above the falls to below the falls, and including both sides of the River. The National Heritage Area is the best avenue to preserve and interpret all the aspects around the falls.

Councilor Carson moved to approve Resolution No. 2010-17, A Resolution of the West Linn City Councils Stating Its Support Of The Willamette Falls Heritage Area Coalition's Efforts Toward A National Heritage Area Designation per Agenda Bill 2010-04-B. Councilor Burgess seconded the motion.

Councilor Burgess noted that there may be changes over time, but it will be done in a historic preservation process. Councilor Carson stated a National Heritage Area celebrates the on-going current uses at the site. Both of the paper mills have been involved in this process as well as the Portland General Electric Company. These companies support this process because they can continue to have their industries there at the falls; they are part of the heritage of the area.

Ayes: Carson, Burgess, Kovash

Nays: None

The motion carried 3-0.

c. Agenda Bill 2010-04-26C	Resolution 2010-16, Suspension of Enforcement of the Pre-application Conference Requirement for Certain Minor Development Applications
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Council President Kovash opened the meeting to discussion of suspension of Pre-application Conference requirements for minor development applications at 7:36 p.m. He asked for a staff report.

Chris Jordan reported the resolution was revised and the changes are reflected in revised copies of Resolution 2010-15 and Resolution 2010-16.

Chris Kerr, Senior Planner explained this is a resolution to suspend enforcement of the pre-application conference requirements for certain development applications. Several weeks ago it came to staff's attention an inconsistency in Chapter 99.030 (B). The language in that Chapter requires that applicants for development approval attend pre-application conferences unless there is a specific waiver elsewhere in the Code for them.

This resolution will allow staff to continue their current practices without violating the letter of the Code. There are three components to the resolution:

- Direct staff to initiate an amendment to the CDC to rectify the issue (minor development applications exempt from pre-application conference requirements)
- Suspend enforcement of those provisions for those uses (signs, temporary uses, home occupations, sidewalks, final plat, lot-line adjustments, re-vegetation plan, and appeals)
- Sunset provision to have the resolution effective from the time it is signed through December 31, 2010

The pre-application conference for all other types of applications will still be required. There won't be any changes to the current policies and practices.

Councilor Carson moved to adopt Resolution 2010-16, A Resolution Of The West Linn City Council Directing Staff To Suspend Enforcement Of Community Development Code Section 99.030B(1) As It Relates To Pre-Application Requirements For Certain Minor Development Applications Through December 31, 2010 as revised. Councilor Burgess seconded the motion.

Councilor Carson withdrew her motion in order to hear public comments from the audience. Councilor Burgess, who seconded, agreed.

Public Testimony

Alice Richmond, 3939 Parker stated this is a very important issue it is necessary that it be passed. Staff is there to make decisions and she would like to see this suspension apply to all development applications. She trusts that staff can make decisions on the pre-application conferences and encouraged the Council to vote in favor.

Brian Johnson stated he is the business owner at 1717 Willamette Falls Drive and 22000 Willamette Drive. He is in the process of trying to change signage on his restaurant in Central Village and his opening will be delayed if the resolution is not passed. When he went into this venture these changes were not being enforced and now it is. He encouraged Council to lift this bump in the road.

Councilor Carson moved to adopt Resolution 2010-16, A Resolution Of The West Linn City Council Directing Staff To Suspend Enforcement Of Community Development Code Section 99.030B(1) As It Relates To Pre-Application Requirements For Certain Minor Development Applications Through December 31, 2010 as revised. Councilor Burgess seconded the motion.

Councilor Burgess thanked staff for bringing forth this issue; when problems arise, it is best to take care to see that the Code is most effective and efficient. He feels this is a reasonable approach and encouraged staff and citizens to continue to bring forth changes.

Ayes: Burgess, Carson, Kovash

Nays: None

The motion carried 3-0.

c. Agenda Bill 2010-04-26D

Resolution No. 2010-15, Temporary Suspension of Sign
Code Enforcement for Special Signage

Council President Kovash opened the meeting to discussion of Resolution No. 2010-15 at 7:48 p.m. He asked for the staff report.

Chris Jordan reported this resolution directs staff to suspend enforcement of temporary signs in the public right-of-way, provided those signs meet specific time, place and manner criteria, through September 10, 2010. There is a revised resolution submitted last Friday with a change of a new Section 3 which directs staff to initiate amendments to the Community Development Code that would make this suspension permanent.

Councilor Carson stated she initially had concerns about this issue; however, she has not seen an increase in signs during the hours they are allowed. She asked staff if there have been any citizen complaints or concerns expressed. Chris Jordan reported he has not received any complaints. The Council received a letter from the Portland Metropolitan Area Realtors this afternoon supporting this resolution. There have been no complaints.

Councilor Burgess explained approving this resolution does not mean there will be sandwich boards all over; there are specific provisions that must be followed in this resolution.

Council President Kovash stated he had initial concerns about allowing these signs. It was primarily in response to realtors. The Council has been cautious in the use of the right-of-way and sidewalks for signs. He sees no reason at this point to not vote in favor of this motion.

Councilor Carson moved to approve Resolution 2010-15, A Resolution Of the West Linn City Council Directing Staff To Suspend Enforcement Of The Sign Code Related To Temporary Signs In The Public Right Of Way For Specific Times, Places and Manner Through December 31, 2010 per Agenda Bill 2010-04-26D as revised. Councilor Burgess seconded the motion.

Ayes: Carson, Burgess, Kovash

Nays: None

The motion carried 3-0.

Adjournment of Business Meeting

Council President Kovash adjourned the April 26, 2010 City Council meeting at 7:55 p.m.

RESPECTFULLY SUBMITTED,

Tina Lynch /s/

Tina Lynch
City Recorder

APPROVED BY THE CITY COUNCIL
ON MAY 24, 2010

John Kovash /s/

John Kovash, Mayor