



WEST LINN CITY COUNCIL MEETING MINUTES May 10, 2010

Council Present

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

Council Absent:

Councilor Teri Cummings

Staff Present:

Chris Jordan, City Manager, Chris Kerr, Senior Planner; Gene Green, Director of Public Works; Dennis Wright, City Engineer; and City Attorney Tim Ramis

Call to Order/Pledge of Allegiance:

Council President Kovash called the meeting to order at 6:30 p.m. and led the flag salute.

Swearing In of John Kovash as Mayor

Judge Heather Karabeika swore in John Kovash, as the new Interim Mayor of West Linn.

Appointment of new City Council Members

Mayor Kovash opened the meeting to a motion to declare a vacancy on the City Council.

Councilor Carson moved to declare a vacancy on the City Council. Councilor Burgess seconded the motion.

Ayes: Carson, Burgess, Kovash

Nays: None

The motion carried 3-0.

Mayor Kovash asked for nominations for a new councilor.

Councilor Carson moved to appoint Jim Mattis to the position of City Councilor. Councilor Burgess seconded the motion.

Ayes: Burgess, Carson, Kovash

Nays: None

The motion carried 3-0.

Judge Heather Karabeika swore in Jim Mattis as the new City Councilor.

Mayor Kovash asked for a motion to elect a new Council President.

Councilor Carson moved to appoint Councilor Burgess to the office of Council President. Councilor Mattis seconded the motion.

Ayes: Carson, Mattis, Kovash

Abstain: Burgess

Nays: None

The motion carried 3-1-0.

Approval of Agenda

Council President Burgess moved to approve the Agenda as presented. Councilor Carson seconded the motion.

Ayes: Burgess, Mattis, Carson, Kovash

Nays: None

The motion carried 4-0.

Proclamations, Recognitions and Presentations - None

Community Comments:

Jim Milne, 2360 Michael Drive stated he is the current chair of the West Linn Library Advisory Board and he came tonight to thank the City for resolving their parking problem. They are looking forward to make good use of funds set aside for the library and they are willing to assist the City in their efforts.

Alice Richmond, 3939 Parker Road congratulated all the new City Council members. She is looking forward to the future.

Kevin Bryck, 1840 Nixon Avenue invited the citizens to attend the May 22nd Neighborhood Emergency Training Event. Speakers are lined up from the State Department of Geology and representatives from Clackamas County (Hazard Mitigation and Emergency Training). This is a kick-off event to increase public awareness. Speakers will be talking about the hazards, public safety response, and the necessity of individuals having their own emergency plans.

Bob Thomas, 2463 Pimlico Drive stated he came tonight to talk about councilor's proper expenditures of funds (Project 65). These funds could have been more productively used on needs such as replacing small old galvanized pipes, upsizing distribution pipes, or immediately using at least \$75,000 for a new third pump proposed for 2011. The arguments given by Murray, Smith and Associates for replacing of the existing 18-inch main with a 24-inch main is bogus; however, Council accepted these arguments and voted to approve the proposal.

Consent Agenda:

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|----|-------------------------------|---|
| a. | Agenda Bill 2010-05-10A
of | Approval of the Minutes of City Council Meeting

March 22, 2010 |
| b. | Agenda Bill 2010-05-10B
of | Approval of the Minutes of City Council Meeting

April 12, 2010 |

Council President Burgess moved to approve the Consent Agenda consisting of Agenda Bill 2010-05-10A, Approval of City Council Meeting Minutes of March 22, 2010 and Agenda Bill 2010-05-10B, Approval of City Council Meeting Minutes of April 12, 2010 as presented. Councilor Carson seconded the motion.

Ayes: Carson, Burgess, Kovash

Nays: None

Abstentions: Councilor Mattis

The motion carried 3-0-1.

Report from the City Manager

Chris Jordan, City Manager responded to Mr. Thomas' comment about the Council wastefully spending \$1.6 million on capital project #65 (Master Water Plan). The City has not spent any funds on that project at this point. The City Council simply acted to put that project on the approved project list so that it may be done some time in the future.

Mayor Kovash stated that putting this project on the approved list allows the City to collect SDCs. If this project is eventually built it will be paid for by SDCs rather than tax dollars.

Business from the City Council

Councilor Carson encouraged the citizens to attend the "Lock Fest" on Saturday, May 15, 2010. The Willamette Falls Locks are reopening after a year due to an inspection and repair process. There will be historic exhibits, a Pancake breakfast at 7:00 a.m., and both commercial and pleasure crafts going through the locks. She suggested those who visit the locks to tour the police station and reminded the residents to vote yes to support the three measures needed to allow the City to go forward and build a new police station.

Councilor Carson gave an update on Metro's plan regarding the next review, deciding on the expansion of the urban growth boundary (UGB). The Clackamas County Coordinating Committee and representatives from both Metropolitan Policy Advisory Committee and the Joint Transportation Policy Advisory Committee and other representatives have requested that Clackamas County draft a letter to Metro requesting the need for industrial land be recalculated based on the current economic downtrend and the fact there are a lot of vacant commercial properties. They will also ask Metro to reforecast how much land is needed to be brought inside the UGB for industrial and commercial use based on current vacancies.

Council President Burgess thanked the Council for his nomination of Council President and congratulated the new mayor and new council member. He reminded the public on May 18th there are three significant issues for this community on the ballot. It is the citizens opportunity to make major improvements to this community (public safety, approval of general obligation bonds; building of new police station, authorizing the annexation of the Parker Road property; and selling of 1.6 acres of Sunset Park to rebuild an elementary school in that neighborhood). He asked that everyone vote in favor of these measures on May 18, 2010.

In response to Mr. Thomas' comment that there are a number of other improvements that are necessary; it is true. Many of these improvements require funding from citizens to replace restricted and corroded pipes, etc. these are part of the master plan that need to be

done that are not growth related. There are other improvements to be made and Council will be having discussions on funding and water rates.

Council President Burgess asked Mr. Jordan to comment on the recent award recognizing the City's financial system. Mr. Jordan stated Richard Seals, Finance Director deserves the credit for the City receiving the Excellence in Government Reporting award. The employees have done a very good job in preparing the documents that are necessary for the auditors so the City can receive awards such as this one. The City also received the Popular Annual Financial Report and the Comprehensive Annual Financial Report. Award the City of West Linn was the only public agency in the State of Oregon to receive all three awards. This week the City's bond rating was upgraded by Moody's; this means a slightly better interest rate when they go out for bonds.

Mayor Kovash noted this is important because it gives the citizens confidence and the rating agencies confidence in the financial management of the City.

Mayor Kovash stated he will be attending the Lock Fest; he has an interest in the resumption of traffic on the River. He understands there will be a barge that is going to resume commercial transportation on the River.

Mayor Kovash asked the community to vote in favor of the upcoming ballot measures. If the City can sell the park property to the school it will allow them to rebuild Sunset Elementary School. This is very important to that neighborhood. The school is very old and it can't be repaired. The school is going to be rebuilt; if it can't be rebuilt on that site because there is not enough land, the school district will have to dispose of that property and build a school on an adequately sized site. Losing that school in that neighborhood is something the residents have expressed they don't want to have happen.

Councilor Mattis thanked the Council for their vote; he looks forward to working with all the councilors and the City.

Business Meeting

Agenda Bill 09-05-10C

Resolution No. 2010-19, Planning Commission to appoint a subcommittee Residential Infill/PUD Task Force

Mayor Kovash opened the meeting to discussion of Resolution 2010-19 at 7:10 p.m. and asked for a staff report.

Chris Kerr, Senior Planner reported this is a resolution that will grant the Planning Commission the authority to appoint an ad hoc subcommittee to assist in the preparation of code amendments to improve the City's residential infill development.

Mr. Kerr referred to his May 5th memorandum where he addresses two items that came up at the Council's work session. The first item makes a change that allows the subcommittee to have a five-member board if there is difficulty in making the seven-member goal. The second item is the request to have a historic resource advisory board member on the subcommittee.

Public Testimony

Kevin Bryck, 18840 Nixon Avenue stated this is a good first step; it is long overdue. He feels the City owes it to everyone who doesn't live in the Willamette Historic District to make some effort to protect the character and quality of life of their neighborhoods in the same way it is protected in the Historic District.

Council President Burgess moved to adopt Resolution 2010-19, A Resolution Of The West Linn City Council Granting The Planning Commission Authority To Appoint An Ad Hoc Subcommittee ("Residential Infill/PUD Task Force") For The Purpose Of Assisting The Commission To Formulate Amendments To The Community Development Code That Address Ineffective And Inconsistent Elements Of The Code With Regard To Infill Housing Development In The City per Agenda Bill 2010-05-10C as recommended and amended by staff. Councilor Carson seconded the motion.

Councilor Mattis stated he looks forward to see what this committee comes forth with. There will be interviews for three people for the Planning Commission but there is only one position available. There may be two people who are not chosen who may be available for this task force.

Councilor Burgess noted that changing ineffective and inconsistent elements of the code amendments is a goal; the purpose is to make a better community in each of the neighborhoods in the entire city. Citizens are trying to preserve what they like and attain what they don't see today. This is a huge task and he hopes this resolution doesn't restrict the Planning Commission to approach both infill and PUD issue at separate times.

Councilor Carson stated she too feels this is a huge task. It is critical that the PUD is reviewed to make it work for the kinds of situations that are found today and also look at infill, how it is compatible, and what compatibility means in neighborhoods. She looks forward to seeing what the results of the task force's work.

Mayor Kovash stated the charter to the Planning Commission is to look at infill and what this means for the City in the future. Three members of this panel are former members of the Planning Commission and this issue has been discussed for years. He is pleased this task force is now going forward and they are interested in their progress.

Ayes: Burgess, Carson, Mattis, Kovash

Nays: None

Motion Carried 4-0.

Agenda Bill 2010-05-10D

Contract Award, 2-Year Extension Request and Price Increase to the West Linn Drop-Box Collection Services

Mayor Kovash opened discussion on the West Linn Drop-Box Collection Services at 7:18 p.m. He asked for the staff report.

Gene Greene, Public Works Director introduced Frank Lonergan, Operations Manager for Allied Waste Services who is here to answer questions that may come up tonight.

This is an extension request for the drop-box service that Allied Waste Services has a contract for. The contract award is for a two-year extension; the contract ends on June 30, 2010. Staff is proposing a two-year extension; however there is an option for one-year increment rollover if the City so chooses. The last drop-box rate increase was in 2004 next month and Allied Waste Services has requested that the City meet Clackamas County's drop box rates.

Public Testimony - None

Council President Burgess asked if this award is for two years with a one-year rollover in perpetuity as an amendment to the contract or is the rollover provided for in the contract. Mr. Green explained it is an amendment to the contract.

Council President Burgess moved to authorize an amendment to the existing contract for the extension of two years to the contract and associated rate increase with the expiration date of June 30, 2012 with the authority to have a rolling one-year extension option per Agenda Bill 2010-05-10D. Councilor Mattis seconded the motion.

Ayes: Mattis, Burgess, Carson, Kovash

Nays: None

The motion carried 4-0.

Agenda Bill 2010-05-10E

Contract Award, 2-Year Extension Request and

Price Increase for Operation of the Dan Davis Recycling Center

Mayor Kovash opened the public hearing for discussion on the contract award for Dan Davis Recycling Center at 7:23 p.m. He asked for the staff report.

Gene Greene, Director of Public Works introduced Dave Dutra, Vice President and General Manger of Recology, Waste Zero who purchased Dan Davis Recycling last year. He is here tonight to answer questions.

Mr. Green reported the Dan Davis Yard Debris Recycling franchise agreement with Recology ends July 31, 2010. Staff is requesting an extension of two years, extending the agreement to July 31, 2012.

Recology has formally requested the extension and price increase with their letter dated April 26, 2010. The increase in fees will only apply to commercial rates; residential rates will remain unchanged. This extension will allow time for both the City and the Franchisee to discuss forming a new franchise agreement at the end of the extension period.

Councilor Burgess asked if there is a legal sign on the property. Mr. Dutra explained the sign on the site is a temporary sign set up during the Community Clean-up; it will be removed and replaced by a permanent sign if allowed.

Public Comment

Alice Richmond, 3939 Parker Road, stated she has participated in the Free Recycling event. She finds the new management is more courteous, friendly, and was more approachable to all the cars that came in for their service. She suggested that next year the residents are asked to bring some sort of identification that they are City residents. She is in favor of this proposal.

Council President Burgess moved to authorize an amendment to the existing contract for the extension of two years to the contract and associated rate increase with the expiration date of July 31, 2012 with the authority to have a rolling two-year extension option per Agenda Bill 2010-05-10D. Councilor Carson seconded the motion.

Council President Burgess commended the Recycling Center for all the work they do; it is a benefit and service to the community to have the facility. It cuts down on the residents need to drive, encourages recycling and supports the City's sustainability goals.

Ayes: Burgess, Carson, Mattis, Kovash

Nays: None

The motion carried 4-0.

Agenda Bill 2010-05-10F
Improvement

Contract Award, Willamette Sanitary
Project, Project PW 08-03

Mayor Kovash opened the meeting to discussion of the Willamette Sanitary Improvement Project at 7:28 p.m. and asked for a staff report.

Dennis Wright, City Engineer reported the Sanitary Sewer Master Plan contains a list of capital improvement projects (CIP) that need to be completed to provide for growth. CIP-13 is the project before Council tonight for a contract award.

The project was openly advertised as required. A mandatory pre-bid site visit held and 16 bidders attended. The City received 5 bids ranging from \$422,000 to \$659,000. The City's engineering estimate was \$530,000. K & R Plumbing Construction Company was found to be the lowest responsible bidder. References were checked and references were complimentary of their work.

A picture of the site was projected on the screen. The project is 2,875 lineal feet of pipe. It comes from where the sanitary sewer goes under Highway I-205. There is a gap where the slope is so steep that upsizing is not required. Staff is requesting Council's authorization to have the City Manager sign a contract with K&R Plumbing for the accomplishment of PW0803.

Councilor Carson asked if staff thoroughly checked out the references on this contractor. Mr. Wright stated the references were checked and a different vendor has been chosen since the last contractor who did some work previously. Mr. Wright stated the contractor that was low bidder for the last project was second this time. By re-advertising this project, the City saved over \$30,000. This company has been thoroughly checked out.

Council President Burgess asked what would be the impact on the citizens if this project is not done. Mr. Wright explained this project is to upsize a line to handle the current flows and provide for growth. The existing asbestos pipeline has deteriorated; overall it will provide improvement to the system.

Acting as the Contract Review Board, Councilor Carson moved to authorize the City Manger to sign a contract with K&R Plumbing for the accomplishment of PW 08-03 per Agenda Bill 2010-05-10F. Council President Burgess seconded the motion.

Ayes: Carson, Burgess, Mattis, Kovash

Nays: None

Motion carried 4-0.

Adjournment of Business Meeting

The Council encouraged the citizens once again to vote yes on the three measures by 8:00 p.m. on May 18, 2010.

Mayor Kovash adjourned the April 10, 2010 West Linn City Council meeting at 7:37 p.m.

RESPECTFULLY SUBMITTED,

Tina Lynch /s/

Tina Lynch

City Recorder

APPROVED BY THE CITY COUNCIL

ON JUNE 28, 2010

John Kovash /s/

John Kovash, Mayor