

WEST LINN CITY COUNCIL MEETING MINUTES June 14, 2010

Council Present:

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

Council Absent:

None

Staff Present:

Chris Jordan, City Manager; Richard Seals, Finance Director; 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.

Approval of Agenda

Council President Burgess moved to approve the Agenda with one modification; Item 8, Business Meeting, Agenda Bill 2010-06-15-07 to consider the appeal filed by Troy and Gina Bundy of the Planning Director's denial of a Water Resource Area (WRA) permit will be moved to the beginning of the under Business items because it will be continued. Councilor Carson seconded the motion.

Ayes: Burgess, Carson, Cummings, Mattis, Kovash

Nays: None

The motion carried 5-0.

Proclamations, Recognitions and Presentations - None

Community Comments:

Elizabeth Rocchia, 957 Willamette Falls Drive voiced her opinion about the advertising panels attached to the chain-link fence along the back wall of the ball fields. These signs bare the names of local businesses she assumes are sponsors of the baseball clubs. She appreciates this park; she walks her dog there every day. She has watched the park develop from an open grassy field to include community garden plots, play areas, parking lots, a fishing platform, port-a-potties, stone structures and a ball field. All these facilities are used and it is nice seeing people using the park.

Last fall, at the end of the season there were more than 24 advertising panels. They serve no recreational or educational purpose. She assumes businesses pay a fee for the privilege and if the money goes to the ball club it does not diminish the fact that the advertisements are illegal. West Linn has strict signage codes; off-premise advertising is not allowed anywhere. Yet special dispensation has been given to a private club to install these advertisements on public property.

Bruce Swanson, 2071 Fields Drive voiced his concern about an unusual basketball situation that creates a noise nuisance at their property. He showed a video of the noise impacts at their property. He submitted a packet into the record of the video and other information on basketball norms in the City. The video shown was a sample of three segments shot on his property (on the patio, and two inside the house which showed decibel readings). One hoop is placed on the property line just outside their master bedroom windows and the park side of his patio. The neighbors play at all times during the day and night, particularly after 9:30 p.m. The video shows an example of the noise at 11:20 p.m.

Mary Swanson, 2071 Fields Drive stated they have three children and they play basketball and they have lived in West Linn next to two basketball hoops which are not considered a noise ordinance issue. Her neighbors, adults and kids play at these hoops. This noise issue was brought to Council last year. Even when the windows are closed, you can still hear the pounding of the basketballs.

They asked for reinforcement of the noise ordinance last year from three of the City ordinances. The original ordinance law stated if there is a violation of the decibel readings the ordinance will be enforced. For four years they have been subject to this pounding from 7 in the morning to after 10 at night. She asked that the City enforce again the noise ordinance and require significant reduction from the activities that occur and generate noise adjacent to their living space. There was an addition to the noise ordinance that took out the requirement of decibel readings that address decibels inside and outside the home. The current law states it shall be unlawful for any person to create, assist in creating, permit,

continue or permit the continuance of any loud, disturbing or unnecessary noise in the City at any time of day. They cannot call for enforcement in this case because this is basketball. Any other recreational noise (skateboarding, party, music, etc.) is not permitted.

Teresa Zak, 4909 SE Britton Avenue, Milwaukie 97267 stated she is the president of the local ASME Local 350-1 and here tonight speaking in their behalf. She thanked the Council for their professionalism displayed over the last year and a half. It made it easy for them to support the Council and the City Manager for a stable government during trying times.

They are here tonight asking for understanding to be treated as equitably to the non-represented employees and police city staff (the same friends and colleges they work alongside every day). The City signed a contract with the Police less than 12 months ago where they received a minimum cost of living they received at their previous contract. They are not asking for the same as the Police, they are asking for the same adjustment they have in their current contract. They are also proposing that the ASME members receive some of the same benefits that management and non-represented staff are receiving.

Since they have completed less than half of the bargaining timeline, the bargaining team has expressed an unwillingness to move beyond the current proposal and suggested mediation. She asked that the bargaining team come back to the table with a counter proposal that treats her members with the same respect provided to the Police, non-represented employees and management staff.

Claude Bonfiylio, 955 Willamette Falls Drive voiced his concerns about the parking at Fields Bridge Park. He lives by this Park and two years ago he was shown design plans of what the park was to look like. Currently, there are two baseball fields, no soccer field and parking that is completely underestimated. Cars are now parked along Willamette Falls Drive, pedestrians cannot walk because of the parked cars, cyclists cannot continue along this road, and ruts in the road that have been created. He does not feel comfortable taking his grandson to the park because the baseball kids have taken over all the parking at this facility.

Mr. Bonfiylio stated he is a baseball coach and he has coached for many years. He is sympathetic for little league; however, he feels this is not the place or setting for West Linn to build this type of facility. It is ridiculously overcrowded.

Alice Richmond, 3939 Parker Road invited the citizens to attend the 4th July Celebration at Willamette Park. She encouraged people to bring a canned item for donation. She hopes to see a lot of people there to help celebrate.

Roberta Schwarz, 2206 Tannler Drive stated over the course of the many years that she and her husband have lived here they have seen many incidents involving cutting of trees over

the weekend. This has happened on land in the City and land which is still in the boundary of Clackamas County. She submitted photos of a recent tree-cutting incident. A developer calling his development "Green" had a forest of trees cut down to the stumps on a Saturday and had the stumps removed the following Sunday to get rid of the evidence of how big and significant the trees actually were before the City offices opened again on Monday. The developer then advertised on TV how environmentally friendly his company is.

Ms. Schwarz stated she recently met the mayor of a small town at the 2010 Urban and Community Forestry Awards Banquet and asked why he worked so hard to actively protect the trees in his area. He replied it was the right thing to do; a healthy tree canopies reduces green house gasses, improves air quality, trees enhance flood control ground stability and erosion control.

Ms. Schwarz asked that the Council approve a tree ordinance which meets the following criteria: be structured to preserve trees (not exempt them from regulation), apply the ordinances to the vast majority of the remaining trees, have serious and meaningful penalties for violations, protect heritage trees, and provide for the creation of an urban forestry commission to be stewards of the City's urban forest and restoration.

Surja Tjahaja, 2851 Beacon Hill Drive stated he is speaking on behalf of himself; however is a board member of Barrington Heights Homeowners Association. He is a past member of the Economic Task Force, has taught for the Park and Recreation Department, and 14 years of ownership of a swimming pool service and repair companies. He is here tonight to speak to what an aquatic center would mean to the community.

The swimming pool/police center will offer incredible value to the community because it will give everyone an opportunity to exercise in a way that is easy and good for the largest amount of the population (all health backgrounds and all ages). This center would also the school system to offer this feature to students. Mr. Tjahaja stated he feels it is possible to operate swimming pool/aquatic center economically. Hopefully the City can find a way to complete this center with grants and donations.

Vicki Handy, 960 Rancho Loco Lane stated she is here to discuss the aquatic and community center. She has lived in West Linn for 13 years. There needs to be an outlet for the children in the community. Sports are competitive and very expensive and there are not many options for the kids now. She would like to see the children in the community a priority in the community. As a parent she is asking the Council to help provide a safe, supervised, healthy place for the children to gather; someplace other than the Safeway parking lot.

Jane Hickman, 22030 Shannon Place stated she is here because of the failed ballot measure on the police station. She has been a spokesperson for the aquatic center. She is thrilled with the City's opportunity to purchase the Parker Road property. The lack of a site has

always been an obstacle to getting aquatic center in West Linn. She is fully in support of the police station; however she does not feel the police facility and aquatic center uses are compatible at that site. She asked that Council allow citizens to vote on the aquatic center and review other alternatives for putting the police station in a different location.

Bob Thomas, 2563 Pimlico Drive stated he would like to comment on two violations of the City Charter by the Council (Councilor Mattis was not a member of the Council at that time):

- (1) Council is required to invite and review citizen comments on city manager's performance. This was not done. Except for objections by Terri Cummings, the requirement was ignored and said the city manager's contract was off the table.
- (2) The Council is the only authority to hire and fire city attorney. The City Manager hired attorney Jeff Conditt and that hiring was later approved by Council.

Mr. Thomas feels the Council will violate the Charter by trying to persuade people to vote to allow eliminating from the Charter the limitation of a 5% annual water rate increase.

Karie Oakes, 1125 Marylhurst Drive read a letter into the record regarding the illegal tree cutting by a resident on Bland Circle. At the May 24, 2010 Council meeting she submitted a letter of concerns regarding the illegal tree cutting by Mr. Chan. She asked for a reply and has not yet received it. Many citizens have asked Council debate penalties for the tree cutting and how they intend to address citizen concerns. The concerns were not addressed at that meeting, nor did it include a work session on June 7th. She asked again that Council address these citizen concerns.

Mr. Oaks finished reading the letter she did not have time to read at the last meeting regarding the same tree cutting violation. Several suggestions were made regarding tree cutting violations; make the name of the tree cutting service public and pursue the highest penalties for the violations and revoke their business license, notify the issuer of any professional license held by the business of the offense.

Report from the City Manager

Chris Jordan reported a resolution was approved by Council providing the Planning Commission with the authority to appoint a Planned Unit Development Infill Taskforce. The members appointed to this taskforce are Chris Sherland (member of the HRAB and real estate professional), Kevin Bryck and Jerry Offer (active members of neighborhood associations), John Carr (citizen), Barbara Baker (real estate), Christine Steel, and Michael Babbitt (Planning Commission). The two alternates are Thomas Boes and Bill Relyea (neighborhood association presidents).

Business from the City Council

Mayor Kovash reported he attended the Wastewater Advisory Committee on June 3, 2010. Discussion items included a review of Clackamas County Planning and a letter containing seven questions to secure information from the taskforce as to the issues the County feels are important to review (CCSD#1 and Tri-Cities will need additional capacity, district operations, asset management, etc.). The taskforce will review these questions for comment and input at the next meeting.

Councilor Cummings asked Mayor Kovash to comment on the statement that the Tri-Cities plant has reached capacity. Mayor Kovash reported Clackamas County's calculations show that the plants are reaching their maximum capacity and Tri-Cities is reviewing their options for expansion. As more information is brought forward, he will ask questions and keep the Council updated on this issue.

Council President Burgess noted in previous discussions the County has provided data on capacity, forecasts, and options for expansion of the Tri-City, Kellogg, or the building of a new plant. The issue of parity (\$4 million payment) and a lot of data has been presented to Council and this information will be updated and reviewed in the future.

Council President Burgess responded to Mr. Thomas' comments. As required by Charter, Council solicited comments on the city manager's performance. It is every Councilor's right to raise a point of order; it is the mayor's ruling whether the point of order is accepted and if the Council doesn't agree with the mayor's ruling to vote on that point. The City Charter allows for Council to seek legal counsel, it does not prevent the city manager from hiring an attorney within his budget authority. Council had discussions with the city manager about hiring an attorney, names were proposed, the city manager recommended an individual and Council concurred with the recommendation. This council has not had any discussion of changing the City Charter to remove the restriction on the vote of the people to exceed the 5% rate increase.

Councilor Cummings voiced concerns on what information was used to come up with the County's parity analysis for wastewater treatment. She would like to see more information provided to the Utility Advisory Board and City Council. There are questions about parity for the Tri-City plant versus plants that will be serving cities that will be accommodating more growth. She does not want West Linn ratepayers to pay for growth outside the City.

Councilor Mattis reported he attended three meetings. The Robinwood NA meeting had 20-30 people in attendance. Discussions ranged from the proposed police station to sightings of Coyotes in the neighborhood. He also attended the Library Advisory Board is thankful to the City to bridge them over as they apply for 501C3 Status. There were discussions about library parking as they have many programs and not enough parking to accommodate the

participants. He has been attending the Advisory Committee for Willamette Falls TV. Three special meetings will be held on a series of discussions on goals and timelines (evaluating staff, analysis of production, etc.).

Councilor Carson asked staff to look into the issues raised regarding advertising issues at Field Ridge Park. She also asked that the city manager to comment on Ms. Oakes concerns regarding code enforcement on tree issues. Mr. Jordan explained there are two pieces to the enforcement. There is a community development code component which carries a maximum fine. The property owner has been cited for violating the community development code. The Municipal Code is the second component and the individual has been cited to that as well. Both of these citations will be going to Municipal Court. There are no codes that address tree fencing; guidelines are established by staff and not necessarily regulatory or enforceable by the Municipal Judge. City Attorney Ramis reported the enforcement being followed is part of a larger context and larger authority for enforcement. The first step as described by the City Manager, city staff authorized enforcement of the tree ordinances in Municipal Court. Statutory authority has been given to proceed in Circuit Court if there is no enforcement in Municipal Court. There is an additional remedy where the City Manager is empowered to initiate a nuisance proceeding as an alternate authority to gain additional compliance.

Councilor Carson reported Council will have a work session next week to discuss moving ahead with a design for an aquatic center.

Councilor Cummings asked staff to look into the possibility of the Park and Recreation Department helping with a shuttle service to provide remedy for the parking situation at Fields Bridge Park. She agrees with Mr. Thomas' opinion of hiring of attorneys. The City Manager has the authority to hire an attorney; however, she feels the Council should have been more actively involved in the hiring process of the chosen attorney. In regards to such an important issue as the Stafford Triangle she would have liked to have been a part of the process of meeting, interviewing and reviewing the credentials of the prospective attorneys.

In regards to the Swanson's noise ordinance issues; she asked staff to review the ordinances again to see if the Swanson's have suggestions for consideration of clear and objective standards for dealing with their most recent complaint. She would like the City to do a better job in enforcing the land use conditions of approval that require protection of trees from damage.

Councilor Cummings reported on June 1st Mayor Kovash and she attended the Veteran's Administration Clinic opening on Blankenship Road. It was a positive event and they met and spoke with many people. There are a lot of things cities are doing to support their troops and families while they are serving and when they come home and reintroduce

themselves back into society. She welcomed any ideas from the community on how West Linn can provide to welcome their local troops back home.

Councilor Burgess asked that those supporting the aquatic center to keep an open mind and allow staff time to review the data to see whether both goals of replacing the police station and an aquatic center are feasible.

Councilor Cummings reported ODOT came to the League of West Linn Neighborhood Association and gave a presentation about the proposed _____ Bridge. In the course of that discussion it was noted the solar highway is still being considered. She asked staff to comment on the City's authority on zoning on this property. Mr. Ramis stated the City has zoning authority on all land in the City limits including rights-of-way, property owned by the State or an agency of the State. Inquiries have been made with the Attorney General's office whether or not there is statutory or other authority that would limit the ability of the City to regulate uses in public rights-of-way. While initially there was the view there was such an authority, the Attorney General's office has not been able to indicate they have found anything that would limit West Linn's zoning authority. Oregon Department of Transportation (ODOT) does not have authority to limit the City's zoning; the City ultimately decides what the zoning designations will be within the limits of the State Land Use Laws.

Mr. Jordan stated part of the property is part of the I-205 right-of-way. A portion of the property owned by ODOT is zoned residential. Any solar highway development on the residential zoned portion they would need to apply for a variance or zone change.

Business Meeting

Agenda Bill 2010-06-15-07

AP-10-01, Consider the Appeal Filed by Troy and Gina Bundy of the Planning Director's Denial of a Water Resource Area (WRA) Permit

Mayor Kovash opened the public hearing on the Bundy Appeal at 7:44 p.m. and asked for a staff report.

Chris Jordan, City Manager reported staff received a letter from the attorneys representing the Bundy's requesting a continuation of their hearing extending the 120-day rule to August 21, 2010. Staff is asking Council for a motion to continue the land use hearing to July 19, 2010 at 6:00 p.m.

Councilor Carson moved to continue Agenda Bill 2010-06-15-07, Consideration of the Appeal Filed by Troy and Gina Bundy of the Planning Director's Denial of a Water Resource Area (WRA) Permit to July 19, 2010 at 6:00 p.m. Councilor Mattis seconded the motion.

Ayes: Carson, Cummings, Mattis, Burgess, Kovash

Nays: None

The motion carried 5-0.

Agenda Bill 2010-06-15-01

Public Hearing on Water Rates

Mayor Kovash opened the meeting to discussion of water rates at 7:49 p.m. and asked for a staff report.

Mr. Jordan reported Council had a staff presentation in a work session and previous Council meeting. There have been two open houses held on water infrastructure and the need for change in water rates. Future open houses will be held on June 16, 2010 at 7:00 p.m. at the Willamette Fire Station and a staff presentation and public input at the June 28th Council public hearing to determine whether a ballot measure placed on the September ballot related to an increase of water rates greater than 5% as required by the City Charter.

There is information about this issue on the City's website including a rate calculator that will estimate individual homeowner's rates based upon their current and projected water usage.

Public Testimony

Alice Richmond, 3939 Parker Road stated she doesn't want to punish kids who want an aquatic center, however today she feels the priority is improving the condition of the water infrastructure. There has been very good information provided to the citizens about the condition of the City's water pipes. She feels there is a dire necessity to increase the water rates so the infrastructure can be improved to meet the City's needs.

Bob Thomas, 2563 Pimlico Drive submitted to Council a copy of his article published in the May 27, 2010 *Tidings Newspaper*. He feels the real reason behind the water increase is to implement the new master water plan. Water rates need to be raised beyond 5% to accomplish the goals set out in the Water Master Plan. The article explains and shows there can be a savings totaling \$6,575,000 was possible by eliminating the elements in the Master Plan that give the authority to supply water into the Stafford Triangle. Additional savings can be had by fully and partially funding capital maintenance and improvement projects by growth impact fees on developers (system development charges).

Councilor Carson stated that any proposed rate increase will be going to the voters for approval. Any rate increase over 5% has to go to the vote of the citizens. Council is not asking to eliminate the 5% limit. She recognizes that there is a lot of aging infrastructure in the city that needs to be replaced. Developers cannot pay for pipes that have been in the ground for over 100 years. It is critical to get started on some of these replacement

projects. She asked that citizens read the materials on line, attend public meetings to view the examples of aging pipes and be well informed about the city's water system. None of the infrastructure upgrades will go to serve the Stafford Basin; it is not included in the Water Master Plan. A 5% rate increase is not enough, there needs to be more if the citizens want to maintain their water system.

Councilor Mattis noted the Bolton Reservoir is 97 years old. Water and the water system is something that citizens and consumers expect it to be there. It is assumed the City will provide the appropriate system. The City's goal is to promote conservation, consider alternatives where the highest users pay according to their usage, and ways to provide, maintain and preserve the water system. This measure to raise the rates more than 5% will allow the City to reach these goals.

Council President Burgess reported the adopted Water Master Plan calls for \$21 million worth of projects, \$12 million of improvements. The state law does not allow cities to charge developers for maintenance. It is up to the City, existing residents and future residents to address maintenance, conservation and phasing. Staff and attorney have indicated the rate increase will require a vote of the people. He believes that both maintenance and repairs should require a vote of the people.

Councilor Cummings asked staff to provide Council with information on the following questions:

- Has there has been a new water standard set with the new Water Master Plan
- Are there alternatives of reduced costs versus increasing the rates
- Comments on the issue that rates have been increased for the past 5 years and only one project was completed
- What is the dollar difference between necessary maintenance and replacement and upsizing from the previous system

Mayor Kovash called a recess at 8:15 p.m. and the meeting reconvened at 8:28 p.m.

Councilor Cummings continued her questions:

- Is the need for increased capacity based on a new storage standard or the old storage standard
- To what extent will the new system be larger than the previous system

Mayor Kovash explained this public hearing was held to receive and discuss public input. There will be another public hearing for input at the June 28, 2010 Council meeting.

Mayor Kovash opened the public hearing for discussion of dog licensing at 8:30 p.m. He asked for the staff report.

Richard Seals, Finance Director reported this Ordinance will amend Section 5.2 of the Municipal Code by transferring dog licensing and fee collection function of the City's Dog Control program to Clackamas County.

A minor language amendment was noted:

- Exhibit A, fourth sentence changed to read: "If the person fails to obtain the license then the license fee shall be in an amount equivalent to the regular license fee, plus an additional amount equivalent to the penalty established by the County."

Public Comment -- None

Mayor Kovash closed the public testimony portion of the hearing and opened it to discussion among the Councilors.

Councilor Cummings read the ordinance by title only for the first time and moved to approve Ordinance No. 1595, An Ordinance of the City Council Of The City of West Linn Amending The West Linn Municipal Code To Transfer The Dog Licensing And Fee Provisions Of The City's Dog Control Program Over To Clackamas County To Administer Under Their Dog Licensing Function per Agenda Bill 2010-06-14(2) with the correction to the fourth sentence in Exhibit A to remove the phrase "...within the time provided by this section." Councilor Mattis seconded the motion.

Ayes: Mattis, Burgess, Carson, Cummings, Kovash

Nays: None

The motion carried 5-0.

Councilor Carson read the ordinance by title only for the second time and moved to approve Ordinance No. 1595, An Ordinance of the City Council Of The City of West Linn Amending The West Linn Municipal Code To Transfer The Dog Licensing And Fee Provisions Of The City's Dog Control Program Over To Clackamas County To Administer Under Their Dog Licensing Function per Agenda Bill 2010-06-14(2) with the correction to the fourth sentence in Exhibit A to remove the phrase "...within the time provided by this section." Council President Burgess seconded the motion.

Ayes: Burgess, Carson, Cummings, Mattis, Kovash

Nays: None

The motion carried 5-0.

Agenda Bill 2010-06-15-03
the

*Public Hearing – Resolution No. 2010-22, Continuing
the
2nd Year of State Revenue Sharing Election*

Mayor Kovash opened the meeting to discussion of state revenue sharing at 8:34 p.m. and asked for a staff report.

Richard Seals, Finance Director reported the City is required to hold two public hearings, one at the Citizen Budget Committee level and one at City Council level to consider citizen input on the proposed uses of State Revenue Sharing funds (\$220,000/year) received. This public hearing completes the State obligation.

Public Comment -- None

Mayor Kovash closed the public testimony portion of the hearing and opened it to discussion among the Councilors.

Council President Burgess moved to approve Resolution No. 2010-22, A Resolution of the City of West Linn Declaring the City of West Linn's Election to Receive State Revenue Sharing Funds (General Funds Of The State) In the 2010-2011 Biennium per Agenda Bill 2010-06-14(3). Councilor Mattis seconded the motion.

Ayes: Carson, Cummings, Mattis, Burgess, Kovash

Nays: None

Motion carried 5-0.

Agenda Bill 2010-06-15-04

*Resolution No. 2010-23, Committing Revenues Pursuant
to New Pronouncement from the Government
Accounting Standards Board (GASB)*

Mayor Kovash opened the public hearing for discussion of new government requirements for cities at 8:35 p.m. He asked for the staff report.

Richard Seals, Finance Director reported a new Government Accounting Standards Board (GASB) Pronouncement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions requires a resolution that formally commits revenues to be accounted for in special revenue funds, categories fund balances, and establishes policies. This new pronouncement requires the Council to adopt a formal resolution to maintain the City's fund structures as adopted in the 2010-2011 budget process.

Public Comment -- None

Mayor Kovash closed the public testimony portion of the hearing and opened it to discussion among the Councilors.

Council President Burgess asked Mr. Seals to confirm that this requirement is the only action that will be taken on the budget tonight. Mr. Seals stated there was a Citizens Budget Committee Meeting last month as an update, but there is no formal action needed from them. The budget is on a two-year cycle and these issues will be addressed next spring. There are no budget issues, overages or a supplemental budget adjustment with this pronouncement; the only action is for Council to approve Resolution 2010-23 committing revenues to be accounted for.

Councilor Cummings asked if this requirement includes policies that inform the citizens when fees are added or subtracted. Mr. Seals said no, the pronouncement requires the City to formalize the revenue streams they have and the ones chosen to allocate to special funds go through the Citizens Budget Committee.

Council President Burgess moved to approve Resolution 2010-23 committing revenues to be accounted for in special revenue funds, categories fund balances, and establishing policies pursuant to GASB 54 per Agenda Bill 2010-06-14(4). Councilor Carson seconded the motion.

Ayes: Cummings, Mattis, Burgess, Carson, Kovash

Nays: None

The motion carried 5-0.

Agenda Bill 2010-06-15-05

Resolution No. 2010-24, Updating the Master Fees and Charges Document

Mayor Kovash opened the public hearing for discussion of master fees and charges at 8:40 p.m.

Richard Seals, Finance Director reported all the City fees are compiled in one document (Master Fees and Charges Document) and bring it before Council once a year for review and comments. A draft resolution has been submitted to Council with the proposed changes highlighted in red.

Public Comment

Mayor Kovash closed the public testimony portion of the hearing and opened it to discussion among the Councilors.

Council President Burgess stated overall West Linn's rates indicated in comparison with other cities are the second lowest rates and the water rates are the lowest of the same cities.

Council President Burgess moved to approve Resolution 20110-24 revising fees and charges as shown in Attachment A and updating the Master Fees and Charges document per Agenda Bill 2010-06-14-(5). Councilor Carson seconded the motion.

Councilor Cummings stated she will be voting no because she is concerned about carrying forward the language on Page 1 of 33, General Information Section 1.2: "The City Manager is authorized to waive or decrease a fee or charge in a particular matter or establish a fee not yet authorized in the schedule. When a new fee is established by the City Manager it shall be incorporated into this resolution and shall be included and specified during the next update to the document. It shall be communicated to the Council in writing to allow opportunity for comment. The request for waiver of reduction may be in writing if the City Manager designates or agrees to said waiver or reduction and he or she may inform the City Council in writing of that request except in minor matters of \$500 or less." She would like to see consensus among the Council for clearer language regarding the City Managers authority to establish a fee. She is also concerned about the charge to citizens for public requests; it goes against the principles of Goal I for transparency and citizen participation.

Councilor Carson stated she will be voting in favor of this motion as submitted. She feels the resolution is a reasonable approach to the expenses that need to be processed.

Councilor Mattis stated he will be voting in support of the motion as submitted.

Mayor Kovash stated he will be voting in support of the resolution. The City Manager is the responsible official for West Linn and his authority to set fees is appropriate.

Council President Burgess stated he will be voting in favor of the resolution as submitted.

Councilor Cummings noted on Page 1 of 33, General Information 1.3, Statement of Hourly Rates indicates, "...the City employee hourly rate shall be calculated as three times the employee's hourly pay to the nearest \$5 increment and it shall be used to recover costs for those services billed on an hourly basis but not limited to professional services such as planning, engineering, public work, utility, financial, legal, and police services. The use of a multiplier of three is intended to recover all overhead, training, benefits, and other costs associated with city employee time. Any work performed during overtime hours shall be billed the calculated hourly rate multiplied by 125%." She understands it is important to be

cost effective however when it comes to public participation, the public are the ratepayers who are already paying for their government.

Council President Burgess called the Question

Ayes: Burgess, Carson, Mattis, Kovash

Nays: No

The motion carried 4-1.

Agenda Bill 2010-06-15-06

Allocation of Community Grant Funds for the Fiscal Year 2010-11

Mayor Kovash opened the public hearing for discussion of grant funds at 8:54 p.m. He asked for the staff report.

Richard Seals, Finance Director reported the Citizens' Budget Committee reviewed 20 Community Grant requests totaling \$51,000. The budget funded this program for \$25,000. After several meetings of the Citizens' Budget Committee refined and developed their policy guidelines, confirmed and approved a final list of recommendations. That list is before Council tonight for review and approval.

Public Comment -- None

Mayor Kovash closed the public testimony portion of the hearing and opened it to discussion among the Councilors.

Council President Burgess moved to approve the Community Grant requests as recommended by the Citizens Budget Committee per Agenda Bill 2010-06-14(6). Councilor Carson seconded the motion.

Council President Burgess commended the Budget Committee and Citizens' Budget Committee on a job well done on their selection of recipients of the Community Grant requests. He will be voting in favor of the motion.

Councilor Cummings stated she appreciates all the hard work these organizations do with the funds they receive. She will be voting in favor of this motion.

Councilor Mattis stated he appreciates what the subcommittee of the Budget Committee submitted as recommendations at Council work session. He will be voting in support.

Ayes: Carson, Cummings, Mattis, Burgess, Kovash

Nays: None

The motion carried 5-0.

Adjournment of Business Meeting

Councilor Mattis moved to have staff put the noise nuisance (basketball) issue on the agenda for a future work session. Councilor Cummings seconded the motion.

Council President Burgess asked staff to prepare an update on this situation to be reviewed during the discussion at the work session.

Councilor Cummings asked if there could also be a discussion on the process for complaint-driven requests.

Council President Burgess called the Question

Ayes: Cummings, Mattis, Burgess, Carson, Kovash

Nays: None

The motion carried 5-0.

Mayor Kovash adjourned the June 14, 2010 West Linn City Council meeting at 9:02 p.m.

RESPECTFULLY SUBMITTED,

Tina Lynch /s/

Tina Lynch

City Recorder

APPROVED BY THE CITY COUNCIL

ON JULY 26, 2010

John Kovash /s/

John Kovash, Mayor