



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

**WEST LINN
CITY COUNCIL MEETING
MINUTES**

Includes edits proposed by Council President Burgess
July 26, 2010

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

Council Present:

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

Staff Present:

City Manager Chris Jordan, Assistant City Manager Kirsten Wyatt, Parks & Recreation Director Ken Worcester, City Engineer Dennis Wright, and City Prosecutor Rhett Bernstein.

[Approval of Agenda](#)

Council President Scott Burgess moved to approve the agenda with the following changes: move contract awards and IGA from consent to business meeting and remove Sustainability Advisory Board appointment from this agenda. Councilor Jody Carson seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Community Comments](#)

Ms. Sherry Palmer - raised concern about vacant, unfinished homes on Hillside Drive, weed growth, and potential safety issues

Mr. Bruce Johnson - raised concern about vacant, unfinished homes on Hillside Drive, weed growth, and potential safety issues

[Photos of Hillside Drive submitted by Mr. Johnson](#)

Mr. Bryan Gilbert - raised concern about vacant, unfinished homes on Hillside Drive, weed growth, and potential safety issues; tree on property

Ms. Donna Wilson - raised concern about vacant, unfinished homes on Hillside Drive, weed growth, and potential safety issues

Ms. Lynne Detrick - raised concern about vacant, unfinished homes on Hillside Drive, weed growth, and potential safety issues

Mr. Bruce Goldson - raised concerns about the expiration of approval on Shannon Lane MIP-07-02

Mr. Andy Rocchia - raised concerns about Fields Bridge Park and about park development and pesticide use near the river

[Materials submitted by Mr. Rocchia](#)

Ms. Alice Richmond - recognized the success of the 4th of July concert and fireworks

[Letter submitted by Ms. Richmond](#)

City Manager Chris Jordan provided feedback on the status of some items raised during Community Comments and indicated to the neighbors concerned about Hillside Drive that staff would provide email and Citizen Support Center follow-up to them, as well as Code Enforcement assistance.

[Consent Agenda](#)

Agenda Bill 2010-07-26-01: Draft Minutes for Approval From June 14, 2010

[Agenda Bill Cover Sheet - June 14, 2010 Minutes](#)

[Draft Minutes from June 14, 2010 Meeting](#)

Councilor Cummings indicated that she will not be voting to approve these minutes because the minutes were lacking details about a specific discussion between Mayor Kovash and Councilor Cummings.

Council President Scott Burgess moved to approve the consent agenda consisting of Agenda Bill 2010-07-26-01. Councilor Jody Carson seconded the motion.

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

Nays: Councilor Teri Cummings.

The motion carried 4 - 1

[Report from the City Manager](#)

Mayor Kovash asked about the committees being formed for the police station and aquatic center.

Mr. Jordan responded on the status of the formation of these committees.

[Business from the City Council](#)

Councilor Carson requested follow-up on Mr. Rocchia's concerns related to building structures in WRA; fertilizer on park; concerns about drainageway.

Parks & Recreation Director Ken Worcester clarified that the amounts and type related to fertilizer as

specified by Mr. Rocchia were incorrect. Mr. Worcester provided clarification on the type of fertilizer that is used and the general application/goals related to fertilizer application. He also clarified that the restroom is across the parking lot from the WRA.

Councilor Mattis explained that staff cannot be advocates related to water rates and provided clarification that only elected officials can advocate. He further clarified that because staff are employees of the City, they cannot advocate on political measures, and can only give information.

Councilor Cummings asked about a need for a 'public announcement' that the water rate ballot measure will not be on September ballot.

Councilor Cummings request for documentation or emails related to the February 8, 2010 resolution.

Mayor Kovash clarification that the incident in question related to a confrontation between former Mayor Galle, Councilor Cummings, and City Manager Jordan, and that Councilor Cummings was advised in the resolution what the specific behavior was. Further specification from Mayor Kovash that he did not desire to discuss this topic.

Councilor Cummings addressed the February 8, 2010 resolution.

Council President Burgess indicated that he spoke with Councilor Cummings in February 2010 about his perspectives and reasons for the resolution.

Council President Burgess discussed Rosemont Road development where the public improvements (e.g. sidewalks) have been under construction for months.

Council President Burgess expressed disappointment that the water rate measure will not be on the September ballot; but clarified that the water rate measure will be on the November ballot and that the City Council can advocate for this measure as part of their roles as elected officials.

Council President Burgess made a statement related to 'substantial construction' and how this affects the Goldson property brought up during Community Comments.

Council President Burgess reiterated that the 4th of July had an amazing turnout; Street Dance was a big success; Old Time Fair had great turnout; Music in the Park was doubly successful. He commented that

these are positive reflections on our community.

Councilor Cummings asked if the conflict of interest statement had been received from Jeff Condit. Mr. Jordan responded that he had not yet received a statement from Mr. Condit.

Councilor Teri Cummings moved to remove the February 8, 2010 resolution admonishing false accusations. The motion failed for the lack of a second.

Councilor Cummings shared her perspectives on the lack of seconds for her motions related to the February 8, 2010 resolution and her requests for documentation related to the February 8, 2010 resolution.

Mayor Kovash clarified that the Council did not see the documentation referred to by Councilor Cummings, and that the City Manager had placed it in his personnel file.

Councilor Carson clarification that she did discuss the February 8, 2010 resolution with Councilor Cummings previously.

Councilor Carson thanked all staff and citizens who have put on the recent special events.

Councilor Carson expressed her disappointment with the delay in putting water rates on the ballot, and asked staff to use the delay to arrange additional opportunities for community outreach.

Councilor Mattis concurred with Councilor Carson and Council President Burgess regarding special events; he also thanked residents who volunteer and made a request to have a volunteer celebration for all City volunteers.

Councilor Teri Cummings moved to direct the City Manager to provide the documentation and emails related to the incident that prompted the February 8, 2010 resolution. The motion failed for the lack of a second.

Mayor Kovash clarified that the Old Time Fair is organized by ten volunteers.

Business Meeting

[Agenda Bill 2010-07-26-02: Contract Award - Janitorial Services](#)

[Agenda Bill Cover Sheet - Janitorial Services Contract Award](#)

[Janitorial Contract](#)

Staff report by Mr. Worcester.

Council President Scott Burgess moved to approve Agenda Bill 2010-07-26-02 (acting as Contract Review Board). Councilor Jim Mattis seconded the motion.

Councilor Mattis commented that this is the 20th anniversary of the ADA.

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

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2010-07-26-03: Contract Award - Midhill & Robinwood Parks Restrooms and Spraypads](#)

[Agenda Bill Cover Sheet - Restrooms & Spraypad Contract Award](#)

[Restroom & Spraypad Memorandum](#)

Staff report by Mr. Worcester.

Council President Scott Burgess moved to approve Agenda Bill 2010-07-26-03 (acting as Contract Review Board). Councilor Jody Carson seconded the motion.

Councilor Cummings noted that the City Council moved tonight's contract awards to the business meeting so the public is aware of how City funds are used.

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

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2010-07-26-04: IGA - Clackamas County Project Payback](#)

[Agenda Bill Cover Sheet - Project Payback](#)

[Project Payback IGA](#)

Staff report by Mr. Worcester.

Councilor Mattis asked a question of the City Attorney related to Section 5C, indemnity clause and proposed a change.

Council President Scott Burgess moved to amend the IGA subject to Clackamas County's approval of the Councilor Mattis revision. Councilor Jim Mattis seconded the motion.

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

Nays: None.

The motion carried 5 - 0

Council President Scott Burgess moved to approve the amended IGA included in Agenda Bill 2010-07-26-04. Councilor Jody Carson seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2010-07-26-05: Ordinance Number 1596 - Police Inventory Policy Code Change](#)

[Agenda Bill Cover Sheet - Police Inventory Police Code Change](#)

[Ordinance Number 1596](#)

[Exhibit A to Ordinance Number 1596](#)

Staff report from City Prosecutor Rhett Bernstein

Councilor Mattis asked if this ordinance needs an emergency clause for immediate enactment after the second reading.

City Attorney Cindy Phillips provided clarification that an emergency clause is needed for the ordinance to be in effect immediately; she also provided guidance that an emergency clause can be added tonight.

Councilor Jim Mattis moved to amend Ordinance Number 1596 to include an emergency clause. Council President Scott Burgess seconded the motion.

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

Nays: None.

The motion carried 5 - 0

Council President Burgess asked Mr. Bernstein to describe purpose of this ordinance.

Mr. Bernstein provided clarification on the reasons for this ordinance and how it protects citizen safety.

City Attorney restatement of the motion with the emergency clause addition

Council President Burgess provided clarification that the addition of an emergency clause is so the ordinance can be in immediate effect rather than in 30 days for the benefit of public safety.

Mayor John Kovash moved to approve Amended Ordinance Number 1596 related to a police inventory policy code change (first reading).

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

Nays: None.

The motion carried 5 - 0

Council President Scott Burgess moved to approve Amended Ordinance Number 1596 related to a police inventory policy code change (second reading).

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

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2010-07-26-06: Resolution Number 2010-28 - Traffic Flow Designation at Falls View \(Between Hemlock and Pine Streets\)](#)

[Agenda Bill Cover Sheet - Traffic Flow Designation](#)

[Traffic Flow Designation Memorandum](#)

[Resolution Number 2010-28](#)

[Site Plan for Resolution Number 2010-28](#)

Staff report and Power Point presentation from City Engineer Dennis Wright.

Council President Scott Burgess moved to approve Resolution Number 2010-28 related to the traffic flow designation at Falls View (between Hemlock and Pine Streets). Councilor Jody Carson seconded the motion.

Council President Burgess asked for clarification of storm drain cleaning schedule.

Councilor Cummings expressed her appreciation for outreach at NA meetings and the traffic committee.

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

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2010-07-26-07: Resolution Number 2010-29 - Voter Referral of Use of Park Property for Pedestrian Access](#)

[Agenda Bill Cover Sheet - Voter Referral of Park Property Use](#)

[Voter Referral of Park Property Use Memorandum](#)

[Resolution Number 2010-29](#)

[Exhibit A for Resolution Number 2010-29](#)

Staff report and map by Mr. Wright.

Council President Scott Burgess moved to approve Resolution Number 2010-29 related to voter referral of use of park property for pedestrian access. Councilor Jody Carson seconded the motion.

Council President Burgess asked for clarification of the exact footage of the area for voter referral.

Council President Burgess asked a question about the 'big picture' related to pedestrian safety in this area.

Council President Burgess asked about cars towing boats and their turning ability onto 14th Street.

Council President Burgess asked about Willamette Park access, pedestrian access.

Councilor Carson reiterated her support for this item and spoke to the logic related to boating access and the possibility for high-centering. She also asked for better signage in the park related to access.

Councilor Mattis provided a reminder that this resolution is required by the Charter, and there is a cost to the City to place this measure on a ballot.

Council President Burgess requested that other park entrance areas be considered/reviewed/evaluated.

Council President Burgess shared his opinion on Volpp Street access and potential conflicts if made two-way at a later date.

Councilor Cummings expressed her appreciation for maps and neighborhood meeting minutes.

Councilor Cummings inquired if this issue will go to the Planning Commission.

Mr. Wright clarified that this is one issue that is part of the larger pedestrian package; later on, the City will address Volpp Street issues.

Councilor Cummings asked a question related to traffic revisions.

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

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2010-07-26-08: Contract Award - Marylhurst Park](#)

[Agenda Bill Cover Sheet for Marylhurst Park Contract Award](#)

Staff report by Mr. Worcester.

Council President Scott Burgess moved to approve Agenda Bill 2010-07-26-08 (acting as Contract Review Board). Councilor Jody Carson seconded the motion.

Councilor Cummings asked about public participation related to this park and what this contract award entails.

Mr. Worcester clarification that park design information is online at <http://westlinnoregon.gov> and that this is phase one of the project.

Mr. Jordan reminded the City Council that they were apprised of the parks capital projects list projects at the July 8, 2010 Council retreat.

Mr. Worcester clarified that a memo detailing the park development is posted online for interested citizens.

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

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2010-07-26-09: Contract Award - Willamette River Access Project](#)

[Agenda Bill Cover Sheet for Willamette River Access Project Contract Award](#)

[River Access Dock Findings](#)

Staff report by Mr. Worcester.

Councilor Jody Carson moved to approve Agenda Bill 2010-07-26-09 (acting as Contract Review Board). Councilor Jim Mattis seconded the motion.

Councilor Carson commented that this is a popular access point to the Willamette River.

Mr. Worcester indicated that there is a benefit to the public and also to fish habitat.

Councilor Mattis noted that this is a win-win for the City... and for fish. Also clarified that this is part of much larger concerns related to river, locks, falls, etc.

Mr. Worcester gave praise to the Willamette Falls Coalition and their work looking at the whole area.

Council President Burgess provided recognition to the City Manager and the Parks Director and the volunteers they work with and the work they are accomplishing this summer.

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

Nays: None.

The motion carried 5 - 0

[Adjournment of Business Meeting](#)