

WEST LINN CITY COUNCIL MEETING MINUTES October 11, 2010

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

Council Present:

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

Staff Present:

City Manager Chris Jordan, City Attorney Tim Ramis, Assistant City Manager Kirsten Wyatt, and Senior Planner Chris Kerr.

[Swearing-In Ceremony for Mayor Kovash and Councilor Tan](#)

[Pie & Ice Cream Reception](#)

[Approval of Agenda](#)

Council President Scott Burgess moved to approve the agenda including a change in the order of items to reflect that the swearing-in and reception preceded this motion to approve the agenda. Councilor Jody Carson seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Community Comments](#)

Alice Richmond - Ms. Richmond noted that her friend Loretta Schwarz is not related to Edward and Roberta Schwarz. She stated that she believes the information included in the voters pamphlet argument written by Edward Schwarz is "untrue." She took issue with the calculations contained in Mr. Schwarz' argument; and shared her belief that Mr. Schwarz did not attend the available meetings to gain accurate information.

Karie Oakes - Ms. Oakes shared her belief that the 2007, 2008 and 2009 performance evaluation processes for Chris Jordan were not completed in those years. Ms. Oakes also stated that she desires public participation in the City Manager's performance evaluations. Ms. Oakes described her experience with the City refusing to provide access to the record because the evaluations were not finalized. The City of Tigard provided their City Manager's evaluation to her in two days.

Bob Thomas - Mr. Thomas stated that raising water rates by five percent a year over seven years in a row is a 41 percent increase. Stated that he echoes Ms. Oakes in her concern about the City Manager's evaluations from prior years. He also requested more "forthrightness" about evaluations. Mr. Thomas registered disapproval that City Councilors made a consensual agreement in executive session July 27, 2009, taking the City Manager contract off the table prior to considering his comments.

Council President Burgess requested Mr. Thomas to state the section of his Charter that he called into question during his Community Comments statements. Mr. Thomas stated that the Charter had been violated. Councilor Cummings asked for the opportunity to ask a question. Mayor Kovash asked the City Council if this issue should be engaged now, or later. Council President Burgess indicated that he asked a question of Mr. Thomas and is comfortable with anyone asking questions for clarification regarding Mr. Thomas' statements. Councilor Cummings asked Mr. Thomas if he is referring to Charter Ch. 4, Sec. 21. Mr. Thomas indicated that he was, and shared his belief that the Charter statement "shall consider public input..." was not completed.

[Consent Agenda](#)

[Agenda Bill 2010-10-11-01: Minutes from the July 19, 2010 Meeting](#)

[Draft July 19, 2010 Minutes](#)

[Agenda Bill 2010-10-11-02: Minutes from the September 27, 2010 Meeting](#)

[Draft September 27, 2010 Minutes](#)

Councilor Cummings indicated that she will not vote to approve the minutes because she would like clearer language to be used in the minutes draft. Councilor Cummings indicated that she would like to recommend some changes and then listed some of her areas of concerns with the minutes draft. Council President Burgess asked if there is an amendment to the motion, and noted that this discussion already took place at the work session and that the City Manager had previously welcomed any edits to the minutes.

Councilor Teri Cummings moved to pull the September 27, 2010 minutes from the consent agenda. Councilor Jody Carson seconded the motion.

Ayes: Councilor Jody Carson, and Councilor Teri Cummings.

Nays: Mayor John Kovash, and Council President Scott Burgess.

The motion failed 2 - 2

Council President Burgess noted that the motion to approve the consent agenda should be split to reflect the two sets of minutes.

Council President Scott Burgess moved to approve the July 19, 2010 minutes. Councilor Jody Carson seconded the motion.

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

Nays: Councilor Teri Cummings.

The motion carried 3 - 1

Council President Scott Burgess moved to approve the September 27, 2010 minutes. Councilor Jody Carson seconded the motion.

Ayes: Mayor John Kovash, and Council President Scott Burgess.

Nays: Councilor Jody Carson, and Councilor Teri Cummings.

The motion failed 2 - 2

Councilor Carson directed Councilor Cummings to provide direction to staff on requested edits to the September 27 minutes. Councilor Cummings stated that she will provide some edits to staff.

[Report from the City Manager](#)

City Manager Jordan noted that Neighbors Helping Neighbors is this weekend, please sign up. He noted that the City currently has openings on Citizen Advisory Groups. And, he introduced Kathy Mollusky as the new City Recorder.

[Business from the City Council](#)

Councilor Carson provided a regional water providers consortium update. Encouraged citizens to visit ConserveH2O.org; stated that the site has information about water conservation as well as some of the ads used in the media presentation. She also noted that this group is looking at emergency preparedness interconnectedness.

Council President Burgess indicated his intent to provide clarification about a Community Comments statement regarding a Charter violation. He stated that public comments regarding the Manager's performance was taken, read, and considered in the Manager's evaluation. He noted he is "more than content" with the City Manager's performance. He then thanked Jim Mattis for his willingness to serve on the Council, and also as a City volunteer [on the Historic Review Board and assisting the Council with the City Manager's performance evaluation tool]. He welcomed Councilor Tan to the Council, and congratulated her and Mayor Kovash. He reminded voters that the November ballot includes two Council positions as well as two measures and advocated a "yes" vote on both - the water rate measure is important and promotes conservation; the park land measure allows for safety improvements in a park.

Mayor Kovash shared his perspective that Council President Burgess provided an excellent summary of the November ballot measures. He extended his congratulations to Councilor Tan. He indicated that he is attending a meeting of mayors in the region with Metro to discuss regional needs from Metro.

Councilor Cummings welcomed Councilor Tan and congratulated Mayor Kovash. She stated that citizen comments had not been received prior to the July 27, 2009 executive session which had not been specifically noticed to two Council members, the press, or the public. Councilor Cummings explained that after public input letters were received in August, a preliminary City Manager evaluation discussion took place in an executive session that was not specifically noticed. The fact that the evaluation was not completed was brought up several times since then by Councilor Burgess and others about the July 2009 executive session and the 2009 evaluation process, as well as her concerns about the noticing of the Council's 2010 retreat. She requested a more open process related to Council business.

[July 8 City Council Retreat Documents](#)

Councilor Carson welcomed Councilor Tan to the Council, and congratulated Councilor Tan and Mayor Kovash. She thanked Jim Mattis for his service; and noted that his humor and thoughtfulness will be missed. She requested that Councilor Cummings "move on" from the evaluation process; and noted that the Council will continue to be careful about executive session noticing, and noted that the Council has a lot of work to do to complete the City Manager's 2010 evaluation.

Councilor Tan expressed her gratefulness to serve the City. She congratulated Mayor Kovash and noted that she is excited to serve. She also thanked Jim Mattis for his service.

[Business Meeting](#)

[Agenda Bill 2010-10-11-03: Ordinance No. 1598 - Oxford Street Vacation](#)

[Oxford Street Vacation Agenda Materials](#)

[Click here to link to the land use case file](#)

Staff report from Chris Kerr.

Council President Burgess requested clarification on Exhibit A and Parcel 2. Mr. Kerr noted that Engineering could double-check the surveyor's work. Council President Burgess noted that it did not appear to be a separate parcel on the plat map. Mr. Kerr noted that a professional surveyor did the work and Engineering confirmed, and he feels confident with the work. Mr. Jordan clarified some process options if the City Council would prefer to get a second-opinion on the survey work before voting on the ordinance. Council President Burgess noted that he is agreeable to hearing public testimony. Mayor Kovash agreed to this process.

Councilor Cummings indicated that she would like to be more clear before voting on the issue. If time is not critical, she would prefer waiting. Councilor Carson concurred that she is comfortable doing a first reading tonight, but clarifying the map before the second reading. Councilor Tan indicated that it would be most useful if the numbers could tie-out on the map. Council President Burgess suggested the the public hearing be opened and closed. Mayor Kovash opened the public hearing. There was no testimony. Mayor Kovash closed the public hearing.

Councilor Jody Carson moved to continue the Oxford Street Vacation agenda item to the November 8, 2010 City Council meeting. Councilor Jenni Tan seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2010-10-11-04: Willamette Falls Drive Speed Study](#)

[Willamette Falls Drive Speed Study Agenda Materials](#)

Staff report from Chris Jordan.

Councilor Carson shared her appreciation to neighbors for sharing the neighborhood concerns and noted the safety concerns and need for crosswalk enhancements.

Council President Scott Burgess moved to direct the City Manager to initiate a speed zone study request with the Oregon Department of Transportation State Traffic Engineer. Councilor Jody Carson seconded the motion.

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

Nays: None.

The motion carried 5 - 0

[Adjournment of Business Meeting](#)

[City Council Work Session Discussion on the City Manager's 2010 Evaluation Tool and Process](#)

APPROVED by the City Council this 8th day of November, 2010.

ATTEST:

Kathy Mollusky, City Recorder