



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

WEST LINN CITY COUNCIL MEETING NOTES December 9, 2013

Call to Order & Pledge of Allegiance

Council Present:

Council President Mike Jones, Councilor Jody Carson, Councilor Thomas Frank, and Councilor Jenni Tan.

Council Excused:

Mayor John Kovash

Staff Present:

City Manager Chris Jordan, Assistant City Manager Kirsten Wyatt, City Recorder Kathy Mollusky, Parks and Recreation Director Ken Worcester, and City Attorney Ron Guerra.

Approval of Agenda

Councilor Jenni Tan moved to approve the agenda for the December 9, 2013, West Linn City Council Meeting. Councilor Thomas Frank seconded the motion.

Ayes: Councilor Jody Carson, Councilor Thomas Frank, and Councilor Jenni Tan.

Nays: None.

The motion carried 3 - 0

[Consent Agenda](#)

Agenda Bill 2013-12-09-01: November 18, 2013 Draft Notes Approval

[Draft Notes Information](#)

Agenda Bill 2013-12-09-02: Certify Election Results

[Election Information](#)

Councilor Jenni Tan moved to approve the Consent Agenda for the December 9, 2013, West Linn City Council Meeting which includes the November 18, 2013, meeting notes and certified election results. Councilor Thomas Frank seconded the motion.

Ayes: Councilor Jody Carson, Councilor Thomas Frank, and Councilor Jenni Tan.

Nays: None.

The motion carried 3 - 0

[Community Comments](#)

Michael Monical asked the members of Council to resign or terminate the City Manager's contract to set a new direction for the City.

Bob Stowell feels Council has not shown leadership and follows the direction of staff. He asked members of the Council to resign. He feels Council represents staff and other cities, not the citizens of West Linn.

Lamont King spoke regarding the Lake Owego-Tigard project being remanded to the City. He encourages Mayor Kovash and Councilor Jody Carson to recuse themselves from the process. He does not feel the four million gallon guarantee of water in the new Intergovernmental Agreement (IGA) is a benefit since the current IGA does not have a set limit. Economic Development Director Chris Kerr did an analysis about this saving the City money. Mr. King would rather have the City build their own line from South Fork.

Teri Cummings asked Council to resign due to executive session.

Cary Cummings asked Council to resign.

Reena Heijdeman asked the Council to resign. She wants a City Government that follows the law to the letter and a Council whose decisions guarantee a wonderful quality of life in West Linn.

Jenne Henderson supports wanting to have a better West Linn. Is disappointed by things going on at City Hall and asked for Council's resignation.

Yvonne Davis asked Council to resign. Council President Jones ran on fostering an inclusive dialogue. Councilor Carson wanted to engage citizens. Councilor Tan called herself a champion

for responsive City government. She feels Council aligned with outside agencies regarding LOT and not the citizens of West Linn. Mayor Kovash's religion is to be kind. She wants to know where his conduct fits in and feels West Linn deserves better.

Karie Oakes wants West Linn to be a government that represents individual citizens and neighborhoods. City Council is responsible for managing the City Manager, she feels Council is not transparent with his contract. She wants citizens involved in the process to build trust. She asked Council to resign.

Curt Sommer expects elected officials to respect citizen concerns and look out for their best interest. He feels Council ignores and dismisses the citizens of West Linn. Council has been forcing regional agreements on West Linn that do not benefit the citizens of West Linn. He asked Council to resign.

Alice Richmond stated Council used to listen to the citizens, lately that is not what is happening. Some people blame the City Manager, she blames Council. Council should listen to the people when they come in each day and speak. The pipe between Oregon City and West Linn under the water is the cheapest and best solution.

[Report from the City Manager](#)

City Manager Chris Jordan thanked the Parks & Recreation and Public Works staff for the outstanding job they did on all the holiday events.

[Business from the City Council](#)

Councilor Thomas Frank mentioned St. Vincent de Paul put together over 325 boxes of food for Thanksgiving. His family had a great time at the Holiday Tree Lighting event. His Happy Hour to talk about the City is tomorrow at Lil' Cooperstown at 5:30 p.m.

Councilor Jody Carson encouraged citizens to walk through Maddox Woods lighting and participate in the Ugly Sweater Dash Saturday, December 14. There is a shuttle that runs between Oregon City and Lake Oswego. They will stop for anyone who flags them down along the route. South Fork provided 2014 calendars that are available for free at City Hall.

[WL, LO, OC Shuttle](#)

Councilor Jenni Tan thanked the West Linn Garden Club for the Blue Star Memorial Marker that honors the veterans of World War II. The West Linn parade is Saturday. Registration is at 9:00 a.m. and the parade starts at 10:00 a.m. This year's theme is It's a Wonderful West Linn. Please bring unwrapped new toys and visit the local merchants. The Food Pantry is packing food boxes on December 16th and could use some volunteers.

Council President Mike Jones invited everyone to attend story time Thursday and Friday at the library and to Neighbors Helping Neighbors on December 14 at 8:45 a.m. at City Hall.

[Business Meeting](#)

[Agenda Bill 2013-12-09-03: Ordinance 1617, West Linn Master Trails Plan Approval *Public Hearing*](#)

[Ordinance 1617 Information](#)

Parks & Recreation Director Ken Worcester Staff Report.

Council President Mike Jones opened the Public Hearing and inquired if any member of the Council had any conflict of interest.

None of the Councilors have a conflict of interest.

Steve Garner, President BHT Neighborhood Association, objectives are to maintain language in the Trails Master Plan that requires that the Oregon Department of Transportation (ODOT) right-of-way should be properly mitigated for fire hazards prior to construction, in perpetuity, and a tall solid barrier on north side should be constructed to reduce crime and fire hazards. In 2011 the Planning Commission delayed the Master Trails Plan. The citizens now have clarity that this is not an operational plan, but a 50 year vision. They have included five specific safety conditions for the I205 plan. The BHT neighborhood is not against the trail if it is built with safety first. The City has spent around \$190,000 from the American Renewal and Recovery Act to reach 30% of the trail design. This implies about \$600,000 will be spent just to design this one trail. In 2011, the City asked Metro for \$1.55 million to construct the trail. Divided over 1.6 miles, that is about \$180 per linear foot for this trail. It was denied due to West Linn citizens opposing the trail. The Oregon Department of Forestry and Tualatin Valley Fire & Rescue (TVF&R) have noted the fire hazard on this specific property. The other issue is crime. In 2009, at the I205 rest stop, West Linn issued 158 written reports in arrests, citations, and police dispatches; this area is also covered by the state police and sheriff's department. He feels the trail would attract an undesirable element. There is a landslide inventory map of the Northeast quarter of Canby quadrant in Clackamas County Oregon produced in 2009 that shows this is the largest unstable piece of land on the map. He asks Council to keep the specific wording in the Plan. This means there is a trail approval process the public can participate in.

Professor Roy Pike, California resident, was hired by the Neighborhood Association to provide consulting for fire hazards, wind impact, and other issues. He compared the area with the 1991 Oakland Hills fire. Grassy lands could be mitigated with bio swales or other items. He noted that entire community would be impacted.

Don Kingsborough spoke in favor of the Master Trails Plan. He believes government works best when it works from the bottom up. Every citizen has had input into this Plan. This Plan can be altered. There has been a lot of work by a lot of people.

Richard Mishaga requests approval for the I205 trail be based on fire suppression and mitigation. This is a City problem, not just a neighborhood problem. Fire risk is increased by human accessibility. ODOT properties are not managed for fire suppression by ODOT. The

plants in this area are highly flammable and spread over a large area of contiguous land. This would allow a fast moving fire exasperated by hillsides just like fire in chimney flue. All of West Linn would be in danger from an uncontrolled fire in this right-of-way.

Margaret Tolan experienced the 2005 wildfire on this land and has been concerned about fire ever since. This slope is at high risk of fire because the slope, high fuel plants, and because it is adjacent to I205. Ms. Tolan was told to build a defensible space around her home. Fifty of the 100 feet next to her home is ODOT land and she mows it. The Department of Forestry cut down the vegetation; however, the City has not removed the piles. The Youth Corp removed some piles, but not all of them.

Meredith Olmstead's home is one of the fire break houses. The Planning Commission recommended five conditions. There are solutions to this problem. TVF&R and the Department of Forestry service could be used. ODOT owns, however, does not maintain the land. She wants the City to ask ODOT to maintain their property and ask TVF&R to work with Department of Forestry.

Todd Jones spoke in favor of the 50 year Trails Master Plan. In 2009, students surveyed households near trails and the participants all spoke favorable about being next to trails. He pointed out the November 11 letter from Mike Dyke, TVF&R, assuring they have done risk assessment and have a fire suppression plan. Both the Willamette and Sunset Neighborhood Associations have voted in favor of this Plan.

Vicky Handy spoke in favor of the Master Trails Plan. It is a comprehensive 50 year Plan. There are three major pinch points. For each pinch point, staff and the parks board were very aggressive and proactive in getting residents involved. We walked the proposed trails, engaged residents that were impacted, and engaged the Fish and Wildlife Department. Because of this, some trails were redesigned, including moving the I205 trail. Involvement of stakeholders resulted in fixing the pinch points. Separating all the trails and transportation is significant.

Cammy Pierson is concerned about the safety and maintenance of trails. The City of Portland clear cut property due to transient issues on trailside on Butte. She has concerns regarding transients on the trails. She would like a security and maintenance plan to be required encompassing the entire area. Work with ODOT and limit trailhead parking to well-lit busy areas.

Clint Weiler supports the neighborhood recommendations to the Council. He thinks it's important to consider fire mitigation and safety.

Alice Richmond was reminded tonight that citizens need to participate in issues in the neighborhood. She is impressed with the citizens, they are very informative. She wonders why the City thinks it needs so many trails. She thinks the Plan should be a 10 year Plan, not 50 years.

Doug Ainslie understands the time and excitement put into the Plan. A 50 year plan is over-reaching. Just because time and energy was put into it, it does not make it right. Adding 62 more miles, why not over 100? The pinch points need to be satisfied. Council has seen visions and plans completed years later.

Council President Mike Jones believes we have had one hearing about the Master Trails Plan and one about fire. He requested the City Manager Chris Jordan to put fire suppression on ODOT land be placed on future agenda. He asked Parks & Recreation Director Ken Worcester if all the Barrington Heights recommendations were placed in the Plan.

Parks & Recreation Director Ken Worcester does not think all the recommendations, which were actually placed there by the Planning Commission, are in there.

Council President Mike Jones asked Mr. Garner if he is comfortable with what was put in the Plan.

Steve Gardner is comfortable with the concepts the Planning Commission articulated. The neighborhood resolution definition the concepts. The letter from Mr. Duyck, TVF&R, does not satisfy the conditions.

Council President Mike Jones closed the Public Hearing.

Councilor Frank asked Parks & Recreation Director Ken Worcester about developing trail maintenance standards. One of the concerns is there a point a car can park and access the trail off I205? Would ODOT require a fence? Please discuss the process after the Trails Master Plan.

Parks & Recreation Director Ken Worcester has talked about it; the City could adopt the Tualatin Hills standards. The Parks & Recreation Department is implementing an asset management system through Cartograph. ODOT would never allow cars to access the trail off the freeway. ODOT's design standards depend on where the trail ends up; if it is close to the freeway, the City will have to put up a wall. ODOT requires a fence and double gate to access their yard. Before the City builds a trail, they have to go through the City's budget, design, design review, and bidding processes. The first step would be trails in existing parkland. The trails would have to be identified as a Capital Improvement Project (CIP). There is public comment during the budget process and throughout the community design process.

City Manager Chris Jordan plans to send the Plan to the Transportation Advisory Board and Parks & Recreation Advisory Board to prioritize the projects in the Plan. When the City has funds available, the Boards priority recommendations will feed into the CIP and budget.

Councilor Jody Carson thanked everyone for their work on the project. She agrees with Council President Mike Jones' recommendations regarding having a separate Work Session on fire

suppression. She asked Parks & Recreation Director Ken Worcester if this Plan incorporates the Transportation Plan and Trails Master Plan into one document. This combined Plan is not just about trails, it includes the transportation corridor bike paths, sidewalks, and safe routes to schools. The regional level has an active transportation plan that has many pinch point trails on that map. The City has clearly defined the trails are ones along streets, not going right along river which feeds into the larger regional plan.

Parks and Recreation Director Ken Worcester answered yes. Different neighborhoods want different things; for example, Willamette wants sidewalks, Robinwood wants trails.

Councilor Jenni Tan appreciates so many groups that worked together to find solutions and to move forward positively. She supports addressing the fire suppression whether there is a trail or not. The safety concerns have been addressed regarding having a fence and not having access to I205.

Parks & Recreation Ken Worcester stated ODOT requires the fencing. It is addressed in the paragraph. If Council wants to put in additional language, that is fine, it is something the City is required to do.

City Council President reopened the Public hearing.

Mr. Gardner stated the term fencing is fine as long as it contains a solid wall.

Jeremy Wood spoke in favor of the trail having fencing. He does not oppose the trail; he would like the safety of a wall to keep him safe from crime and fire.

Council President Mike Jones closed the Public Hearing. The City is going to add a second bullet point that says fencing will be needed to delineate the space between trail edge and trail boundary. There will be no access allowed from I205.

Councilor Jody Carson moved to approve First Reading for "Ordinance 1617 relating to the adoption of the 2013 West Linn Trails Master Plan and revisions to Goals 8, 12, and 15 of the West Linn Comprehensive Plan," and set the matter for First Reading as amended with the bullet as read by Council President Jones. Councilor Thomas Frank seconded the motion.

Ayes: Council President Mike Jones, Councilor Jody Carson, Councilor Thomas Frank, and Councilor Jenni Tan.

Nays: None.

The motion carried 4 - 0

Councilor Jody Carson moved to approve Second Reading for "Ordinance 1617 relating to the adoption of the 2013 West Linn Trails Master Plan and revisions to Goals 8, 12, and 15 of the West Linn Comprehensive Plan," and adopt the ordinance with the addition of the bullet as

read by Council President Jones. Councilor Thomas Frank seconded the motion.

Ayes: Council President Mike Jones, Councilor Jody Carson, Councilor Thomas Frank, and Councilor Jenni Tan.

Nays: None.

The motion carried 4 - 0

Councilor Carson thanked everyone from all the committees and groups that worked on this plan. This Trails Master Plan will contribute to the health of our community. This will decrease car trips and increase connections between communities, neighborhoods, schools, and parks. It will enhance the active transportation in our City.

[Adjourn](#)