



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

# **WEST LINN**

## **CITY COUNCIL MEETING NOTES**

### **JULY 1, 2021**

Call to Order: 12:00 pm

**Council Present:**

Mayor Jules Walters  
Council President Bill Relyea  
Councilor Rory Bialostosky  
Councilor Mary Baumgardner  
Councilor Todd Jones

**Staff Present:**

City Manager Jerry Gabrielatos  
City Recorder Kathy Mollusky  
Police Chief Peter Mahuna  
City Attorney Tim Ramis

**Approval of Agenda**

Council President Relyea moved to approve the special meeting agenda as posted for the July 1, 2021 West Linn City Council Meeting. Councilor Baumgardner seconded the motion.

**Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.**

**Nays: None.**

**The motion carried 5 - 0**

**Public Comments**

Alice Richmond regarding fireworks.

### Emergency Declaration Regarding Fireworks

City Manager Gabrielatos stated the emergency order is to disallow the use of fireworks. The City has received a lot of public comment regarding banning fireworks. This ban would allow fireworks displays approved by Tualatin Valley Fire & Rescue (TVF&R) and the Oregon State Fire Marshal (i.e., Alice Richmond's fireworks show) in West Linn.

Police Chief Mahuna informed Council they will have six police officers on duty. They are asking residents to call the non-emergency number, not 911, when neighbors are lighting off illegal fireworks. Trying to find who owns the illegal fireworks and who to cite takes a time and will be a challenge for the officers on duty. Basically, it is a B Misdemeanor of around \$500 and the penalty increases if there is an injury. He does not envision citing people using sparklers. They will educate the individuals, make them stop, and move on to the illegal fireworks where they will issue citations.

Council supports the personal fireworks ban given the hazardous conditions throughout the state. Council discussed the date the declaration should end. The declaration staff drafted expires July 9, so Council can determine if it needs to be extended at their next meeting.

Council discussed banning or postponing the events at Willamette Park due to the dry conditions or supporting the fireworks events since the Oregon State Fire Marshal and TVF&R have approved them, will inspect them, and make sure they are safe. They would like TVF&R onsite and suggested that in the future, the City makes sure the applicant pays for this service. They are concerned about getting the information out so people know fireworks are banned.

Staff will use all their means to get the communication out. The City just approved an application for fireworks on July 17 at Willamette Park. This event would be exempt from this ban. The fireworks will be fired from the softball field area. These events have to have a licensed person engineering the show. There is a site inspection by the fire department prior to the show. Staff will request TVF&R to be onsite for the July 4 event.

Council asked if the City has any liability for the July 4 event since they gave a grant to the event.

City Attorney Ramis stated there is no end to the creativity of plaintiff attorneys. The City has insurance and this is where our protection lies. The grant system gives us leverage to think through limitations Council might want to place on this event, like locating it over the water as Council discussed.

In response to Council's questions, City Manager Gabrielatos explained the Counties ban just provides for the unincorporated areas. Each City has to decide for itself. The Budget Committee approved \$3,000 for the July 4 event. It won't come before council until July 12<sup>th</sup>. He explained all the requirements listed in the application for firework events.

Council has concerns about fireworks this year. They do not want to see wildfires like last year. They are more concerned about individuals setting off the fireworks than an event approved by the Oregon State Fire Marshal and TVF&R. Council does not have the fire expertise and has to rely on the expert's determination and approval. Having one big event is better than having a lot of personal fireworks being set off.

Council went through each clause in the declaration to see if there was any issue or agreement with each of them. Listed below are the ones they discussed.

**WHEREAS**, the City has been experiencing extreme heat for several days and is expected to continue having dry and hot days through the 4<sup>th</sup> of July weekend; and

Councilor Jones stated the City will continue having dry weather thorough the month of July. He suggested it say through the month of July instead of through the 4<sup>th</sup> of July weekend. Council concurred.

**WHEREAS**, fire danger is high due to extended dry weather, extreme heat, low humidity, and east winds creating dangerous conditions for the use of fireworks; and

Council President Relyea suggested adding leaf blowers. Council majority prefers to leave it at fireworks only.

3. **Use of fireworks prohibited.** The use of any and all fireworks as defined by ORS 480.111 within the City of West Linn during this emergency is strictly prohibited. For purposes of this section, "use" includes lighting, exploding, or igniting in any way. Fireworks displays approved by the Tualatin Valley Fire and Rescue or the Oregon State Fire Marshal are exempt from this restriction. Use of fireworks that are illegal under state law continues to be prohibited at all times.

Councilor Baumgardner does not want to allow the events approved by TVF&R and the Oregon State Fire Marshal to continue, Council majority prefers to allow them.

5. **Expiration.** This declaration shall expire on July 9, 2021, unless extended or sooner terminated by the City.

Council supported changing the date to July 13, 2021.

Council President Relyea moved to approve the emergency declaration for the City of West Linn Oregon banning fireworks per the declaration made by the City Council and the City of West Linn on July 1, 2021 including the changes through first two weeks of July and expiring on midnight July 13. Councilor Baumgardner seconded.

**Ayes: Mayor Jules Walters, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Jones.**

**Nays: None**

**The motion carried 5- 0.**

Adjourn: 1:02 pm

Notes approved 8-2-21.