

Memorandum

Date: October 18, 2013

To: John Kovash, Mayor
Members, West Linn City Council

From: Chris Jordan, City Manager *CJ*

Subject: October 21 Work Session

The City Council is scheduled to meet for a work session on October 21 at 6:00 p.m. The agenda includes the following items:

Update on the Lake Oswego-Tigard (LOT) Water Project

LOT representatives will be at the meeting to discuss the following:

- 1) Provide an update on the status of the project and give an overview of the upcoming steps and schedule to the phases of the project.
- 2) LOT can discuss complaints that they have received from neighbors of the project. Attached to this memorandum is the September report from LOT with all the calls to the LOT Hotline and how LOT responded to each. Because we have been encouraging citizens to use the Hotline to raise any concerns/complaints, I would like to use this as the basis for this part of the conversation.
- 3) LOT will also address other concerns or questions of the Council.

Utility Advisory Board Letter and Water Update

The Council set a goal this year of having a long term strategy in place by the end of 2013 for addressing the storage and maintenance needs of the City's water system. There are a couple of factors that make this an opportune time to discuss this with the Council:

- This week the Council received the attached letter from the Utility Advisory Board requesting Council guidance.
- Before the end of the year, the Council will be reviewing an Intergovernmental Agreement with LOT regarding the receipt of \$5 million, and the Council will need to confirm how the City intends to spend that money.

Public Works Director/City Engineer Lance Calvert will be present at the meeting to help discuss these items and how the City plans to proceed with the Bolton Reservoir project, pending Council guidance.

Clarifying Chapter 2 of the West Linn Municipal Code & Codifying Neighborhood Association Presidents' Recommendations

On Monday, Kirsten Wyatt will present the first step in a project we are referring to as “Chapter 2 Edits” – to reference staffs’ efforts to clarify some confusing sections of Chapter 2 of the West Linn Municipal Code, and to codify the Neighborhood Association Presidents’ recommendations (shared with you at a May 2013 work session).

The general timeline for this project is as follows:

- October 2013: Presentation of project goals to the City Council for their feedback and discussion.
- November/December 2013: Staff prepares code amendments based on Council’s October 2013 feedback and discussion.
- January 2013: Outreach to Citizen Advisory Groups and Neighborhood Associations about project goals and draft amendments.
- January 2013: Work session discussion with City Council.
- February 2013: City Council review and adoption of proposed amendments.

The overall goals of this project include:

- Uniformity among Citizen Advisory Groups: quorum, voting, means of making recommendations, etc.
- Clarifying the use of staff and City resources: staff sets the agendas, reviewed by the chair; no secretary.
- Clarifying chair and vice-chair appointment process and making sure it fits with the timing of Council appointments.
- State the purpose of commissions/committees and move it to the beginning of the chapter (i.e., to provide recommendations).
- Codify the Commission for Citizen Involvement.
- Eliminate sections that are repetitive with state law and that are redundant.
- Ensure all commissions that are governed by state law are acting in compliance with state purpose statements and clarify those purposes in the code to the extent it is helpful.
- Codify the recommendations made by the Neighborhood Association Presidents group.

If you have any questions about this timeline or goals, please plan on discussing them with Kirsten during the work session discussion on this topic. She intends to share the timeline with you, as well as the goals and some sample code amendments that would align with the goals to accomplish them as part of this project.

Attachment

Citizen #206 Waste



Contact Date	Contact Name	Topic	Discussion and Follow Up	Follow Up By	Follow Up Date
9/5/2013	Lillian Landeen	Special Needs	I received a call about 11:00 a.m. today from Lillian Landeen at 4020 Mapleton Drive. Her phone is 503-636-0334. She indicated that she can only walk about 50 feet to get to her car.	Jane Heisler - I let Lillian know that we won't be starting construction on the pipeline until January or February 2014, but prior to that, we would be contacting her to make sure that we understand her travel needs so that we can make sure she can get to and from her car.	9/5/2013
9/5/2013	Carmen MacDonald	Trucks & Traffic	Carmen found the 8am meeting time not conducive to her schedule with kids and traffic. And she did not receive the postcard mailer in time.	Katy Fulton - Katy confirmed mailings and emails sent and to include both of her email address to assure she is informed.	9/5/2013
9/9/2013	Julie McAdams	Rental Property	Received call at 1pm today on hotline from Julie McAdams at 4322 Mapleton, who owns the property directly opposite the treatment plant where the clear well will be located. She called to ask if the project would be interested in leasing her property. She rents the property as a vacation home, and it is currently vacant and available for rent. She invited us to preview the property. Julie mentioned that the property has a house and studio, and would be well suited to setting up construction site offices, and provide bathrooms and parking for workers. The listing is on vacationrentals.com as # 40935. Julie also asked where the project was at with construction, considering the LUBA appeal.	Katy Fulton - Response: Katy Fulton Katy thanked Julie for the call, but informed her that we already have plans to place our site administration buildings on the construction site within the plant boundary, and are mobilizing this week and next. Julie insisted it would be a good location, and mentioned that she wouldn't be able to run her property as a vacation home during construction. I reiterated that we already have the site plans in place, but told her that I would still pass the information on to the team, and that if anyone was interested we would contact her. An excavator will be arriving on site today, and site mobilization and excavation will begin this week, with mass excavation starting next week for the clearwell. I confirmed her email address, and invited her to attend the bimonthly construction meetings at Burgerville.	9/9/2013
9/9/2013	Yvonne Davis	Condemnation Agreement	Phone call received on project hotline Yvonne wanted to know when she would be receiving her payment for the condemnation agreement that was settled, as construction has already begun.	Katy Fulton - Response (KF): I told Yvonne she would need to contact her attorney for more information about the process. She asked why we couldn't just tell her. I said that I understand there was a stipulation in the agreement that payments wouldn't be made until the LUBA case is resolved, but that is all the information we have, she would need to contact her attorney. She said thank you.	9/9/2013
9/12/2013	Jack Norby	Project Information	Incoming call received on 9/12/13 at 9.15am from Jack Norby, 4040 Kenthorpe Way, WL jnorb@comcast.net Phone: 503 720 4733 Summary: Jack called to find out what was happening at the WTP site yesterday afternoon. He said at about 2.10pm he felt his house move, like it was an earthquake shock. He is concerned his house may fall down during construction work, and as the weather gets worse.	Katy Fulton - Response: Katy contacted the contractor on site to investigate and phoned Jack back. She explained to Jack that yesterday afternoon they were pulling tree stumps towards the south side of the plant near where the clearwell will be built. When they were pulling the stumps out, they were also hitting them back onto the ground to shake the root ball and dirt off the stumps before clearing out. The contractor manager came out from the temporary trailers immediately and approached the workers to halt the activity due to the nuisance it could cause. They should be done pulling stumps by the end of today and are aware of the issue, and adjusted their activities. Katy asked Jack to let her know if he notices anything similar, but that they responded immediately to the issue. Jack appreciated the call and response.	9/12/2013
9/13/2013	Scott Gerber	LUBA	One can only imagine the scrambling you will be doing if LUBA surprises you. - Scott Gerber	NA	

Citizen

#206 Waste



9/16/2013	Lorie Grithith	Noise & Vibration	Lorie felt a big vibration through her house this morning. Was there a fund created for potential damage? At the bimonthly WTP Meeting on Thursday, Sept 19, Lorie Griffith, (tomlorie@comcast.net) 503-803-0678, 4068 Kenthorpe Way) mentioned that she is very concerned about noise and vibration from the excavation. It is very disturbing and abrupt. She is also worried that it could trigger some type of ground movement since the area sits on liquefiable soils.	Jane Heisler - September 19 I contacted Lorie to let her know that we would install a vibration monitor on her property that day. She indicated that she would like us to do that. GeoDesign installed it around 9:00 a.m. and picked it up around 5:00 p.m. The data from the vibration monitor can be analyzed to see if it exceeds limits that are known to cause damage. The monitor was picked up that same day. I do not know yet when the data will be reviewed and summarized but will find out. - Jane	9/19/2013
9/16/2013	Kay King	LUBA	Wow ... isn't LUBA still looking at this?	Katy Fulton	9/16/2013
9/18/2013	Kay King	Noise & Vibration	She felt her home shaking and loud banging sounds at the plant. All shaking and loud noises were before noon, likely between 10-12. She is "getting her camera out" because she feels that within a week there will be damage if this keeps up.	Jane Heisler responded (phone). Asked Kay if she would like to sign up for a home inspection in order to establish a baseline condition in the even that she felt there was damage. Kay indicated she wanted to sign up and was added to the list for the contractor to call.	9/18/2013
9/20/2013	Rachel Hanawa	Noise & Vibration Trucks & Traffic	9/20/13, 9.45am Received call from Rachel Hanawa, 4191 Mapleton Dr, Husband is Ken. Rachel's # 503 680 9781. Ken's # 503 680 9780 Rachel said over the last week with heavy dropping of soil onto the ground she has noticed her house upstairs vibrating. She also mentioned that there is a loud, high pitch squeaking noise coming from the equipment on site which is irritating, and is there any way to oil or grease the machines to minimize it? Rachel also mentioned that she and her daughter have experienced times on Mapleton when trucks have been over the yellow line into their oncoming lane, and they have had to pull over to let the trucks pass instead of trucks giving way to them. She asked if they could stay in their lane, within the yellow line, and when they see cars coming, give way to them.	Katy Fulton - Response: KF 9/20/13 Firstly, I told Rachel that we have also heard from other neighbors about vibration concerns, and have placed vibration monitors on the site and a few properties nearby. A letter will be sent shortly to properties abutting the site. Rachel said that was a good idea as she is concerned in the next few years what may happen with construction damage. I confirmed that we would add her to the list of interested properties, and the survey company would contact her to arrange a visit. I spoke with our inspector (John) and he said the excavators do have a loud, high pitch sound particularly while moving across the site. He said it's an industry problem. The work near her house will be moving further away to the center of the site next week. John will speak with the drivers and ask them to stick to their lane as much as possible, and give way to passing traffic. We were also widening the entrance fence, to minimize trucks swinging wider. I also encouraged her to let me know if she sees anything again. She appreciated the return call.	9/20/2013
9/20/2013	David Bouyer	Mud on Street	Call received at 11am on 9/20/13 David Bouyer: 4620 Kenthorpe Way #(503) 757 0546 David lives at the end of Kenthorpe, and noticed large rocks on the street outside the plant entrance. He said he hit one of the rocks and his tire blew out on his pickup truck. He is safely off the street and managed to pull onto his driveway. He came over to the site to talk to the construction manager but was informed he was in a meeting. He said there are about a dozen golf ball sized rocks from the construction scattered on the road.	Katy Fulton - RESPONSE: I told David I would have the inspector investigate right away, and that John would also come by his property to discuss the issue. I apologized and told him John would be over shortly. RESPONSE summary from John Casto: Ron took two Slayden employees, went down to see Mr. Bouyer at 11.30am. There were about 10 rocks at the west entrance, extending about 5 feet into the roadway ranging in size from 1/2"x 1/2" to 1- 1/4" x 3/4" and these appeared to be rocks from the haul road. Mr. Bouyer showed us the puncture in the tire and the offending rock about 1-1/2" x 1" and kind of cone shaped. He said that a truck coming out of the plant had run over this rock and popped it out further into the roadway. A Slayden rep (Dave Sherman) gave Mr. Bouyer his card and said to get the tire replaced and submit the bill to Slayden and they would give it to their insurance company to take care of. Slayden agreed to check the roadway periodically during the day for haul road rocks.	9/20/2013

Citizen

#206 Waste



9/20/2013	Ty Darby	Project Information	Ty and Neil met with some of our project representatives and contractors at the water treatment plant in West Linn this morning. Ty Darby (ty.darby@tvfr.com); Neil Hennelly (nhennelly@westlinnoregon.gov)	Katy Fulton - Hi Ty and Neil, I will be adding your email addresses to our contact list, so in the future you should receive these emails directly. We send these meeting summaries out after each of our bimonthly meetings with the neighbors. The website links go to the meeting materials, and "3-week updates" we have available at those meetings. The summary also outlines the issues and responses we discussed for that meeting. The project also periodically send specific construction updates, as needed.	9/20/2013
9/20/2013	Neil Hennelly	Project Information	Met with some of our project representatives and contractors at the water treatment plant in West Linn this morning.	Katy Fulton - I will be adding your email addresses to our contact list, you should receive these emails directly. We send these meeting summaries out after each of our bimonthly meetings with the neighbors. The website links go to the meeting materials, and "3-week updates" we have available at those meetings. The summary also outlines the issues and responses we discussed for that meeting. The project also periodically send specific construction updates, as needed.	9/20/2013
9/20/2013	Savi Verapaz	Noise & Vibration Special Needs	9/20: the noise and vibration from the dump trucks along Mapleton was causing your child, who has seizures periodically and environmental sensitivities, great discomfort. 9/30: I received your email about the project construction management plan, thank you. We appreciate your time given to our concerns about the noise of trucks passing by that affects our daughter's condition.	Jane Heisler - 9/26 REPOSE: (SEE ATTACHED) To clarify the conditions of approval that the City of West Linn placed on the water treatment plant (WTP) and pipeline projects recognizing that these projects are taking place in a neighborhood. I have attached the West Linn City Council's conditions. This condition is very specific that "special needs accommodation" is related solely to access needs.	9/26/2013
9/23/2013	Lamont King	Mud on Street	I just received a call from Lamont King (4257 Kenthorpe) asking why workers were not using the wheel wash. He said there is mud all over the street.	I called Ron Candell and asked him to check into it. If there is mud we should get it cleaned up and start using the WW. Thanks. Ron indicated through his observation that there was no mud on the street, but that the wheel wash would now be used.	9/23/2013

Citizen

#206 Waste



9/23/2013	Scott Gerber	Noise from Beepers	Inquiry about whether the backup beepers being used on site meet the condition of approval for the WTP.	<p>Jane Heisler - The CofA reads:</p> <ul style="list-style-type: none"> - Minimize reverse direction travel and use broadband, ambient-sensing backup alarms on all on-site equipment requiring backup indicators as permissible by OSHA requirements. <p>The construction manager has indicated that the contractor is talking with his safety officer to make sure that the beepers required by the C of A do not violate OSHA requirements and will contact me today about the outcome of that discussion. I'll give you a call or email when we have more information. Thanks.</p> <p>CC: zack pelz zpelz@westlinnoregon.gov</p> <p>9/25: We have directed Slayden to field test other available beeper technology for use with on-site equipment. The goal is to identify devices that are OSHA compliant and less noticeable to neighbors. It is unlikely that any device will completely eliminate the sound from carrying beyond our property line. Our goal is to have this issue resolved this week.</p> <p>9/26: Scott, The contractor is installing an ambient sensing beeper on a forklift at the site tomorrow. We will be conducting a comparison of that to the current beepers on site on Monday.</p> <p>Test was completed. Ambient sensing beepers could be heard above background noise levels. Slayden will install ambient sensing beepers on all on-site equipment.</p>	9/23/2013
			<p>11:09am - Thank you for your response Jane. As you might imagine, it is not entirely satisfactory from my point of view. You stated in your construction management plan that you intended to use the alternative beepers and as you mention it is in the COA. While I appreciate your following up on this at this point, I have to wonder why this issue was not looked into before it was promised. Surely some one person in your vast supply of experts could have addressed the OSHA requirements on this. Your comment to me about "slipping through the cracks" is disconcerting as there are many many more issues in front of us that have been promised or required. I look forward to your further response on this particular issue and certainly hope that it will be remedied in the manners suggested. Thanks Scott Gerber</p> <p>9/25: Hi Jane. I am still awaiting a response to the back up beeper issue. Given that should this project prevail, we are moving toward three possible years of this, so it is very important that this be remedied now.</p> <p>9/25: Jane Thank you for the follow up. I understand the goal and I understand that no device will totally eliminate the noise. However, there are better products out there that are OSHA compliant. (See below). I sincerely hope this will get resolved this week Thanks, Scott</p> <p>Thus, the regulations do not preclude alternative technologies that are less annoying and more effective, and which have been practical for as long as two decades, Thalheimer says. These alternatives include backup beepers that manually or automatically adjust their noise output up or down according to ambient noise. At their lowest setting of 95 dB, Thalheimer says these alarms are about three-quarters as loud as standard backup beepers.</p> <p>Still another alternative is the broadband beeper, a device that has the same cadence as the conventional beeper but broadcasts a "white-noise, whooshing sound," says Thalheimer, who has no financial interest in or affiliation with Brigade Electronics, the manufacturer. He explains the sound is still readily audible behind the vehicle and is more easily localizable than a single-tone beeper, but the white noise is masked by community noise, so it is much less annoying to the public.</p> <p>More than anything, single-tone backup alarms, with all their faults.</p>		
9/24/2013	Kay King	Noise	<p>Kay King (4145 Kenthorpe) called said and there have been 5-6 loud sounds coming from the WTP which are shaking her home. She said she does not need a call back, but wanted to report that construction is not going as quietly/ softly as she was told it would start going last week when she talked to Jane.</p>		
9/24/2013	Bethann Felder	Noise & Vibraton	<p>Concerned about the foundation of her home due to all the shaking and vibration from the work at the WTP. Would like a call back.</p>	<p>Jane Heisler - Spoke with Bethann today on the phone around 4:30. She says she is on the email list but have not checked to find her email. (We should add it to the spreadsheet contact information that Katy has created). She spoke of an "earthquake like feeling" and loud sounds and vibrations starting last week. Vibration monitoring findings are not detecting vibration to the degree that would cause property damage. She would like to sign up to have a home inspection to establish a baseline condition of her foundation and walls. I added her to the list. (We are not going with Warner now, but a company called CMTS). I told her we hoped to get a letter out this week.</p>	9/25/2013

Citizen

#206 Waste



9/24/2013	Jack Norby	Noise & Vibration	<p>He left a voice mail stating his house was shaking, he thinks the equipment being used is too big and there will be significant damages to homes.</p> <p>John Sonnen (WL Planning Director) also left a voicemail on the hotline stating that Jack Norby had called him and informed him of his concerns. John just requested that Jack receive a phone call back.</p> <p>9/25 REPLY: Hi Jane - That is all fine and good but the major movements occurred before your equipment was set up, as Lori and I both pointed out in your meeting, and could very well continue after you pull the vibration sensors. These were major shocks like a rolling earthquake. I think you should keep them there if you want to really prove your case. As far as the size of the equipment...I lived here during the last expansion and the equipment used was much smaller. Yes they had "large" machines but not even close to this large. They had buckets 1/3 or less the size of these machines. I know how fast they filled dump trucks. Not in the same league as now. Something needs to be done to prevent what we felt 10 days ago. Jack Norby</p>	<p>Jane Heisler - Hi Jack,</p> <p>In response to others, we have placed two vibration monitors in two residents' yards to record daily vibration levels between 7:00am & 5:00pm. Those monitors have been up for 4-5 days and will be removed today.</p> <p>The results show that the levels and frequencies of vibration do not fall into the range that can cause property damage. We will be sending out a letter if residents would like a photo survey of their home to document the condition of walls and foundations. This will provide a baseline condition.</p> <p>You were also concerned that the equipment that is being used at the plant is "too big," and that we will damage homes and the existing plant. I have passed that information along to the project team. We have had a couple of major plant improvements over the past 30 - 35 years - used large equipment with no ill effects. I will let you know if I receive feedback from the team on your concern.</p>	9/25/2013
9/24/2013	Luke Skywalker	Fluoride in Water	ID: 46 - Comment: Will there be fluoride in the water? Currently Tigard gets its water from PDX and they refuse to put fluoride in it. I would like to see that change.	<p>Jane Heisler - Dear Luke</p> <p>Thanks for your inquiry. There is no fluoride treatment now and none is planned for our drinking water. The issue does seem to come up every 20 years or so for discussion, however!</p>	9/24/2013
9/25/2013	Lorie Griffith	Safety Report	Lorie Griffith (west of plant) called this morning about a safety concern. She was on Kenthorpe bringing in her garbage and recycling cans when she saw a dump truck driver talking on his cell phone while driving and not looking at the road (truck had Washington plates and it was about 10:30 a.m.). She is concerned for the safety of pedestrians in the neighborhood.	<p>Jane Heisler - Informed all project managers to remind drivers not to drive and talk.</p>	9/25/2013
9/26/2013	Yvonne Davis	Trucks & Traffic	A voicemail was left on the hotline this morning at 6:56am letting us know trucks have arrived before 7am. As the caller understands, the trucks are not supposed to arrive until after 7am.	<p>Jane Heisler - I called the number back. Its Yvonne Davis. I told her what I stated below and that we definitely would want to know if there is loading or work being done before 7 but travel to site is OK. This has been verified by WL Public Works.</p>	9/26/2013

October 16, 2013

Mayor John Kovash
West Linn City Council
22500 Salamo Road
West Linn, OR 97068

RE: Plan for West Linn Water Rate Adjustments

Dear Mayor Kovash:

At the last Utility Advisory Board (“UAB”) meeting the members of UAB discussed the status of any adjustments to West Linn’s water rates. The UAB is concerned that the City Council’s efforts to modify the water rates has been suspended without a plan to address the issue later.

As you know, the City Council requested over a year ago for the UAB to look into the need for adjusting the water rates. The City Council was concerned that the City’s water lines and storage facilities were inadequate and in need of repairs. After many months of extensive review of the City’s water system and projected revenue, the UAB concluded the City needs to find additional funds for line repairs and new water storage facilities. The UAB spent considerable time working with City staff in proposing water rate increase, special bond levies, or a combination of both. The UAB and City staff concluded that the City needed to raise approximately \$10 million for pipeline repairs and replacements and approximately another \$8 to \$10 million for the replacement of the Bolton reservoir. The City Council considered the UAB’s and staff’s work and decided to put together a ballot measure for the funding of the replacement of the Bolton reservoir.

After the measure was put on the ballot, the City pulled the measure because the LOT project would include a \$5 million payment to West Linn, which could be used to fund, in part, the replacement of the Bolton reservoir. The payment from the LOT process has not been made and may not be made for some time. Additionally, there are no requirements in the LOT process that mandates West Linn to use the \$5 million for the replacement of the Bolton reservoir. In any event, the \$5 million would not satisfy all of the necessary funding for the Bolton reservoir replacement and the repair and maintenance of the City’s water pipes.

The UAB would like to know if the City Council has a plan to address the funding of pipe repairs or replacements and any additional funding the Bolton reservoir replacement beyond the \$5 million.

Mayor John Kovash
October 16, 2013
Page 2

The City Council has stated that the repair, replacement and maintenance of the City's water system are a high priority and a matter of public safety. The UAB strongly agrees with those statements. Given the urgent need to maintain and repair the City's water system, the UAB is very concerned that the City does not appear to have any plan to adjust its water rates or to find other means to fund the necessary work to keep our water system safe.

The UAB understands that the City Council is busy with other matters and facing many other pressures. The UAB would appreciate a response from the City Council that sets forth a detailed plan and schedule for addressing the funding necessary for the City's water system.

Sincerely,



Ray Kindley

Utility Advisory Board Chairman