



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

WEST LINN CITY COUNCIL MEETING NOTES May 11, 2020

Pre-Meeting Work Session

Call to Order

This meeting was conducted via Webex due to COVID-19 and federal and state restrictions on public gatherings.

Council Present:

Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Staff Present:

Interim City Manager John Williams, Senior Project Engineer Amy Pepper, Associate Planner Chris Myers, Public Works Director Lance Calvert, Finance Director Lauren Breithaupt, City Recorder Kathy Mollusky, IT Director Shane Boyle, and City Attorney Tim Ramis.

Approval of Agenda

Council President Teri Cummings moved to approve the City Council Agenda for May 11 with the following changes: 4b. The title will be changed from "Kids to Parks" to "Parks to Kids" and

Items 6d, e, and f will be moved to a date yet to be determined. Councilor Richard Sakelik seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[Public Comments \[20 min\]](#)

[Public Comment - Karen Marto](#)

[Public Comment - Tom Meier](#)

[Announcements, Proclamations, and Recognitions \[10 min\]](#)

[National Public Works Week Proclamation](#)

[Public Works Proclamation](#)

Mayor Axelrod read the Proclamation declaring May 17-23, 2020 as National Public Works Week in the City of West Linn

[National ~~Kids to Parks~~ Parks to Kids Day Proclamation](#)

[Kids to Park Day Proclamation](#)

[Parks to Kids Day Proclamation](#)

Councilor Sakelik read the Proclamation declaring May 16, 2020 as Parks to Kids Day in the City of West Linn.

[Teacher Appreciation Week Proclamation](#)

[Teacher Appreciation Week Proclamation](#)

Councilor Walters read the Proclamation declaring May 4-8, 2020 as Teacher Appreciation Week in the City of West Linn.

Mayor Axelrod stated teachers were part of the front line at the moment and parents were doing their best to help with distance learning. Many things were going well, but big challenges were also occurring, particularly for those who did not have broadband coverage. How to serve both rural communities and some urban areas better was being discussed regionally and nationally. In this day and age, everyone should have broadband connections, so it was an equity issue.

[Consent Agenda \[5 min\]](#)

Agenda Bill 2020-05-11-01: Approve Draft Notes for February 10, 18, March 19, and April 1, 2020

[Draft Notes](#)

Mayor Axelrod noted it was unusual for so many minutes to be approved at once, adding Council President Cummings had raised the issue of the delay and Interim City Manager Williams had provided an explanation for the backup being experienced. Council hoped to see timely delivery of the minutes in the future.

Council President Teri Cummings moved to approve the Consent Agenda for the May 11, 2020 West Linn City Council Meeting, which includes the meeting notes for the February 10, 18, March 19, and April 1, 2020 meetings. Councilor Jules Walters seconded the motion.

Council President Cummings stated she would be voting "no" because earlier this year she had made repeated attempts to assert that Council rules should be followed in approving the Notes in a timely manner for the sake of providing written information. Nine sets of minutes were now backlogged to March 3rd. Occasionally, a set of minutes was produced in a timely manner, but a lot of progress was still needed. She had stated in the past that she would vote "no" when approving more than one set of minutes. Last fall, Council had given the go ahead for using a transcribing service to save staff time; unfortunately, that had not worked out well so far, but she hoped it would in the future.

Councilor Sakelik commented that one of the most important reasons for having written minutes was for the disabled to know what was going on in City Council meetings. He asked for more diligence in getting the minutes done sooner, so the public could see them on a timely basis.

Councilor Relyea asked what Council President Cummings believed might be necessary to help improve the process to enable a timely approval of the minutes. He did not understand how voting "no" on their approval helped the process. While it motivated and pushed staff to assist Council in producing the minutes in a timely manner, it did nothing to decrease the backlog.

Councilor President Cummings understood that Council was meeting more frequently and noted the rules stated, "Staff will post draft notes within two weeks of the meeting. Minutes will remain draft until approved. They will be posted on the agenda for approval at the next regular business meeting. Minutes made available to the public must be made available to persons with disabilities in a form usable by them." Those rules were approved by Council some time ago, and it still had repeatedly not been accomplished. When Council met more frequently than every two weeks a delay was sometimes understandable, but not having the minutes completed happened too often and they were not being presented chronologically. It was a waste of taxpayer money to be producing minutes several months late, because the purpose was to have a format for the public to know what was going on, especially now during COVID-19, the problems with the police, and the search for the City Manager. These were big

issues and people did not necessarily want to sit through hours and hours of video. Council had already emphasized the importance of timely minutes and she needed to hear a real commitment, which was why she made her statement. She reiterated that she would be voting "no" if the delay continued. If Council met more frequently than usual, she was willing to be flexible, but she had yet to see Council receive minutes in a consistent manner.

Mayor Axelrod stated if Council met multiple times but minutes were approved only at the business meetings, it would be likely that more than one set of minutes would be presented for approval. The Code said to have the regular business meeting Notes available by the next business meeting. Also, the videos were the official records of the meetings and were always available. The written summary, which was a very long transcript of the video, was available shortly after the meeting.

City Recorder Mollusky clarified the videos were usually posted the day following the meeting. The videos took a while to download and were posted as soon as possible, typically the next day.

Council President Cummings stated an issue with the Council rules as written was the reference to only regular meetings, but it was necessary to have minutes available of all meetings that Council held at which business was conducted. Those would include both special and emergency meetings. The rules might need to be amended to acknowledge that they pertained to all meetings at which Council conducted business. The regular meeting minutes had not been done in a timely manner either. A change was necessary to do better.

Councilor Sakelik recommended that Council rules be changed later at this meeting or at the next business meeting to ensure the rules were applicable to any meeting at which Council voted.

Ayes: Mayor Russ Axelrod, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: Council President Teri Cummings.

The motion carried 4 - 1

[Business Meeting \[90 min\]](#)

[Agenda Bill 2020-05-11-02: Public Hearing: Appeal of the Planning Manager Denial of a Variance at 2622 Dillow Drive \(VAR-19-05\)](#)

[Variance Information](#)

Mayor Axelrod read the conduct of hearing format into the record and opened the public hearing.

City Attorney Ramis asked if any members of Council wished to declare any potential or actual conflict of interest or bias, site visits, or ex parte contacts. None were heard. He asked if any member of the audience seeking to participate wished to challenge the impartiality of the members of Council. None were heard. He then reviewed the legalities regarding the Applicant having the burden of proving the application was consistent with the City's Community Development Code, Comprehensive Plan, and any applicable municipal code provisions.

Staff Report

Associate Planner Myers presented the staff report, noting Council's choices were to either deny the appeal or to amend the Director's denial by approving the appeal. He noted an error on Slide 3, stating that Item #2 should read, "approving the ~~variance~~ **appeal**." He reviewed the actions to date, noting the Applicants had applied for a building permit to do an addition to the back of their home to house an ailing parent who was wheelchair bound. The permit was approved and construction was started. A City building inspector drove past the home on separate business and noticed the joists on top of the addition appeared bigger than they should be. He stopped and took measurements and discovered the foundation and framing was closer to the back property line by 3.5 ft more than was indicated in the approved permit. The Applicants were asked to stop construction which they did voluntarily, and construction remains in the state it was at that time. The Applicants were asked to apply for a variance, which was allowed by Code for up to 20 percent of the 20 ft setback. The Applicants' requested variance for a 16.5 ft setback was within the 16 ft variance setback limit. In September 2019, the Community Development Director denied the variance based on Associate Planner Myer's input.

One negative comment was received from the neighbor to the west at 2690 Dillow Drive who had stated the addition into the setback of an additional 3.5 ft would partially block his view of Mt. Hood, which was the reason given for the denial. Associate Planner Myers had spoken to Ms. Skyler, the Applicant, several times, but his mistake was not initially making a full site visit, which he did in January. In his opinion, the view of Mt. Hood would not be blocked by the addition. A large garage and many trees were located between the neighbor's house and the Applicants' home.

In the appeal staff report given to Council a couple of weeks ago, staff recommended approving the appeal and overturning the Community Development Director's decision. Community Development Code (CDC) 75.020 stated a variance could provide minor relief when it could be demonstrated the modification would not harm adjacent properties. The Code did not state that blocking a view was a basis for denial of a variance. He acknowledged his error in stating it was a basis for a denial, and noted he had written the staff report for the appeal. He had communicated with Interim City Manager Williams and City Attorney Ramis and they had agreed.

Councilor Relyea noted in his dealings with the National Park Service (NPS), the right to control the use of the land including the airspace was considered a scenic easement. The City Code,

though it did not specifically describe scenic, meaning blocking a view, the right to control that airspace could be construed to mean a scenic easement. He wanted to ensure the Council's assessment took that into consideration, as well as explain it to the neighboring property owner who filed the complaint and receive a response from him indicating whether he agreed with Council's analysis.

Associate Planner Myers believed the Code could possibly be improved with regard to views, adding more specificity. The issue had not been raised often, but might come up more frequently. He reiterated that in his opinion, the view from the neighbor's property was not obstructed, and the addition to the Applicants' property met the appropriate height requirements, floor to area ratio, and lot coverage requirements for the zone. Staff had attempted to communicate with Mr. Taylor, the complainant, but had not received a response. Associate Planner Myers was aware that Ms. Skyler had written Mr. Taylor a letter, but had also not received a response. Associate Planner Myers acknowledged his knee jerk reaction was that the City should protect and be aware of such concerns, like views, which was short sighted on his part.

Councilor Sakelik stated he had read the original documents a number of months ago and asked why the addition had not been designed with the variance in the first place.

Associate Planner Myers replied Ms. Skyler would be better prepared to answer the question, but his opinion was that the Skylers did not realize how much space was required for the wheelchair access shower until later when going through the process. He agreed it was probably an architect error with the design.

Councilor Sakelik asked if the 3.5 ft bump-out changed the cost of the application.

Associate Planner Myers replied that because construction had stopped, the Building Division would need plans showing the bump-out for review. Costs would be associated with another review of the application in its current state. Once the building permit had been approved, the plans could not be changed without starting the process again.

Councilor Relyea confirmed the complainant did not have a scenic easement over the Applicants' property, and the City of West Linn was now contending that they also had no easement restrictions that would prohibit them from constructing the addition on their site. He also confirmed it was staff's and the Community Development Director's opinion that the appeal be approved.

Mayor Axelrod referred to the map shown during Associate Planner Myers' presentation, noting setbacks existed on the front and sides. He understood the standard side yard setback was 7.5 ft and the rear setback was 20 ft. The actual setback on the Applicants' side yards was as much as 16.5 ft which would match the rear setback if the variance was approved. He asked if the variance was typical of what the City would approve if the Code was met otherwise and

in the absence of a complaint possibly based on incomplete information regarding blocking the view.

Associate Planner Myers stated he had been with West Linn since September of 2019 and did not have a lot of variance and appeal experience, but believed it did not happen very often. The concept of the Code was that if the neighbors were not hurt, no one was disrupted, and it was within reason, the possibility of a variance was good.

Applicant Testimony

Jennifer Skyler stated she co-owned the home at 2622 Dillow Drive with her 84-year-old parents. Over a year ago, they had begun work on an addition in order to create a multi-generational residence where she would be able to care for her parents, as well as her fiancé's grandmother at the end of their lives. Ms. Skyler was a HUD loan co-owner and her parents had leveraged the home they had owned in the Willamette area of West Linn for 30 years in order to finance the addition. They were doing the work themselves along with her partner, and time and money were already short due to a family member's failing health and issues with their architect's expedience due to a personal tragedy in his life. They were unaware of the 20-ft rear setback requirement, and she acknowledged they made an error in judgement when attempting to provide a better space configuration for wheelchair turning radiuses and an ADA-accessible bathroom. They had not meant to overstep and when alerted by the City about the need to apply and receive approval for a variance to keep what had been built so far, they did not want to spend the money to change everything and did not want to affect the ADA accessibility, so work was stopped and the structure wrapped in tarps. She applied for a variance and was assured the decision would be based solely on Code. They waited patiently for about six months from the time she turned in the paperwork. It was frustrating to be denied.

Regarding the complaint about the obstructed view of Mt. Hood, she noted the construction was at the back of their property. Mature trees, fencing, and multiple windowless outbuildings were in line of sight of the construction, but not Mt. Hood, which could be viewed from the north part of her neighbor's property and from the street, but not from the south where construction was taking place. Her neighbor had made several other complaints with one being about the tarps, but they were necessary to protect the construction from rain, though it did not provide all that much protection. The process had been long and expensive and challenging. She was not a builder, but was trying to do what was right for her family. Now that City Planning and the Community Development Director agreed that no Code violation had taken place, she asked to be granted the variance so they could complete the work. She thanked Associate Planner Myers for his patience and compassion as she navigated the stressful experience. With COVID-19, finances were even more threatened and dealing with elders during this time was frightening.

Public Comment

None

Mayor Axelrod closed the public hearing.

Councilor Relyea believed Ms. Skyler had proved that the variance was needed and believed staff concurred as did the Community Development Director. He had not heard City Attorney Ramis express any legal issues. He recommended approval of the variance.

Councilor Relyea moved to approve the variance as presented in the record before Council today. Councilor Sakelik seconded the motion.

Councilor Walters noted the motion was to approve the appeal overturning the Community Development Director's decision, and asked if the motion by Councilor Relyea rose to that.

City Attorney Ramis stated that it was a correct summary of the motion, to grant the appeal which would result in granting the variance.

Councilor Sakelik apologized to Ms. Skyler for having to go through this process during a stressful time caring for senior parents and her fiancé's grandmother. He hoped the issue would be resolved. He clarified that the motion was to approve the variance so Ms. Skyler and her partner could continue to finish their buildout.

Councilor Relyea withdrew his motion in order to restate it based on the motion presented to Council by the City Recorder's office.

Councilor Bill Relyea moved to approve the appeal (AP-20-01) overturning the Community Development Director's Decision. Councilor Jules Walters seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Mayor Axelrod stated he was glad that Ms. Skyler would be able to move ahead. He applauded her for working to take care of her parents, which was a big challenge at any time, but in these times it was even bigger. Architectural drawings were sometimes flawed, but he was glad the construction worked reasonably well and that the variance could be accommodated through the Code. He also thanked staff for their sensitivity and for working for an equitable solution with the property owner. He stated if you would like to appeal this decision, you must appeal to LUBA in accordance with LUBA's rules and any applicable provisions in the CDC.

[Agenda Bill 2020-05-11-03: Public Hearing: ORDINANCE 1708, AMENDING WEST LINN MUNICIPAL CODE CHAPTER 7.000 RELATING TO SIDEWALK CAFÉ PROGRAM](#)

[ORD 1708 Sidewalk Cafe Information](#)

Interim City Manager Williams noted Council had discussed this item several times at work sessions and staff believed the subject ordinance reflected the direction given by Council. The ordinance was largely driven by the new construction on Main Street and the desire by City Hall and business owners to have a standardized program to allow businesses to have sidewalk cafes. The staff report provided Project Engineer Pepper listed the most recent changes to the ordinance.

Mayor Axelrod noted the Councilors had contributed comments to the ordinance. He had submitted written comments and follow-up had taken place with staff and input received from Main Street businesses. The suggested revisions and language acceptable to those involved had been incorporated by Project Engineer Pepper and Public Works Director Calvert. He encouraged people to go to Willamette Falls Drive to get a sense for the new sidewalks. The new design was fantastic and having cafe standards would be timely to provide guidance for spatial use.

Mayor Axelrod confirmed there were no questions for staff and no public comment.

Councilor Relyea understood that in the revisions to the Code, Council had discussed the prohibition of securing anything to the sidewalk due to concerns that it would ruin the sidewalk, make it unsightly, and require repairs. He had noticed some people brought out Plexiglass shelters for families to sit under. Restaurant purveyors could provide food service to those members of the community inside the Plexiglass mini-houses, which would provide protection between groups of customers to enable them to eat without masks. He was concerned with how the Code was currently written, because if something like the mini-houses were installed and a high wind came up, they might be thrown into the street or overturn on the people sitting there, creating a liability for the restaurant. He suggested that a provision allowing securing something to the sidewalk be considered given the current unknown conditions and a complete understanding of how to provide a reasonable place for people to eat in public on the sidewalk.

Mayor Axelrod noted that anchoring something to the sidewalk had raised concerns about facilities located immediately beneath the sidewalk. He understood the guidance being worked on at the State and County level addressing restaurants, particularly outside restaurants, met the distancing requirements and should be reasonably protective. The requirements would probably be short-term, but could last months or years. In the absence of further information about changing guidelines for restaurants, he was reluctant to introduce allowing things to be secured to the sidewalk.

Director Calvert stated revisions could be considered to allow anchoring, but other issues would come into play when permanently affixing items to the right-of-way. If someone wanted

to install something like a shelter, many ways were available to accommodate that without permanently anchoring into the concrete or surface and damaging City infrastructure. He suggested Council proceed and monitor the circumstances. Requests to install a mini-house could be considered individually and the Code modified in the future. It was difficult to think of every possible scenario, but this set of rules provided a place to start with the possibility of further modification later on.

Councilor Sakelik agreed with the suggestion to consider modification in the future. He recommended moving forward with what was before Council and to be sensitive to how matters proceeded in the next six to nine months.

Director Calvert confirmed the Main Street Project would be done by summer. The ordinance would give guidance to those waiting to see what the best practices would be for outdoor dining. If additional direction were received from the State, staff could bring the ordinance back to Council. He believed it made sense to proceed with the ordinance as written for this summer.

Councilor Sakelik believed, assuming no encumbrances, the project would be completed and applications submitted for sidewalk cafe permits, excluding the COVID-19 issues.

Director Calvert noted the Governor had provided direction for moving forward and for what Clackamas County was tasked with to get things operational. He anticipated that once the ordinance was approved, permit applications would start coming in to the City. If a request was made that did not meet the Code requirements, it could be brought back to Council. He was not aware of any concerns at this point, at least for already-established restaurants.

Councilor Relyea suggested that the language regarding no anchoring stay the same, but a caveat should be added stating a variance could be requested in the permitting process, and the Public Works Director could approve anchors under certain circumstances. This would give applicants the opportunity to ask for an approval for anchoring as part of the permitting process. However, because of the concerns regarding utilities, the installation of and trip hazards from anchors, a process should also be in place addressing what should be done to cap the anchoring devices should a structure be removed. All of those issues needed to be engineered and worked through with the Public Works Department.

Mayor Axelrod expressed concerns in having language in the Code that was as vague as "under certain circumstances" because who would determine those circumstances and the parameters and it would require an exhaustive definition of the circumstances. He was also concerned that would not happen and the Code would need to be further rewritten. He appreciated and understood the interest, but suggested it be revisited if a need arose in the future.

Councilor Relyea suggested that perhaps the language did not need to be in the Code and only in the permit application.

City Attorney Ramis stated that to the extent that a process would be allowed that was fundamentally a variance and authorize the Public Works Director to make the decision, some authority in the Code was needed. It would be possible to say that such a process would be put in place and rules adopted by the City Manager or something similar, authority was needed in the Code.

Director Calvert noted staff's goal was to be consistent with some of the surrounding communities and to find a benchmark for some of the work. He had not heard any issues expressed about the way staff had written the ordinance but, because it was new, he expected to at least touch base with the businesses this year, once the process began to see if any challenges arose. In that case, it could be brought back to Council in a one-year update to determine if any further revision was needed to the ordinance, along with any input from Main Street or other groups.

Council President Cummings said she supported Councilor Relyea's suggestion. She did not believe it would pose problems to surrounding properties, but could give the property owners who were installing sidewalk cafe amenities something needed that otherwise might be a laborious, delayed process. She asked who the approval authority would be if flexibility or other considerations were needed in the Code.

Director Calvert noted the authority for the Municipal Code would be the City Manager, who directed all the permitting work done by staff. The bigger issue with permanent fixtures in the right-of-way went beyond the traditional sidewalk cafe standard to something that might damage the public right-of-way, raise liability issues, and add a legal situation requiring deposits and inspections. For the current purposes, considerations were being given to tables and chairs to give people the opportunity to use the sidewalk. A lot of the existing businesses would be in violation of liquor laws if they put out tables and chairs on the sidewalk without permitting through the City. The attempt with the ordinance was to create a general balance and basic framework and structure for use of the sidewalk, and it could be built upon in the future.

Council President Teri Cummings moved to approve first reading of Ordinance 1708, amending West Linn Municipal Code Chapter 7.000 relating to sidewalk café program, and set the matter for second reading. Councilor Richard Sakelik seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Council President Teri Cummings moved to approve second reading of Ordinance 1708, amending West Linn Municipal Code Chapter 7.000 relating to sidewalk café program, and adopt the ordinance. Councilor Richard Sakelik seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2020-05-11-04: ORDINANCE 1702, RELATING TO CITIZEN ADVISORY GROUPS AND AMENDING WEST LINN MUNICIPAL CODE SECTIONS 2.200, 2.205, 2.210, 2.215, 2.220, 2.225, 2.230, AND 2.235](#)

[ORD 1702 Percent for the Arts Information](#)

[Council President Cummings' Submittal](#)

[Updated Percent for Art Spreadsheet](#)

[Public Works Staff Email & Spreadsheet](#)

Interim City Manager Williams noted new information was available in the spreadsheet. The numerous sections being amended by the proposed ordinance were all nested under Section 2, Citizen Advisory Groups in the Municipal Code. Ordinance 1702 had been discussed by Council several times in the past and Council had worked with the Citizen Advisory Groups on the ordinance as well. The amendments would change the way a certain percentage of funds was dedicated to the arts from public construction projects. In the packet was information from the outside contract auditor regarding how the percent for arts dedication was viewed, information from Director Calvert regarding expenditures on the Main Street Project so far, and information from Council President Cummings related to the background and the Arts and Culture Commission's discussion on the topic.

Director Breithaupt noted the changes Council had discussed would change the percent for arts to include the transportation GO Bond projects. The auditor stated the Street Fund, the Environmental Services Fund, Water Fund, and SDC funds were not eligible and would not be included in the language. The 1.5 percent would be applied to design and engineering costs of the projects and the transportation GO Bond projects, which staff anticipated would be a change of about \$200,000 of expected expenditures.

City Attorney Ramis stated staff's intent was to provide more structure for the description of what was and was not allowed. The remaining issue for the Council's consideration was the definition of total cost, and whether to include or exclude design and engineering and change order costs. Two definitions worked together: one was the definition of a City project and the other was the definition of total cost. The City project definition was broad and included a lot of potential projects. Those were restricted by the language in total cost, which described costs that were not included and could not be reached by the tax. The second sentence in total costs

which said, "Total cost does not include costs for..." was a critical sentence. The question Director Calvert raised was whether design, engineering, and change order costs ought to be included in the category.

Director Calvert stated a breakdown of the Main Street Project, which was included in the packet and shared by email, showed all estimated costs for the project and a breakdown of the GO Bond category funds from which the percentage for the arts would be available. The spreadsheet also included notes regarding the eligible costs that would relate to the percentage for the arts that were already included in the project. The percent for arts expenditures well exceeded the 1.5 percent included in the project. The percentage included design, but not an amount specific to this project. Design was tricky because a determination needed to be made as to how far in advance one would go to design, and decisions made like whether Transportation System Plan (TSP) work would be included as part of the design element of some of the projects. The latest version of the ordinance had a lengthy definition of some of the cost sections regarding what was and was not applicable.

Mayor Axelrod stated he wanted to make very clear how much he supported finding a way to fund some of the art objectives. Most other cities that had funded these programs had used a multitude of sources, very commonly leveraging funds from lodging taxes or urban renewal monies or other mechanisms, none of which West Linn had; though an urban renewal district was a possibility for the future. Traditionally, the City's contributions to the arts had come from the parks and library projects. The proposed ordinance with the GO Bond monies and the program itself would include transportation projects for the first time. He was concerned about the City's ability to balance budgets and to do the desired projects for the next five years and beyond. The City was already aware that PERS would have a great impact in the next biennium and now in addition, issues around COVID-19 would have to be addressed which would be manifested in many areas, some possibly unknown at this point, with impacts to resources and funding and necessary adjustments to be made in changing conditions. Traditional projects such as those for parks and the library involving rebuilding and major modifications through the Bond were all applicable, but many transportation issues needed to be addressed in the city and care needed to be taken with the transportation budget in the future because it would be scrutinized. He had envisioned the arts tax would apply to the actual project building and construction, not to the administrative and administrative design costs. He did not believe the design and engineering language should be included in the ordinance. Regarding the budget, he believed the 1.5 percent was included from the program when it was implemented 10 years ago, which appeared to be language borrowed from Lake Oswego, though their percentage was drawn from different sources. He suggested implementing the program with 1 percent for the arts. Future Councils could revisit the issue if significant problems needed to be addressed. He believed 1 percent would raise a decent amount of money and provide a bit more flexibility to staff who would need to deal with the budgeting issues.

Councilor Sakelik noted the Agenda Bill stated Council's options included improving Ordinance 1702 with the changes as attached. He assumed that was the only applicable ordinance. The

second item was to approve Ordinance 1702 with the new changes, but he was uncertain what that referred to because no ordinance in the packet addressed "new changes."

Director Breithaupt noted it was likely an error and should have referred to other changes Council might bring up.

Mayor Axelrod confirmed Council consideration would be for Ordinance 1702 with the changes in the packet, and that Ordinance 1703 referred to in the packet at the last meeting was not a part of tonight's discussion.

Council President Cummings moved to approve the first reading of Ordinance 1702 with the new changes. Upon finding the motion language noted in the packet, Council President Cummings withdrew her motion.

Council President Teri Cummings moved to approve first reading of Ordinance 1702 with the changes as attached. This option implies there would be a public art requirement for all City capital projects that are not otherwise restricted. The implications of this decision are discussed in the Budget Impact section. Councilor Richard Sakelik seconded the motion.

Councilor Walters stated she was also concerned about costs, although she was very much in support of arts programs and funding, which she believed were essential for a healthy, vibrant community. She asked if Council could discuss the different percentages again, .5 percent, .75 percent, 1 percent and 1.5 percent, knowing Council had the opportunity to change the percentage in the future when a clearer sense concerning the COVID-19 crisis was available.

Mayor Axelrod noted a motion had been made and seconded to approve the ordinance as written. He reiterated his wholehearted support for the program, but believed the percentage should be reduced slightly to 1 percent until a better understanding of the implications for the budget and future Councils was possible. Also, he did not believe the technical elements of the overhead and design and engineering should be included. He supported finding some funding for the arts in the best and most responsible way possible.

Councilor Walters stated that .75 percent was still a healthy amount to create some interesting art. She would vote "no" on the current motion in the hope someone would reintroduce a motion to lower the percentage.

Ayes: Council President Teri Cummings, Councilor Bill Relyea, and Councilor Richard Sakelik.

Nays: Mayor Russ Axelrod and Councilor Jules Walters.

The motion carried 3 - 2

Mayor Axelrod confirmed the second reading could not be conducted as the motion had not passed unanimously. He suggested working with Interim City Manager Williams to schedule the second reading into a future agenda, at the June 8th business meeting at the very latest.

~~Agenda Bill 2020-05-11-05: ORDINANCE 1711, AMENDING THE 2008 FRANCHISE GRANTED TO WEST LINN REFUSE & RECYCLING, INC., FOR SOLID WASTE, RECYCLING, AND YARD DEBRIS COLLECTION SERVICES**~~**

[ORD 1711](#)

This item was removed from the agenda at Council's May 4 Work Session.

~~Agenda Bill 2020-05-11-06: ORDINANCE 1712, AMENDING THE 2012 FRANCHISE GRANTED TO KELLER DROP BOX, INC. dba ALLIED WASTE OF CLACKAMAS AND WASHINGTON COUNTIES/REPUBLIC SERVICES OF CLACKAMAS AND WASHINGTON COUNTIES, FOR DROP BOX AND SOLID WASTE MANAGEMENT SERVICES**~~**

[ORD 1712](#)

This item was removed from the agenda at Council's May 4 Work Session.

~~Agenda Bill 2020-05-11-07: Procurement of Sewer Vac Truck**~~**

This item was removed from the agenda at Council's May 4 Work Session.

City of West Linn Response to COVID-19 Public Health Emergency [15 min]

Interim City Manager Williams gave an overview of the current COVID-19 situation, noting plans to reopen Oregon were being developed. The Governor had announced the reopening would occur county-by-county. Counties could submit applications demonstrating they had met the criteria laid out by the Governor, which included a decline in case load, access to sufficient testing, contact tracing capability, availability of personal protective equipment (PPE) and medical facilities, hospital capacity, and the ability to handle any future surge. The Counties could then get approval from the State to enter the first phase of reopening, which would allow limited reopening of businesses that had mandatorily been closed, such as restaurants and bars for sit-down service. The reopenings required sufficient spacing, mask wearing, and other appropriate preventive techniques. Personal care and service businesses could reopen, and in-person gatherings of up to 25 people would be allowed. The first phase would require at least three weeks until Phase 2, which would open more businesses and allow a higher number of people for gatherings. A number of Oregon's counties had submitted applications, but an application from Clackamas County was not expected for at least two weeks from Friday. The County Health Department had the sole authority under the Governor's rules to apply for reopening. Clackamas County still had a limitation on the amount of equipment and PPE available to hospitals in the case of a surge, and they also needed to do hiring for contact tracing. The number of contact tracers would entail dozens of tracers in each county. Work was in progress to hire contact tracers and to identify PPE. For businesses, group

activities, and functions of the City of West Linn, nothing would be changing for at least a couple of weeks until the County submitted an application and the State approved a loosening of restrictions in Clackamas County. It could be a long time until the County could demonstrate that it had met all of the requirements to advance to Phase 2. He believed the reopening in the Portland Metro area would be very slow and would be much different than what would be seen in rural parts of the state.

The City of West Linn's approach had been to comply with both the letter and the spirit of the rules put in place by the Governor, so the City was not expecting to do much reopening until the county had received approval for the next phase. City facilities would remain closed to the public until the requirements were loosened. Staff was working on plans for the next phase, which included limited public access to City Hall, for example, but staff had not seen a great demand from people wanting to get into City Hall. The public still had access to staff and things were going well, but the City had to ensure the reopening was done correctly in order to not cause a knee-jerk reaction at the beginning. The department directors were working together to plan for the reopening and considering how to protect the citizens and employees at public counters; for example, to possibly use sneeze guards, spacing, and how to clean restrooms, etc. Staff planned to share an operational plan with Council and the public when it was available.

The County Library Directors were working as a group to consider how and when to release some of the materials that had been on hold, but were trying to work together on the challenge of keeping employees, patrons, and materials safe. The initial thought was that if the County was in the next phase, holds could be picked up around the beginning of June if a system could be worked out to keep everyone safe.

Also being considered were summer events. Regarding the Parks and Recreation boat ramps, new direction had been received from the State that loosened the restrictions on what providers of public recreational facilities had to have in place to reopen. Other boat ramps on the river had been reopening; Gladstone would open theirs this Wednesday. Staff was able to secure porta-potties at the boat ramps and had reopened the ramps before the warm weather this weekend. He understood that went well and, with the warm weather, the public showed up at the parks. A few phone calls had been received about people not being safe and crowding together. Some of the officers had spoken to people and park staff were being hired to conduct a summer ranger system. The City was asking the public to use common sense, to continue to be safe in all of the public facilities, and to take ownership of their own protection and that of others.

Councilor Walters believed it was necessary to stress that the decision to reopen belonged to the County, which would be making the decision for West Linn. A lot of people had been asking her about reopening. The metrics that each county had to meet in order to begin reopening was that the number of new COVID-19 infections had to drop for two weeks, or to have less than five COVID-19 hospitalizations. Enough safety equipment was available for doctors and health care workers, enough hospital beds were available to care for people with COVID-19,

tests were available, and a way existed to do contact tracing. She had the opportunity to ask some Commissioners and Chris Lyons, the Coordinator in Government Affairs for Clackamas County, about providing information regarding how the metrics were being met by the County in the next few weeks that could be shared to keep everyone on the same page. She appreciated the efforts to help keep each other safe and acknowledged that it was difficult, noting her father was in assisted living and her mother lived alone, and all of her own kids were at home. She appreciated everyone hanging in there.

Councilor Relyea asked if the City needed to tie its state of emergency proclamations to the County's timeline.

Interim City Manager Williams believed that would be the case. The County's determination of progress based on the health data would be the main information the City would consider when deciding whether to continue the state of emergency. A tie also existed to the expenditure of funds that could be perhaps recompensed in the future. He had not heard of other cities releasing their states of emergency yet, and believed West Linn would be wise to not do so now.

City Attorney Ramis stated he had not seen any city move to lift an emergency order. He believed such action should be coordinated with the County. The emergency order currently in place went through the end of May and it might be extended.

Interim City Manager Williams continued with his report by addressing large community events such as Movies in the Park, July 4th, and the Street Dance. The Governor's announcement last week was clear that large events would not happen this summer, and she had cancelled conventions, festivals, concerts, and live sporting events through September statewide. He did not believe West Linn would organize any large events in contradiction to that order. Since the Governor's announcement, other activities such as the State Fair had been cancelled. It appeared smaller events would be taking place instead of large City-sponsored events this summer.

Councilor Relyea anticipated having to schedule a special meeting the week of May 25th to determine whether to extend the City's State of Emergency because it would expire at the end of May if the County had not moved forward by that point. The City needed to ensure its processes were in line with the County's plan.

Councilor Sakelik stated he had read that the soonest possibility for a big event would be in September. He had been following the Budget Committee's projections and noted they had been putting monies toward a July 4th fireworks event which would probably not take place. He recommended the Budget Committee move those funds elsewhere as Council would do if the Budget Committee brought the issue before the Council.

Council President Cummings noted the tentative agenda for Council's May 18th meeting was a bit confusing. The general minutes page only showed a work session on that date, but the

tentative agenda indicated May 18th was a special meeting, with an item in the last column proposing to extend the emergency declaration to June 30th. She supported a special meeting on May 18th to extend the state of emergency. The ordinances that had been removed from tonight's agenda could also be addressed at the May 18th meeting to make an extra meeting unnecessary.

Mayor Axelrod believed a vote would be necessary on May 18th to make an extension consistent with the State and the County order. He understood the items removed from the agenda tonight would return to Council in June or later.

Interim City Manager Williams noted Council had removed two items from the May 18th agenda which left nothing for a business meeting, so the meeting would become a work session if Council chose to have it. He was unsure when the two ordinances removed from May 18th would be rescheduled. The three removed from the agenda today would be on the June agenda.

City Attorney Ramis confirmed Council could amend the agenda to include extending the State of Emergency tonight consistent with the County and the State.

Mayor Axelrod recommending addressing the matter during the Mayor and Council Reports later in today's meeting.

Councilor Walters stated she was hearing concerns about people having their own personal fireworks displays if no traditional sponsored fireworks display took place, and that raised fire hazard issues. She asked if the fireworks could be displayed somewhere that was visible throughout the city from people's homes or a couple of different locations in an attempt to prevent large fireworks displays in neighborhoods. Providing a sponsored fireworks display would create a rallying community feeling without the need for social distancing and without violating the Governor's orders.

Council President Cummings noted the fireworks had traditionally been held in the Willamette Park area, which was a good location because the fireworks went out over the river making them safer. She did not know how to prevent drawing a crowd as usual. Tualatin Valley Fire and Rescue (TVF&R) had requested residents to refrain from burning and to be more careful because the number of fires increased around July 4th from out-of-control fireworks. A hot, dry July would require making an appeal to the community to refrain from using fireworks in order to reduce the number of calls to which the Fire Department had to respond. It was one of the sad sacrifices the city had to go through right now.

Mayor Axelrod agreed, noting he had been approached by members of Alice Richmond's crew. Ms. Richmond funded a big part of the Fourth of July. He had discussed with Interim City Manager Williams the possibility of a fireworks display that was videotaped, or the possibility of removing all the venues and having people stay 6 ft apart. They concluded it would be extremely difficult and frowned upon by the Governor because it would violate the State

order. A lot of communication would be necessary with the community to ask them to keep the crowds small and to address the fire issue. Council could consider asking people to watch the fireworks on television and to not use fireworks in the city because of the fire danger. TVF&R had only so much capacity and would be pushed on that night anyway. He suggested talking with TVF&R about ideas on how to approach the problem, adding he could also raise the issue at the Mayor's County Chair meeting this week.

He had raised the boat ramp issue last Thursday after staff had worked out a deal late Wednesday, but some uncertainties were expressed by the cities. Gladstone City Council would vote tomorrow night about whether to open their boat ramp. Gladstone had problems with Clackamette Park because a lot of people were showing up wanting to camp. The situation had become overwhelming. Gladstone was considering how to open the boat ramp independently of other areas in the park tomorrow night. He had been trying to take the pressure off of West Linn's boat ramp by working out something regionally with the County because having only one boat ramp open would cause people to flock there. Oregon City would also consider opening its boat ramp, and Milwaukie's was already open, but the dock amenities were closed until the end of May. He recommended touching base with surrounding cities. Oregon City had a fireworks display that could be seen from West Linn, and he suggested uniformity in the cities' approach. When uniformity was in place, messaging, understanding, and complying was much easier because everyone was in it together and trying to do the right thing, as hard as it might be.

Some of the cities in Clackamas County were rural and had different ideas about how they should reopen. He was concerned about some cities choosing approaches that were not consistent within the County, but a good discussion had taken place about that issue and he applauded the other cities and the County for working together. The County might take different approaches for various areas.

On the call today with Senator Wyden, Mayor Axelrod raised the issue of insufficient PPE in all of the hospital networks including smaller clinics, particularly in rural areas. He had heard also that some businesses were struggling with getting adequate PPE. In order to reopen, they needed to demonstrate the proper number of masks was available and that they were set up and ready to go. Also, no uniform strategy existed for contact tracing. The County had 10 FTEs targeted for contact tracing, but as the County reopened, the number of estimated tracers needed ranged from 150 to 200. The Governor had identified needing 600 FTEs for the state, but it was still unclear where the 600 FTEs would go and what counties would have priority. Many issues for the program needed to be worked out, while the County was laying off staff. He hoped things would become clearer in the next few weeks, and that requirements would be met so some of the city's small businesses could reopen.

Councilor Sakelik agreed with Councilor Walters' suggestion of an alternative to the fireworks, but he could not see how it would be possible. He believed the fireworks would just have to be canceled this year. He would like to have TVF&R come to the next Council meeting to emphasize fire hazards and fireworks, because people would use fireworks as they did every

year. He did not want the community to believe they could attend the fireworks and not have to distance properly. Perhaps the city could have an enhanced Fourth of July celebration next year.

Mayor Axelrod requested Interim City Manager Williams contact TVF&R and reiterated that he would bring up the issues at the Chairs meeting this Thursday.

Interim City Manager Williams noted Chief Weiss from TVF&R would be giving the State of the District report at Council's June 1st work session, which would give Council a great opportunity to speak with him. TVF&R staff attended the City's Department Heads meeting once a month and he was aware they were already thinking about July 4th and were very worried about personal fireworks, which they anticipated would be worse this year with a forecast for a dry summer.

Late last week, Business Oregon, the State Economic Development Agency, announced that they were reprioritizing about \$10 million, with \$5 million going to small businesses now and the other \$5 million at a later time. The funds would be used as a matching program for local jurisdictions that have programs in place or would be starting them. The program description stated the funds were for the purpose of providing financial assistance to small businesses adversely affected by economic conditions associated with the COVID-19 pandemic that had not received federal emergency assistance under the CARES act. Businesses would be targeted in rural areas, in communities of color, and in historically disadvantaged communities. It did not mean West Linn would not receive funding, though it did not have a matching program in place. He wanted Council to be aware of the available funding because of their concern about small businesses in the community. Finding a pot of money for matching in the City during declining revenues would be challenging. A small amount of money was available in the Materials and Services Fund under Economic Development that had not been used for the Water Fund program and could be reprioritized for the matching program for this budget year. However, within six days a program would need to be created, approved, the money rededicated, and an outreach program developed to communities of color with businesses in the city. It would be a big project for a few short days. He expected the cities that already had programs would apply for matching grants to enhance those programs.

Council President Cummings asked what the potential would be for the City to deliver on a matching program, if a sizable number of businesses met the criteria, and whether the program applied to female-owned businesses and other levels of diversity. She did not want to create extra work for Interim City Manager Williams if the program would not work for the city.

Interim City Manager Williams located language that specified, "...businesses owned by members of historically disadvantaged population groups: Asian, Black, Hispanic, Native American, and women-owned businesses." He was certain West Linn had business owners in all of those groups. He was relying on Council's knowledge of the business community for how to proceed, and reiterated the importance that the funds would be for those who had not

been able to receive federal funding under the CARES Act and that also included the Paycheck Protection Program (PPP) program. The proposals were due May 18th, but a second round of funding would be available on a future date. He confirmed the City would need to provide matching funds that would need to be relatively significant for the program to make sense for the city.

Councilor Sakelik proposed Council consider the second phase of the program.

Councilor Walters expressed her concern about sole proprietorships in the city that were suffering right now and were very concerned about meeting their obligations. If a way was found to take advantage of the program, it would be her first priority to make sure Council was doing everything it could to support the citizens. She offered her help with writing the proposal, if needed.

Interim City Manager Williams reiterated the possibility of using the Economic Development Fund, which had approximately \$25,000 remaining. He would raise the issue with Director Breithaupt and City Attorney Ramis to ensure it was possible should Council wish to pursue the matter.

Mayor Axelrod said he was in favor of proceeding because West Linn, like all smaller cities, should be eligible for some financial assistance from the next federal package if funds had been expended and financial impacts were sustained as a result of COVID-19, particularly for helping the city's small businesses. He believed the effort should be made to put up the \$25,000 and to perhaps find a way to leverage it and be reimbursed later.

Council President Cummings was willing to authorize up to \$25,000 for an Emergency Business Assistance Fund, but she noted it would be highly unusual to get it done by next week as a budgetary matter; however, the City was in a state of emergency.

Interim City Manager Williams noted Council had already dedicated the funds through the budget process for economic development, and using them to support small businesses would just be a different part of economic development.

Councilor Sakelik asked if the budget transfer was necessary if the funds were already in the budget and the City Manager had the authority to spend up to a certain amount. It would not be necessary to move the money from one fund to another as it could remain as economic development and be earmarked to help businesses.

City Attorney Ramis stated Council could choose either option and could go on the record through a motion, but because the budget was there and funds would be used for allowable purposes, the City Manager would have the authority.

Council President Teri Cummings moved to Allocate up to \$25,000 from the Economic Development funds for the Emergency Business' Assistance Grant Program. Councilor Jules Walters seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Diversity, Equity, and Inclusion Discussion [15 min]

Interim City Manager Williams noted a request for qualifications (RFQ) opportunity for firms to perform a diversity, equity, and inclusion (DEI) audit and training, and develop a program. Quite a few questions were received in response to the audit, and he needed a few extra days to pull the information together. The answers would be posted tomorrow, and the applicants would be given a couple of extra business days to apply. Nine firms had registered on the City's website as potential bidders. Staff would get the answers to them and set an application date of May 19th to allow them time to finalize their applications for submission and the website had been updated to reflect that. He would provide Council with more information once he received it.

Mayor Axelrod noted he still needed to provide Councilor Walters with his comments on the Task Force which he would do by Wednesday, adding she was working to have the document ready by Thursday. Regarding the contract with the OIR Group, he asked whether they would get back to Interim City Manager Williams with an update on their process and addressing the questions related to the task element.

Interim City Manager Williams replied that he and City Attorney Ramis had a brief initial conversation a day after signing the contract. OIR Group was reviewing the available materials and developing a plan. He believed they intended to speak to the Councilors as they had requested.

City Attorney Ramis added OIR Group had asked for some specific information, so they were clearly beginning to delve into matters. One question raised was how to secure the authority to conduct interviews. Some people would voluntarily agree to an interview, but some might resist. In that case, Council needed to consider whether to adopt an ordinance granting a subpoena. It was not an immediate issue, but it would be coming up. He clarified it would be a quick process, and it was important to have procedural safeguards in place by ordinance in order to reinforce the City's authority to conduct subpoenas and to do interviews. He confirmed writing the ordinance for Council's review and vote would take approximately a week's time.

Council President Cummings liked the idea of having an ordinance in place, if it was not too

much trouble and expense, because knowing that Council was equipped to subpoena might prevent unnecessary delays in getting cooperation.

City Attorney Ramis noted a conversation had taken place with OIR Group about subpoenas and it had been left to OIR Group to get back to staff regarding how they wanted to conduct the process.

[Mayor and Council Reports \[20 min\]](#)

[Appoint I-205 Tolling Diversion Committee Policy Representative](#)

[Draft I-205 Tolling Committee Information](#)

Mayor Axelrod noted the County had made a request for a committee to advise them in the outreach process with ODOT on tolling. Tolling was proposed on two segments of the City's roadways, the Abernathy Bridge and a section of I-205. He believed a consistent voice and position from those around I-205 was expressed concerning tolling as vetted so far. Councilor Walters had offered to serve on the Tolling Committee to represent West Linn.

Council President Teri Cummings moved to Appoint Councilor Jules Walters to the I-205 Tolling Diversion Committee. Councilor Richard Sakelik seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[City Manager Report \[5 min\]](#)

Interim City Manager Williams stated a discussion regarding the Friends of Robinwood Station (FORS) Use Agreement would be healthy for staff. If Council wanted additional discussion of the Historic City Hall project, which he believed would be a useful check-in, time was available on the agenda for the May 18th meeting. The idea for the FORS Use Agreement was not to spend any capital funds on Robinwood Station until a use agreement was in place. He had seen the latest version of the agreement from City Attorney Ramis' office this afternoon and he believed it would be going to FORS soon. No commitment had been made for any capital expenditures and none would be made until the agreement was in place. A land-use application was required for Robinwood Station and some design work was in progress. A contract had been in place with Iselin Architects for some time. Staff understood Council's intent was to move the land use process along as much as possible while not spending the capital funds until the use agreement was in place. Work had been done to finalize the design for Robinwood Station and in preparing the land-use applications. If the intention was to not

do any of that work until the use agreement was agreed to by both parties, then it would be stopped. He would appreciate a clarification from Council in that regard.

Councilor Sakelik asked what the cost would be for the land use application. If it was \$5,000 he believed Council should wait, if it was \$200, it would be worth moving quicker. With FORS getting the agreement now, the issue could be resolved in the next week or so.

Interim City Manager Williams stated he hoped it was resolved soon, but he did not know the amount for the land use application. The main cost would be the work to develop the site plans, elevations, and architectural plans for the Planning Commission to review. The application fee was a relatively small part of the cost.

Councilor Sakelik stated he preferred to wait for the agreement because it would be about two weeks before it was brought to Council for review. He believed FORS was motivated and had been waiting on Council for a while based on the feedback he had received.

Interim City Manager Williams noted a potential existed for the document to be available for Council review very soon.

City Attorney Ramis stated a draft agreement was available containing what staff believed was appropriate, but feedback needed to be received. He did not believe it would take long.

Interim City Manager Williams raised the issue of parking at the Historic City Hall, noting Council had agreed to invest more funds into the Historic City Hall which required an update to the letter of commitment and potentially a new lease agreement between the City and the Willamette Falls and Landings Heritage Area (WFLHA) Coalition. The revised letter of agreement and a draft lease agreement with the Coalition had been on hold because of the COVID-19 situation. Some work had been done to finalize the parking plan. Todd Iselin was working for the Coalition and working with the owners of the mill property on a parking layout. An agreement in concept was in place to allow about 30 parking spaces, plus some overflow if needed for certain hours of the day. As soon as the survey was received from Alta and Mr. Iselin was able to finalize the architectural plans for the parking lot, staff would bring the information to Council in a package as part of a revised letter of commitment and lease agreement. Questions had been raised about the naming of the facility and who was in charge of the project. He believed a discussion of those issues should involve Siobhan Taylor from WFLHA as well as how Council could work with her on the project.

Councilor Sakelik stated his main inquiry regarded the parking contract. He was concerned about whether the mill had the legal authority to make a valid agreement with the City without the knowledge of the owner if the mill was leasing the property, thereby putting the parking contract in jeopardy in the future.

Interim City Manager Williams stated the property owner was a part of the conversations about the easement. The mill operator was speaking to the property owner about what was

needed to make it work, but the mill ownership group was aware and presumably would ultimately sign the agreement.

City Attorney Ramis said it would be good to get all of the parties' signatures on the contract.

Councilor Sakelik stated if the property owner and mill ownership group were willing to proceed, there should be a signatory discussion. In his opinion, the wrong impression was being given, especially because the minutes from February 10th reflected the discussion that the City would be doing the programming and not WFLHA. WFLHA would be a signature tenant to a new agreement because they had not performed to the current agreement. Their use of a name and publicizing a narrative was inappropriate because it could create difficulty for the City, and he anticipated the end result would be different to some degree. He requested the Coalition cease and desist from promoting the property for the time being because it was setting an expectation by the public that was not guaranteed.

Interim City Manager Williams replied the best thing would be to bring the agreement back to Council for discussion of those issues and to ensure Council's support for whatever the Coalition was doing, because they certainly did not want to be doing anything Council did not want them to do. He suggested adding the topic to an upcoming agenda for more conversation soon, so Ms. Taylor and the Coalition had good direction.

Councilor Sakelik stated he raised the issue because if the parking deal was almost done and sufficient, which he assumed it would be if it was a three-party signatory agreement, then plans could start on the rehabilitation process. That would require a very special agreement with the Coalition beforehand.

Councilor Walters stated she took responsibility for the Facebook post where she had asked if some of the city's historic properties could be promoted because it was National Historic Preservation Month.

Councilor Sakelik clarified that he had not seen the Facebook post, but was referring to something the Coalition had placed on their website.

Mayor Axelrod stated the assumption was that the property would be a cultural historic heritage community center as envisioned. He believed the Coalition was hoping to keep the promotion going forward along with the awareness and excitement given the delay caused by COVID-19 and the fact that it was National Historic Preservation Month. The title might change slightly, but he believed general agreement had been reached. He proposed waiting for the agreement and survey and to then discuss the issue. He would defer to the Coalition's expertise on the name. He confirmed he had not read the entire narrative the Coalition had produced.

Councilor Sakelik noted the narrative gave a different impression by soliciting donations. The

actual process was not even similar to that, so it gave people the wrong impression.

Mayor Axelrod responded the non-profit had every right to reach out to the community, and they were always doing marketing and outreach about their ambitions and desires. That project was one of the most interesting and challenging and perhaps the greatest ambition on their plate.

Councilor Sakelik replied that he understood, but the way the information was worded was important. He had a career in sales and marketing and understood the situation. It was necessary to have a discussion on the matter.

Mayor Axelrod stated he would review the Coalition's narrative.

[City Attorney Report \[5 min\]](#)

City Attorney Ramis stated he was aware Council had been working with Shannon Erskine recently, but had not had the opportunity to meet her. She had joined his law firm with a very strong resume and had certain critical skills at a critical time. She was a Fulbright Scholar and an Oregon lawyer who knew her way well around a courtroom. She had served as a clerk for a circuit court judge and also worked as an assistant district attorney as a prosecutor handling trials on violent crime cases. She maintained a practice as a prosecutor and investigator. She had been very helpful in putting together some of the needed information in the wake of the Fesser investigation and many of the items Council had requested.

Ms. Erskine noted she was wrapping up the information provided in response to a subpoena and would provide it to the US Attorney shortly. She appreciated the quick responses she had received from Council as well as the Councilors' professionalism.

[Adjourn](#)

****These items were removed at Council's May 4, 2020 Work Session****

Notes Approved 7-13-20