



# CITY OF West Linn

## HISTORIC REVIEW BOARD

Minutes of September 4, 2012

<u>Members present:</u>	Chair Jon McLoughlin, Vice Chair Jim Mattis, Thane Eddington, Brian Pearce, James Manning and Chris Sherland
<u>Members absent:</u>	None
<u>Council Liaison:</u>	None
<u>Staff present:</u>	Sara Javoronok, Associate Planner/Staff Liaison
<u>Guests:</u>	Jeff Joslin and Rick Michaelson, KLK Consulting

### CALL TO ORDER

Chair Jon McLoughlin called the meeting to order at 7:04 p.m. in the Bolton Room of City Hall, 22500 Salamo Road, West Linn, Oregon.

### APPROVAL OF MINUTES

Mr. Manning made a motion to approve the minutes from March 20, 2012. Mr. Sherland seconded the motion and it passed 5:0 (Vice Chair Mattis abstained as he was not in attendance at the meeting).

### BUSINESS MEETING

Ms. Javoronok noted that the regular September meeting would be cancelled and that there would be a meeting in October, as scheduled on the 16<sup>th</sup>, with a public hearing on a project.

### Review of Draft Proposed Historic Code

Ms. Javoronok introduced the consultants from KLK Consulting, Jeff Joslin and Rick Michaelson. Ms. Javoronok outlined the project. The HRB began discussing the project in early 2011 and it was a portion of the CLG grant for the year. Most of the goals identified for the project have been addressed and the additional items will be addressed as the project moves forward. The purpose of this meeting was to review the draft of the historic code chapter. There would be an additional subsequent review later in the process.

Mr. Michaelson discussed how they tried to simplify the code language and make sure that things were said once and clearly. They also tried to build a hierarchy of design standards that apply to all cases, including alterations and additions and new construction. They clarified the processes for listing and delisting landmarks. They tried to provide for flexibility and give discretion for HRB without being tied down to particulars. It was difficult to combine the historic district and historic landmark sections since they were written at different times and by different people with different orientations. The code also addresses accessory structures as a structure on the site and is not as concerned about what was going on inside of it there are the same issues for 2-story shop as 2-story apartment.

Mr. Joslin spoke to the discussion and attention given to using the efforts of staff and the HRB as efficiently as possible. The code looks at what could be exempted under certain

circumstances (i.e. fence standards) that would allow work without review. The proposed language tries to eliminate burdens for applicant completing small projects.

Vice Chair Mattis reminded the HRB that there was a Technical Review Committee that typically met monthly for the first six months of the year. Staff mentioned that the Committee was comprised of the Chair and Vice Chair from the HRB, and that the other members represented the Planning Commission, Willamette Historic District, and Historic Landmarks. Members also had experience in construction and real estate.

Chair McLoughlin wanted to know why tubular skylights were exempted. He did not want them to be exempt. Ms. Javoronok commented that this was a staff addition. The HRB discussed this and determined that they should not be exempt.

Chair McLoughlin commented on the intent of #8 on p. 18. This section was not clear. It limited the end wall gable to 28 feet. This had the potential to restrict the side elevation on 1.5 story Craftsman style homes to 28 feet. Mr. Michaelson noted that this was not new language. The consensus was that this should be modified to only apply to front elevations, not side elevations.

The HRB discussed the restrictions on solar panels. Mr. Pearce wanted to know if the HRB would approve solar panels on the front. Mr. Michaelson recommended prohibiting it if the HRB would not approve it. The HRB discussed and determined that it should be subject to their review as described in the draft.

Vice Chair Mattis wanted to make the hierarchy on p. 6 more user friendly and recommended changes providing for subsections. Vice Chair Mattis also asked about the process for a zoning map change. Ms. Javoronok said that they would be adopted to the zoning map and that future steps in the process would identify removing landmark designation from properties that had gone through substantial changes.

Ms. Javoronok identified the next steps in the process. The next step was to make refinements from this meeting, run them by the Technical Committee, present to the Willamette Neighborhood and probably Bolton and Sunset, and plus have one larger meeting for owners and residents. From there it would go to the HRB for formal a recommendation, the Planning Commission for a public hearing and recommendation, then City Council for public hearing and approval. Changes would also be made to the zoning map and in related code chapters.

Chair McLoughlin wanted to know the timeline for these amendments. He thought it would be early next year. Ms. Javoronok concurred.

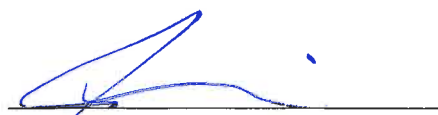
The HRB generally agreed with the information in the supplementary document. Staff stated that she wanted to put it into a brochure. The HRB agreed with that format and thought it would be informative for people.

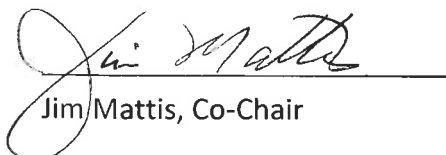
Mr. Michaelson said it had been a pleasure working on this and that it was a good process for all.

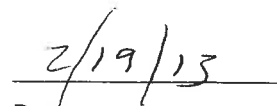
## **ADJOURNMENT**

There being no other business, Chair McLoughlin adjourned the meeting at approximately 7:42 p.m.

APPROVED:

  
Jon McLoughlin, Co-Chair

  
Jim Mattis, Co-Chair

  
Date





## **City of West Linn-Historic Resources Code Update**

Historic Review Board Review —Tuesday, February 19, 2013, 7 p.m.

City Hall—Bolton Room

22500 Salamo Road, West Linn

<http://westlinnoregon.gov/planning/historic-code-amendments-0>



22500 Salamo Road  
West Linn, OR 97068

The City of West Linn is revising the historic sections of the Community Development Code and preparing documents to guide applicants through the review process.

**You can see the revised draft document at <http://westlinnoregon.gov/planning/historic-code-amendments-0>. The Historic Review Board will be reviewing the draft at their meeting on Tuesday, February 19, 2013 at 7 p.m. There will be an opportunity for public comment at this meeting.**

Contact Associate Planner Sara Javoronok at [sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov) or 503-722-5512 or for more information, or if you would like a paper copy.



## **City of West Linn-Historic Resources Survey**

Let us know your thoughts!

<http://westlinnoregon.gov/planning/historic-resources-survey>



22500 Salamo Road  
West Linn, OR 97068

The City of West Linn is starting a process to revise the historic sections of the Community Development Code and draft design guidelines for these properties. As we get started, we want to know what you think of the existing code and what you would like to see. Please take the survey at <http://westlinnoregon.gov/planning/historic-resources-survey> between January 20-February 3.

Contact Associate Planner Sara Javoronok at 503-722-5512 or [sjavoronok@westlinnoregon.gov](mailto:sjavoronok@westlinnoregon.gov) for more information, or if you would like a paper copy mailed to you.



# CITY OF West Linn

## HISTORIC REVIEW BOARD

Minutes of February 19, 2013

<u>Members present:</u>	Chair Jon McLoughlin, Thane Eddington, Chris Sherland, Adam Petersen, and Robert Rothwell; Chair Jim Mattis at 7:20 p.m.
<u>Members absent:</u>	None
<u>Council Liaison:</u>	None
<u>Staff present:</u>	Sara Javoronok, Associate Planner/Staff Liaison

### CALL TO ORDER

Chair McLoughlin called the meeting to order at 7:00 p.m. in the Bolton Room of City Hall, 22500 Salamo Road, West Linn, Oregon.

Chair McLoughlin asked the new HRB members to introduce themselves. Mr. Rothwell stated that he worked for Apple out of his home and moved to West Linn from Southern California about a year ago. Mr. Petersen stated that he had lived in West Linn for a long time and became and interested and knowledgeable about the code and historic preservation since purchasing a home in the historic district and working on a rehabilitation project.

The other HRB members introduced themselves. Mr. Sherland stated that he was on the previous HRAB and then the HRB. He lives in the Willamette area and is an appraiser, mostly commercial properties. Chair McLoughlin stated that he helped to hire staff and form the HRB. He has a small construction company, a Masters in Architecture, and has done preservation. He also served on the County Board years ago. Mr. Eddington stated that he lived outside in the City limits in the Stafford area, was a professional architect specializing in hospitals and has an undergraduate degree in botany.

### BUSINESS MEETING

#### Historic Code Amendments

Landmark owner Susan Carley of 5575 River St. introduced herself. She is in favor of the codes, but wants to make sure that participants have a way to have a hearing to remove the designation. She purchased her home in 1999 and was not aware of the designation until she received a letter in the mail three years ago. She stated that she pays taxes for riverfront. Mr. Sherland briefly explained how the assessed value is determined. Ms. Carley stated she wants to be able to sell her property as riverfront. She wants the code to have a way to say whether the home is a perfect English Cottage that needs to be a landmark in the City. She would not have purchased the home if she had known about these restrictions on her home. She loves the home and thinks it's gorgeous, but thinks that that it will hard to get the value out of her home.

The members discussed the landmark properties and their designation. Staff stated that the letter mentioned was one that she sent to all historic property owners about three years ago reminding them of the designation on their property. Mr. Petersen stated that he didn't realize what he was buying either and that it should be disclosed when purchasing. Chair McLoughlin looked at the designation of her home as a positive because she has a quaint, beautiful home in West Linn that is unique. He does not see how it will affect her value. Mr. Sherland stated that he understood her concern. Ms. Carley stated that it limited her because of the setbacks and river frontage. Mr. Rothwell related his experiences with historic preservation and that work can still be done to properties and that the goal is to make the process easier. Staff outlined



that there were two sections in the code that may apply – one that allows for the removal of the designation and another for demolition. Ms. Carley doesn't understand why her house needs the designation. Mr. Sherland stated that he didn't believe that the zoning and code did not have a negative impact on the housing values, but he also recognizes people's concerns. The HRB discussed putting together a brochure for realtors and others to explain the designation and the positive aspects of it. Staff related that the designation is currently in the CDC and on the zoning map. It does not currently show up in the new building permit software and this needs to be fixed.

Chair McLoughlin welcomed Chair Mattis. Chair McLoughlin stated that he did not want spend a lot of time on the code amendments since there has already been a lot of time spent on them. Staff offered to talk as much as the HRB wanted and wanted to discuss the landmark at 1850 Buck St./6533 Lowry Dr. Mr. Petersen related that he has also read it several times. Chair McLoughlin asked about the brochure and the length of time that applicant's had for presenting. He thought it was 15 rather than 20 minutes. Staff stated that she would check this. Chair McLoughlin did not have any additional changes. Chair Mattis stated that he'd looked at it several times as well and that he sent a recommendation to staff and Chair McLoughlin to ensure that the defined words were used correctly, specifically "structure" and "building". Mr. Petersen asked about the formal comments from the neighborhood. Staff stated that these were on page 3 of the memo including height, which was now 28 feet. This was based on the height of the houses at 1798 and 1892 4<sup>th</sup> Avenue. The HRB determined that 28 feet was a pretty good height. Mr. Sherland commended the Technical Committee for their work.

Staff discussed with the HRB the moving of the house from 1850 Buck St. to 6533 Lowry Dr. Right now, the old address is still listed as a landmark. She wrote to the property owner to see if he wanted to be a landmark and he did not want to remain a landmark. The HRB reviewed the email, response, and the survey forms for the property. Staff wanted to know if the HRB wanted to remove the landmark designation. The HRB determined that a number of the elements that made it significant have been lost and that retaining this designation was not necessary.

Mr. Mattis made a motion that the Historic Review Board recommend to the Planning Commission that they recommend approval of the proposed historic code amendments. Mr. Rothwell seconded the motion. The motion passed 6-0.

### **CLG Grant Application**

The HRB discussed the CLG application due on February 22, 2013. Staff outlined the responses that the HRB members returned to staff. The most popular were the McLean House, rehab grant, collaborating with the WFHAC, 4800 Willamette Drive, interpretive signage, preservation month. Staff clarified that sign toppers could be completed by Public Works and that interpretive signage was more extensive, like the meteorite information in Fields Bridge Park. Chair McLoughlin stated that this was lacking in the district. Chair Mattis stated that the HRB should work on this with WFHAC. Staff wanted the HRB to keep the City's budget shortfall in mind.

Chair McLoughlin thought the rehab grant and Preservation Month should be done as a given. The HRB discussed that there was interest in supporting the WFHAC, but they were not sure how to help them. Chair McLoughlin thought it would be good to complete the sign toppers to celebrate the Centennial and show support for WFHAC. Mr. Eddington said that he would bring the sign toppers for the next meeting. Mr. Petersen stated that the design would be the most difficult part. The HRB wanted to come up with a design and present it to the neighborhood association. Chair Mattis informed the HRB that the Falls Festival would be the first weekend in

October. Mr. Petersen wanted the HRB to help historic homeowners get signs for the historic houses that did not have signs. Staff stated that she had a contact for these signs.

The HRB discussed the other projects. The potential districts would be difficult pursue as grants this year, but staff thought they would experience change in the future. Chair McLoughlin thought they would be a good Masters project for an Oregon student.

Mr. Sherland wanted a brochure for realtors and homeowners that discussed historic designation and regulations.

Chair Mattis said there was a discussion at the Technical Committee as to whether there was requirement to disclose the historic status. Mr. Sherland thought there was a requirement for it to be disclosed. Chair Mattis suggested working with the City Attorney to have the designation added to the title. Staff agreed to talk with the City Attorney to work on this. Mr. Eddington suggested a two prong approach of including this on the title and providing signs to all of the homeowners. The HRB wanted signs for the landmarks. Mr. Sherland mentioned that this was discussed at the year-end meeting.

The HRB agreed that the most important project for the CLG grant was the rehab grant. Mr. Eddington agreed to send the sign topper photos to staff for discussion at the next meeting. The HRB discussed interpretive signage and the Willamette walking tour.

Mr. Petersen made a motion to apply for a CLG grant for the rehab grant. Chair Mattis seconded the motion. The motion passed 6-0.

#### **BUSINESS FROM THE HISTORIC REVIEW BOARD**

None

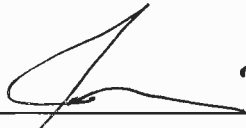
#### **REPORT FROM STAFF**

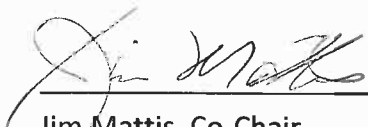
Staff related that a group was in the early stages of organizing a West Linn Historical Society and that the second meeting was to be held on Thursday, February 28<sup>th</sup> at 6:30 p.m. at the Willamette Fire Station.

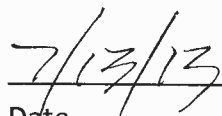
#### **ADJOURNMENT**

There being no other business, Chair McLoughlin adjourned the meeting at approximately 8:12 p.m.

APPROVED:

  
\_\_\_\_\_  
Jon McLoughlin, Co-Chair

  
\_\_\_\_\_  
Jim Mattis, Co-Chair

  
\_\_\_\_\_  
Date



# CITY OF West Linn

## PLANNING COMMISSION

### WORK SESSION

Minutes of March 6, 2013

Members present: Vice Chair Christine Steel, Russell Axelrod, Lorie Griffith, Nancy King, and Holly Miller

Members absent: Chair Michael Babbitt and Robert Martin

Staff present: John Sonnen, Planning Director; Sara Javoronok, Associate Planner; and Megan Thornton, Assistant City Attorney

### CALL TO ORDER

Vice Chair Steel called the meeting to order in the Council Chambers of City Hall at 6:32 p.m.

### PUBLIC COMMENTS

Alice Richmond, 3939 Parker Rd., commented that she appreciated the Commissioners' work.

### APPROVAL OF MINUTES

Commissioner Miller **moved** to approve the Minutes of January 16, 2013. Commissioner King **seconded** the motion and it **passed** 5:0. Commissioner Miller **moved** to approve the Minutes of February 6, 2013 with a correction by Commissioner King. Commissioner King **seconded** the motion and it **passed** 5:0.

### WORK SESSION

Review public comments on proposed unrelated substantive code amendments and amend the draft as warranted.

The Commissioners looked at each set of proposed amendments as staff explained what was proposed to be changed and why. The Commissioners commented on and/or suggested changes to the following items.

#### **Class B Notice requirements**

The draft offered the Commission the options to expand the current 100-foot notice radius for small scale projects to 300 or 500 feet. A public comment suggested keeping the 100-foot requirement, but also requiring a sign. The SAB suggested 300 feet instead of 500 feet. The administration was concerned about the added cost of expanded notice. During the discussion staff advised there was no requirement for a property owner to notify tenants. A sign would alert non-property-owner passersby. Each of the Commissioners present seemed to support increasing the current radius for various reasons: 100-feet was not enough because people often remarked that they had not received notice; the city needed to do a better job of notifying people about changes in their neighborhood; a change an uphill neighbor made could cause water to flood one's basement, which would be very expensive. Vice Chair Steel and Commissioner Axelrod each specified they favored 500 feet plus signage.

### **Number of Dwellings Along Cul-de-sacs**

The current code limited cul-de-sacs to 400 feet/12 dwelling units. A previous Planning Commission had suggested allowing more flexibility than the code allowed if there was no related traffic or fire access problem. Staff had incorporated Metro Regional Transportation Plan (RTP) thresholds into the proposed amendments: for sites larger than five acres the cul-de-sac was limited to 200 feet and it could not serve more than 25 dwelling units. The draft allowed exceptions: When there was no feasible physical through-street alternative; the design met emergency service provider standards; and the design adequately dealt with anticipated traffic. Neighborhood association presidents had suggested eliminating the 5 acre site size threshold.

The Commissioners discussed whether Metro's thresholds fit West Linn and its planned density. Mr. Sonnen suggested an alternative would be to not have thresholds and simply say cul-de-sacs were not allowed unless a through street was not possible and the design met the other two exceptions. Vice Chair Steel polled the Commissioners. She would delete the 5-acre standard; however, she favored the 200-foot limit because it was such a short street. The other Commissioners supported taking out all of the parameters. Commissioner Axelrod explained it would give Planning staff and the Commission more flexibility to see that the city had the kind of planned growth it wanted to see. Commissioner Miller was concerned about setting a threshold as high as 25 dwelling units.

### **In-lieu Fee of Required Improvement**

Staff reported that no public comments had been received. Vice Chair Steel suggested modifying the language to clarify that when he was determining the fee the City Engineer would consider the cost of similar improvements in recent development projects, or require up to three estimates from the applicant.

### **Projecting Signs and Sports Field Signage**

- **Sports Field Signage**

Staff clarified that these amendments were intended to address advertising banners on sports fields when the signs were visible from the right-of-way. They were currently unlawful. The School District had not submitted any comments. A resident had commented that she did not want to have sponsor banner signs in Fields Bridge Park. The Commission had discussed this issue in the past and suggested that the signs should be oriented towards spectators and not the right-of-way; and if they were visible from the right-of-way they should have a uniform and aesthetically-pleasing appearance. Staff advised there was no approval process for sign design and enforcement would be complaint driven. Commissioners' suggestions included putting a time limit on how long the banners could be up; distributing an educational flyer about sports field signage regulations; and not requiring uniform back sides if the signs were behind a screened fence.

- **Projecting Signs**

The Commissioners did not suggest any changes.

### **Docketing**

Mr. Sonnen outlined the general procedure. He reported public comments were to ensure that community voices were heard and to clarify how neighborhood plans would be treated. Staff preferred to make the noticing procedure and the annual review administrative policies. They

suggested the code only require formal review by the Planning Commission. They would post notice on the City website. That would reduce cost and potential challenges based on procedural errors. If they had opportunity they would opt to send out other types of notices. They would involve other boards in the process informally. Vice Chair Steel suggested that language be added along the lines of: if time permits that notice be provided to neighborhood associations and others. Mr. Sonnen discussed three options in the draft related to when citizens could request amendments and to allocating resources to the Commission to initiate amendments outside of the docketing process. He pointed out that an exception provision allowed the Council to initiate amendments at any time. Vice Chair Steel observed the consensus was to leave all three options on the table for the public hearing and underscore Options 2 and 3 as being preferred by the Commission.

### **Residences in Commercial Districts**

Mr. Sonnen asked if the Commissioners thought it would be appropriate to allow residences above some types of conditional uses as well as permitted uses. Commissioner Axelrod indicated he supported that.

### **Temporary Uses and Structures**

Mr. Sonnen explained the proposed changes related to duration of temporary use approvals addressed the problem that some projects lasted so long the applicant had to seek a second temporary use approval for a staging area. That also required more staffing resources. Some neighborhood association presidents supported the concept of allowing construction trailers on sites approved for development. One had inquired about whether erosion control required temporary use approval. Mr. Sonnen advised that was already required by the code. The Commissioners suggested the provisions should make the applicant - not the property owner - responsible for getting the permit and removing unused or abandoned drop boxes. Ms. Thornton advised anyone could remove an abandoned box.

### **Design Review Submittal Requirements**

Staff had consolidated all of the neighborhood meetings procedural requirements into Chapter 99 and reconciled their varied number-of-units thresholds for when a neighborhood meeting is required. The neighborhood associations had commented that 10 multifamily units (as drafted) was too many and the threshold should be three or four units. The Commissioners generally agreed to make the procedural requirements consistent with the definitions for 'Subdivision' and 'Multifamily' by setting the thresholds at three units for multifamily and four units for a subdivision.

### **Approval Standards – Class II Design Review**

Commissioner Miller inquired about a public comment related to the appearance of play structures. Mr. Sonnen explained that would need to be addressed separately in design standards because it was more than just housekeeping.

### **Site Analysis / Site Plan**

Commissioner Axelrod suggested several additional categories of natural features to list under these sections.

### **Stormwater Control on Single Family and Duplex Lots**



Commissioner Axelrod suggested renaming Chapter 33, Stormwater Quality and Detention. He would call it Stormwater Management. Mr. Sonnen clarified that 'redevelopment' was placing more than 500 square feet of impervious surface. That did not currently require a permit and if the activity was not associated with some other permit the city would likely not be aware of it. The Commission recessed for ten minutes and reconvened at 8:45 p.m.

**Review the draft amendments to the historic code (CDC Chapters 25 and 26) and finalize a public hearing draft.**

Ms. Javoronok outlined the changes that were being proposed (see the March 1, 2013 Staff Memorandum). The Commissioners discussed and/or suggested changes to the following items. The Commissioners inquired whether the code would allow sports courts and swimming pools. Staff advised it did not currently require review of a pad. They noted the proposed CDC stormwater-related amendments would trigger a process for them. They clarified the historic code focused on ensuring that features that were visible from the public right-of-way fit the character of the area. In-ground pools were not subject to design review if they were in a rear yard. Lighting had to be in character with the neighborhood. They noted the district featured mostly small lots that might not be large enough to accommodate a sport court. Ms. Javoronok reported general support by residents who attended the public meeting. They perceived that infill was out of scale and/or character with the historic district. They asked that the code apply to Landmarks in the Willamette Falls Drive Commercial District. Staff had addressed both of those concerns in the proposed amendments. She clarified solar energy devices were exempt from HRB review if they were not visible from the public right-of-way. The HRB might lean toward approving them if they were only minimally visible. She clarified there were some archeological sites in West Linn. State officials preferred not to publicize where they were.

**ITEMS OF INTEREST FROM THE PLANNING COMMISSION**

Mr. Sonnen explained that a special meeting had been scheduled in March due to the workload. Vice Chair Steel asked staff to address the poor condition of the microphones.

**ITEMS OF INTEREST FROM THE COMMISSION FOR CITIZEN INVOLVEMENT**

None.

**ITEMS OF INTEREST FROM STAFF**

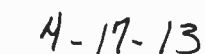
Mr. Sonnen planned to schedule time at a work session for the Commissioners to discuss what they wanted to talk about with the Council at the upcoming joint meeting.

**ADJOURNMENT**

There being no other business, Vice Chair Steel adjourned the meeting at approximately 9:20 p.m.

APPROVED:

  
Christine Steel, Vice Chair

  
Date



# CITY OF West Linn

## PLANNING COMMISSION

Minutes of April 17, 2013

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Members present: Chair Michael Babbitt, Vice Chair Christine Steel, Russell Axelrod, Lorie Griffith, Nancy King, Robert Martin and Holly Miller

Members absent: None

Staff present: John Sonnen, Planning Director; Sara Javoronok, Associate Planner; and Megan Thornton, Assistant City Attorney

### PREMEETING WORK SESSION

Chair Babbitt convened the work session at 6:30 p.m. in the Rosemont Room of City Hall. Mr. Sonnen related that the Council was going to discuss sports courts in a work session. He advised that the upcoming hearing would have to be continued because of a noticing error. He talked about the upcoming schedule. Ms. Javoronok was asked about the process for removing Landmark designation. The Commissioners asked to be briefed about the public process used to prepare the Trails Master Plan.

### CALL TO ORDER

Chair Babbitt called the regular meeting to order in the Council Chambers of City Hall at 7:00 p.m.

### PUBLIC COMMENT

None.

### APPROVAL OF MINUTES

Action on the Minutes of February 20, 2013 was postponed to May 1 to allow the Commissioners to use their notes to recall what was discussed after the audio component of the video recording stopped.

Vice Chair Steel **moved** to approve the Minutes of March 6, 2013 with a wording change by Commissioner Axelrod. Commissioner Miller **seconded** the motion and it **passed** 4:0:3. Commissioners Griffith and Martin and Chair Babbitt abstained.

### PUBLIC HEARING

Proposed CDC amendments pertaining to historic preservation, CDC 12-01

Chair Babbitt opened the public hearing. No conflicts of interest were declared. No one challenged the ability of any Commissioner or the Planning Commission to hear the matter.

## **Staff Report**

Ms. Javoronok presented the staff report. She described the public outreach process and reported the HRB had reviewed the proposed amendments. She explained the proposed changes would reorganize and consolidate historic code into one chapter. Tables in the staff report compared existing code with proposed code (See Subsection Comparison of Existing and Proposed Code Chapters; Existing Chapter 25 and Proposed Chapter 25 Comparison; and Existing Chapter 26 and Proposed Chapter 25 Comparison tables). Some new definitions had been added. There was a list of exemptions from historic review. There were two levels of review: Class I and Class II. There were specific processes for designating; removing a designation; and relocating a property. Ms. Javoronok stated that the proposed amendments allowed uses were limited to those allowed in the underlying zone and that dimensional requirements would now generally be the same as those of the underlying zone. That meant reductions in some lot coverage requirements and using Floor Area Ratio (FAR) instead of massing requirements to control bulk. She had prepared handouts with photographs and graphics to show what the proposed standards would allow on several existing properties. The proposed amendments included standards for doors, porches and decks. They addressed accessory dwelling units and accessory structures. The proposed amendments also addressed demolition, including demolition by neglect.

Ms. Javoronok stated that the Willamette Historic District boundary was proposed to be modified to remove one property because the residential structure had been substantially altered and no longer conformed with the CDC for historic structures. Four Landmarks were proposed to be removed from the Landmark list. Three were removed because they had been destroyed by fire or no longer had enough of their original features to be Landmarks. A Landmark barn had been moved to and was now part of another historic property.

## **Public Testimony**

No one came forward to offer testimony. Chair Babbitt announced the hearing would be continued to May 1 due to a noticing error.

## **Questions of Staff**

Vice Chair Steel asked for a clarifying wording change; cross-referencing of definitions; and consolidating the two lists of exemptions. Commissioner Axelrod asked for consistency of use and formatting of terms; adding definitions for the abbreviations on the maps; addressing confusion created because the Summit Street landmark had two addresses; more distinctive differences in map symbol sizes; and clarifying what the new Class I and Class II notice distances were. They each had other housekeeping-related comments they planned to email to staff.

Commissioner Martin **moved** to continue CDC 12-01 to May 1, 2013. Commissioner Axelrod **seconded** the motion and it **passed** 7:0.

**ITEMS OF INTEREST FROM THE PLANNING COMMISSION**

None.

**ITEMS OF INTEREST FROM THE COMMISSION FOR CITIZEN INVOLVEMENT**

None.

**ITEMS OF INTEREST FROM STAFF**

None.

**ADJOURNMENT**

There being no other business, Chair Babbitt adjourned the meeting at 7:36 p.m.

APPROVED:

Christine M Steel  
Michael Babbitt, Chair      vice chair

6-5-2013  
Date



## PLANNING COMMISSION

Minutes of May 1, 2013

Members present: Chair Michael Babbitt, Vice Chair Christine Steel, Russell Axelrod, Lorie Griffith, Nancy King, Robert Martin and Holly Miller

Members absent: None

Staff present: John Sonnen, Planning Director; Sara Javoronok, Associate Planner; and Megan Thornton, Assistant City Attorney

### PREMEETING WORK SESSION

The Commission met in the Rosemont Room of City Hall at 6:30 p.m. Chair Babbitt related he planned to submit a personal memorandum to the Council to supplement the information in the part of the City Managers April 26 memorandum regarding sports courts. The Commissioners had invited Ken Worcester to come talk to them about the public outreach effort related to trails planning. Instead, Mr. Worcester had referred them to Council goals which called for the Parks and Transportation Advisory boards to solicit public input before they forwarded their recommendation to the Commission.

The Commissioners agreed to cancel the May 15 meeting as there was nothing on that agenda. Mr. Sonnen announced the city was going to purchase tablets for those Commissioners who wanted to use them. The budget would cut two Planning positions to half time. Ms. Javoronok prepared the Commissioners for the upcoming hearing on Historic Code. She highlighted the most recent changes that had been made to the draft and zoning map. She had distributed the changes to the HRB as well. The Commissioners offered suggestions related to how to organize definitions.

### CALL TO ORDER

Chair Babbitt called the regular meeting to order in Council Chambers at 7:00 p.m.

### PUBLIC COMMENT

None.

### APPROVAL OF MINUTES

Vice Chair Steel **moved** to approve the Minutes of February 20, 2013. Commissioner Miller **seconded** the motion and it **passed** 5:0:2. Commissioners Martin and Miller abstained.

Commissioner King **moved** to approve the Minutes of March 13, 2013 as modified by Vice Chair Steel. Commissioner Axelrod **seconded** the motion and it **passed** 7:0.



Vice Chair Steel **moved** to approve the Minutes of March 20, 2013 as corrected by Commissioner Axelrod and Vice Chair Steel. Commissioner Axelrod **seconded** the motion and it **passed** 6:0:1. Commissioner Griffith abstained.

Commissioner Miller **moved** to approve the Minutes of April 3, 2013 as amended by Vice Chair Steel and Commissioner Axelrod. Commissioner King **seconded** the motion and it **passed** 7:0.

## **PUBLIC HEARING**

### **Continued public hearing: CDC 12-01, Proposed CDC amendments pertaining to historic preservation.**

Chair Babbitt opened the hearing. Ms. Javoronok reported that no additional testimony had been received. Staff had made some additional changes to the draft and distributed copies. She highlighted the changes: Revisions recommended by the Planning Commission; changes based on additional staff review; organizational and heading changes; changes recommended by Public Works in regard to public improvements and the Americans with Disability Act; two items moved from under Class I Design Review to under Class II Design Review; and all of the application requirements had been consolidated in a single section.

## **Public Testimony**

Jim Mattis, 4050 Serango Ct., HRB Co-chair, commended Ms. Javoronok and the consulting team for keeping everyone on task and knowledgeable about changes. He noted there had been surveys and an extensive amount of work done by the consultants and the technical committee. He thanked the Commissioners for their comments. He noted the major efforts had been in regard to simplifying and clarifying the code and addressing altering, removing and relocation of historic resources; and Class I and II type reviews. He urged the city to adopt the code.

## **Deliberations**

Chair Babbitt closed the public hearing. Commissioner Axelrod suggested clarifying the provision in Item 14 on page 15 that called for storm windows to be made of painted wood, baked enamel, anodized aluminum or other materials. Because there were materials that were not allowed in the district he suggested ending the sentence by specifying, "other materials consistent with the code." Commissioners Martin and Axelrod, Vice Chair Steel and Chair Babbitt complemented Ms. Javoronok and those who had worked on the code for being thorough, doing a great job; producing a very good technical document; and providing the opportunity for so many people to review it.

Commissioner Martin **moved** to approve CDC 12-01 as modified by Commissioner Axelrod and with the inclusion of the modified zoning map. Commissioner King **seconded** the motion and it **passed** 7:0.

#### **ITEMS OF INTEREST FROM THE PLANNING COMMISSION**

None.

#### **ITEMS OF INTEREST FROM THE COMMISSION FOR CITIZEN INVOLVEMENT**

Commissioner Martin indicated he did not believe the CCI had received an adequate response to its request to hear about the public input that went into trails master plan refinement. There was only a statement that said the Parks and Transportation Advisory Boards would solicit public input and make recommendations to the Commission. That had not been the process that the CCI had in mind when it forwarded its recommendations for public involvement to the City Council. He wanted it on the record that he hoped that people would interpret the resulting administrative guidelines regarding public involvement more seriously. Chair Babbitt, Vice Chair Steel, Commissioner Miller and Commissioner Axelrod each voiced agreement. Mr. Sonnen confirmed that the Planning Department was following the CCI guidelines. He planned to share the CCI's concerns with Ken Worcester.

#### **ITEMS OF INTEREST FROM STAFF**

None.

#### **ADJOURNMENT**

There being no other business, Chair Babbitt adjourned the meeting at 7:39 p.m.

APPROVED:



Michael Babbitt , Chair



Date

## DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Sara Tavoronok</i>	PROJECT NO(S). <i>AP-14-02</i>	
NON-REFUNDABLE FEE(S) <i>400-</i>	REFUNDABLE DEPOSIT(S)	TOTAL <i>400-</i>

**Type of Review (Please check all that apply):**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Annexation (ANX)<br><input checked="" type="checkbox"/> Appeal and Review (AP) *<br><input type="checkbox"/> Conditional Use (CUP)<br><input type="checkbox"/> Design Review (DR)<br><input type="checkbox"/> Easement Vacation<br><input type="checkbox"/> Extraterritorial Ext. of Utilities<br><input type="checkbox"/> Final Plat or Plan (FP)<br><input type="checkbox"/> Flood Management Area<br><input type="checkbox"/> Hillside Protection & Erosion Control | <input type="checkbox"/> Historic Review<br><input type="checkbox"/> Legislative Plan or Change<br><input type="checkbox"/> Lot Line Adjustment (LLA) */**<br><input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan)<br><input type="checkbox"/> Non-Conforming Lots, Uses & Structures<br><input type="checkbox"/> Planned Unit Development (PUD)<br><input type="checkbox"/> Pre-Application Conference (PA) */**<br><input type="checkbox"/> Street Vacation | <input type="checkbox"/> Subdivision (SUB)<br><input type="checkbox"/> Temporary Uses *<br><input type="checkbox"/> Time Extension *<br><input type="checkbox"/> Variance (VAR)<br><input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP)<br><input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)<br><input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)<br><input type="checkbox"/> Zone Change |
|---|--|---|

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

**Site Location/Address:**

*1344 14th St W Linn 97068*

Assessor's Map No.: *31E 02BC*

Tax Lot(s): *4500*

Total Land Area: *21,000 SF*

**Brief Description of Proposal:**

*Appeal HRB decision relating to Garage & dormer decision*

**Applicant Name:**  
(please print)

*Kristine & Lonny Webb*

Phone: *503-333-2010*

Address:

*1344 14th St*

Email: *503-803-9361*

City State Zip:

*W Linn*

*Klextrane@comcast.net*

**Owner Name** (required):  
(please print)

*Kristine & Lonny Webb*

Phone: *Same*

Address:

*West Linn OR 97068*

Email:

City State Zip:

*1344 14th St*

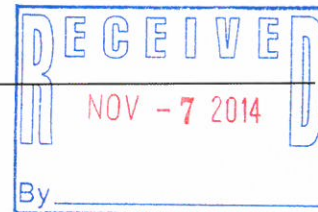
**Consultant Name:**  
(please print)

Phone:

Address:

Email:

City State Zip:



1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**  
 One (1) complete set of digital application materials must also be submitted on CD in PDF format.  
 If large sets of plans are required in application please submit only two sets.

\* No CD required / \*\* Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

*Kulms*  
Applicant's signature

*11/3/14*  
Date

*Kulms*  
Owner's signature (required)

*11/4/14*  
Date

1. Reference to application # DR-14-D2  
2C-14-02

2. We have standing to seek review as the applicant in this proceeding

3. a. HRB erred by finding the replacement garage does not meet CDC 25.060 A1, CDC 25.060 A2, CDC 25.060 A5, 25.060 A6 CDC 25.060 A8

b. With respect to "approved w/ conditions" to the former, HRB erred by finding that <sup>the</sup> only condition of the application ~~the~~ is that all other criteria to be met was ~~the~~ proposed set back of the former as set forth in ~~the~~ staff ~~report~~ recommendation.

-also a procedural irregularity ~~the~~ HRB did not let ~~the~~ record to be left open despite a written request was presented by applicant at the time of ~~meeting~~ hearing.

These are the only issues we are asking to be appealed. the ~~roof~~ garage & dormer decision.

- I am not asking for the record to be left open or to be reopened but I'm asking for the city council to send the decision back to the HRB

We felt we didn't have the proper understanding of when, how & what to present. It was difficult to hear and understand the procedures and we feel if we had the chance to express ourselves ~~and~~ we would have presented better information and been able to reach a different conclusion. It was very confusing despite the formal process.

We had expected the HRB to discuss alternatives and discuss design options that would have had a better outcome for us and met the criteria of the HRB and address.

Please accept our appeal.

Kristin Lewis



Hart made a motion to nominate Kathy Lairson to the South Fork Water Board. DeJardin seconded the motion.

Ayes: Hart, Lairson, and DeJardin

Nays: None (Tandy did not vote)

Lairson made a motion to appoint Joe Hart to the South Fork Water Board. No second.

It was decided that this would be discussed at the regular meeting to be held on January 12, 1983.

- (g) Kathy Lairson recognized our reserve police officers for their work on the needy childrens christmas party. Kathy also spoke in favor of a volunteers of the month program.
- (h) Tandy commended Willamette Middle School students who "adopted" Mrs. Billeter and asked that they receive certificates of appreciation from the City.

There being no further business, the meeting was adjourned.

*Diana J. Nicolay*

Diana J. Nicolay, City Recorder

Regular Meeting

January 12, 1983

The regular meeting was opened at 8:00 P.M. by Mayor Alan K. Brickley. Members present were, Jim Tandy, Dorothy Smith, Joe Hart, Kathy Lairson, Tom DeJardin, and Mayor Brickley.

Staff present were John A. Buol, Janet D. Williams, Diana J. Nicolay, Fire Chief Castleman.

Others present were Mayor Elect Larry McIntyre, Councillor Elect Michael Stevens, and City Attorney Jack Hammond.

- #1. DeJardin made a motion to approve the minutes from the December 22, 1982 Council meeting, as distributed. Smith seconded the motion.

Ayes: Tandy, Smith, Hart, Lairson, and DeJardin.

Nays: None

Mayor Brickley then gave a short thank you speech for his ten years with the City. Mayor Elect McIntyre presented Brickley with a plaque and a check for \$103.00 which was left after the gift was purchased for his roast of January 8, 1983.

- #2. Oath of Office was given by City Recorder Nicolay to Mayor Elect Larry McIntyre who presided over the remainder of the meeting.
- #3. Oath of Office was given to Councillors elect, Joseph Hart, Thomas DeJardin, and Michael Stevens, who then took their seats and participated in subsequent Council actions.
- #4. Oath of Office was given to Municipal Judge Elect Richard F. Crist.
- #5. Jim Tandy made a motion to appoint Joe Hart as Council President for fiscal year 1983-84. Tom DeJardin made a motion to appoint Kathy Lairson as Council President for fiscal year 1983-84.

Dorothy Smith made a motion to close the nominations. Kathy Lairson seconded the motion.

Ayes: Tandy, Smith, Stevens, Hart, Lairson, and DeJardin.

Nays: None.

After the votes were counted, Kathy Lairson was named Council President for fiscal year 1983-84.

Oath of Office was given to Kathy Lairson by Recorder Nicolay. Tom DeJardin introduced the "Sisters String Quartet" from Marylhurst who played classical music in honor of Mayor Brickley.

- #6. Lairson nominated Joe Hart as the West Linn representative to the South Fork Water Board for fiscal year 1983-84.

Tandy nominated Mike Stevens as West Linn's representative to the South Fork Water Board for fiscal year 1983-84.

DeJardin made a motion to approve consent agenda items A,C,D,E, and F. Hart seconded the motion.

Tandy had questions of clarification regarding items "A" and "D".

#7(G) Lairson pointed out that section 8B of the agreement should be consistent with section 8A by saying "attempt" to budget travel and subsistence.

DeJardin made a motion to approve the agreement with the one change. Hart seconded the motion.

Ayes: Tandy, Hart, Lairson, and DeJardin

Nays: None.

#8) Administrator's Reports:

- (a) John Buol asked permission to pay \$2,825.89 to release retainage to D&M Excavating who did work at Hood, Burns, and Buck Streets in West Linn. DeJardin made a motion to approve the payment. Tandy seconded the motion.

Ayes: Tandy, Hart, Lairson, and DeJardin

Nays: None.

- (b) Buol asked for Council approval to make Lincoln's Birthday a "floating holiday". Buol had already spoken with AFSCME and received their approval.

DeJardin made a motion to leave West Linn City Hall open on Lincoln's Birthday and make the holiday a floating holiday. Tandy seconded the motion.

Ayes: Tandy, Hart, Lairson, and DeJardin

Nays: None.

- (c) Buol presented a memo from Janet Williams to himself regarding health insurance premiums for non-union employees. He explained that the sergeants in the police department were not receiving as good of health insurance benefits as the police officers in the union. They felt they should receive equal or better health insurance benefits.

After some discussion, Hart made a motion to change the health insurance benefits for the non-union employee to be the same as those provided for the police officers, effective January 1, 1983. Tandy seconded the motion.

Ayes: Tandy, Hart, DeJardin

Nays: Lairson.

- (d) Buol said the furnace at the Bolton Fire Station is in poor condition and must be replaced. Buol presented bids to the Council. Recommendation is to place two gas furnaces in the Bolton Fire Hall section, estimated cost \$2,900 to \$3,000. In the Library there should be a three ton air conditioner and a gas furnace for \$3,000. Total bid is \$6,000. Buol suggested using \$3,000 Library Levy money and \$3,000 out of Contingency.

Councillor Elect Stevens suggested that specific instructions be given to the contractors to avoid problems such as those that had surfaced after the installation of the furnace at Willamette Fire Hall.

Hart made a motion to approve the expenditure of \$6,000 for furnaces. DeJardin seconded the motion.

Tandy mentioned that the Oregon Department of Energy was offering some workshops in late January and early February on getting people certified as energy auditors. Buol mentioned that Dave Rood would be attending the workshop.

Ayes: Tandy, Hart, Lairson, and DeJardin

Nays: None.

- (e) Buol presented the Council with a letter from Jack Hammond, City Attorney, outlining services provided by their office.

- (f) Mike Stevens, Joe Hart, and Kathy Lairson expressed an interest in being appointed to represent West Linn on the South Fork Water Board.

Jim Tandy nominated Mike Stevens, DeJardin seconded the motion.

Ayes: Tandy, DeJardin (no one else voted)

Nays: None

This motion failed due to a lack of the proper number of affirmative votes.

Nominations were closed by a motion from Lairson seconded by DeJardin.

Ayes: Tandy, Smith, Stevens, Hart, Lairson, and DeJardin.

Nays: None.

After the votes were counted, Joe Hart was named representative to the South Fork Water Board for the fiscal year 1983-84.

- #7. Mayor McIntyre presented the award for employee of the year for 1982 to Kathy Kempa Library Technical Assistant. Kathy's award was for work performed on the Library's automated computer system. Kathy was given a compensatory day-off and two nights lodging for two at the Oregon coast.
- #8. Honor Roll - Harold Froescher - Fire Company No.2 - Continued to February 9, 1983.
- #9. Public hearing - Tom Irey's appeal of the Planning Commission decision to allow Mrs. Emfinger's used clothing store in her home at 2296 Valley Vw. Dr.

City Planner, David Richey, gave a brief staff report asking the Council to support the Planning Commission's decision to allow the business for trial period of one year.

Councillor Hart asked Richey what restrictions or conditions had been placed on the applicant by the Planning Commission.

Richey answered that the applicant was given a one year trial period and told to re-apply after the year. Parking was also restricted to two cars at any one time in the driveway. Richey thought there were restrictions regarding signs, but couldn't remember exactly what those restrictions were. Tandy asked if there was any on-street parking available at the house. Richey answered "yes" but parking is adjacent to the Marylhurst Swimming Pool, which already gets traffic.

Mayor McIntyre asked for comments from proponents of the appeal.

Mr. Tom Irey, 2151 Marylhurst Drive presented his reasons for the appeal.

1. Parking is a problem, already a congested area.
2. Traffic is already overcrowded and roads are curvey.
3. Would be setting a president, allowing home occupations in a residential area.
4. Store should be in a commercial area.

Hart asked Irey if he was aware of any other businesses in the Marylhurst area. Irey told the Council of someone who makes and sells bread, but couldn't give an address.

Cristina West, 2151 Marylhurst Drive, also spoke in support of the appeal for four main reasons:

1. She wants neighborhood to remain residential
2. Traffic flow would increase
3. Safety of Children in area.
4. Approving the request would set a president.

Mr. Henry Allanson, 2211 S. Hillcrest Drive, was in support of the appeal. Mr. Allanson's house is only two houses away from the Emfinger's residence.

Mr. Dean Jasper, 2192 S. Hillcrest Drive presented a petition with twelve names against the clothing store, and urged the Council to support the appeal.

Mayor McIntyre read a letter addressed to Joe Hart from Mrs. Helen Kincart, 2242 S. Hillcrest Ct., dated January 9, 1983. Mrs. Kincart was also opposed to the variance in a residential neighborhood.

Hearing no further comments from the proponents, Mayor McIntyre asked for opponents of the appeal.

Terisa Emfinger, 2296 Valley Vw. Drive, spoke for her mother, explaining the conditional approval given by the Planning Commission.

1. No signs
2. 10:00 am to 5:00 pm to avoid peak traffic hours (Tuesday through Saturday)
3. No more than four cars in the driveway at any one time. Ms. Emfinger urged the Council to deny the appeal, and allow a temporary approval.

Mrs. Ann Farley, 2095 Valley Vw. Drive, opposed the appeal, saying that the small amount of traffic it would generate would not be a problem.

Jean Schultz, 905 Marylhurst Circle, opposed the appeal, saying she could probably name ten other businesses in homes in the Marylhurst area.

Mrs. Paula Larcey, 2292 Valley Ct. behind Emfinger's house explained that she had contacted the immediate neighbors prior to the Planning Commission hearing and had thirty-five signatures supporting the Emfingers.

Lynn Banta, 2248 Valley Vw. Drive, opposed the appeal saying that Mrs. Emfinger was a very neat person and she knew the house (business) would never become an eyesore.

Hearing no other opponents of the appeal, Mayor McIntyre asked for rebuttal from the proponents.

Mr. Irey asked the Council to support the appeal due to the fact that traffic from the Marylhurst Pool is already a problem and the store would only add to the problem.

Smith made a motion to close the public hearing. DeJardin seconded the motion.

Ayes: Tandy, Smith, Stevens, Lairson, Hart, DeJardin.

Nays: None.

Smith then made a motion to give a temporary approval for Mrs. Emfinger's business operation in her home, for six months, and to be reviewed at the end of the six months time.

Mayor McIntyre pointed out that the motion would have to either be an approval or denial of the appeal.

Dorothy Smith modified the motion to deny the appeal and limit the approval to a six months trial period at which time it would be reviewed.

Jim Tandy seconded the motion supporting the six month trial period.

DeJardin suggested waiving the conditional use fee the second time around.

Smith added the waiver of fees to her motion and Tandy seconded the addition.

Hart added that the other conditions imposed by the Planning Commission should also be part of the motion.

Smith added the other conditions to her motion and Tandy seconded the addition.

Ayes: Tandy, Smith, Stevens, Hart, and DeJardin

Nays: Lairson

#10. Open Period - None.

#11. Council then discussed the procedure that would be used to choose a Councillor to fill Dorothy Smith's vacancy in Ward V.

Smith made a motion to have twenty minute interviews of candidates, Tuesday, January 18th, 1983, beginning at 7:00 P.M.

Tandy seconded the motion.

Ayes: Tandy, Smith, Stevens, Lairson, Hart, DeJardin

Nays: None.

#12. Lairson made a motion to interview the Planning Commission applicants after the Council applicants, on Tuesday evening. DeJardin seconded the motion.

Ayes: Tandy, Smith, Stevens, Lairson, Hart, and DeJardin.

Nays: None.

#13. Consent Agenda:

Mayor McIntyre reviewed the items on the consent agenda. Hearing no comments from the audience, DeJardin made a motion to approve consent agenda items A-B-C-and D. Stevens seconded the motion.

Ayes: Tandy, Smith, Stevens, Lairson, Hart, and DeJardin

Nays: None.

#14. Administrative reports:

John Buol presented the Council with copies of a petition presented to the City Recorder on January 11, 1983, from residents of the Robinwood area who support a tree cutting ordinance. The Council also received a staff report from the Director of Public Works saying that the problems caused by tree cutting on erosion are not easily measured. Buol asked the Council to set a work session to discuss the water study. After some discussion it was decided to hold the meeting Thursday, the 20th



of January at 7:00 P.M. Buol told Council that staff recommends Ames Associates to complete the work necessary on the Comprehensive Plan. Ames estimates the cost at between \$27,000 and \$30,000 with considerable work done by the City.

DeJardin made a motion to retain Ames Associates to assist the City staff in completion of the Comprehensive Plan to be submitted to LCDC by the deadline.

Lairson seconded the motion.

Ayes: Tandy, Smith, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

Buol asked for adoption of three resolutions.

No. 83-001, authorizing the City Administrator and Finance Director to invest funds for the City of West Linn.

DeJardin made a motion which was seconded by Tandy to adopt Resolution No. 83-001 authorizing the City Administrator and Finance Director to invest funds.

Ayes: Tandy, Smith, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

No. 83-002, authorizing the County Treasurer to invest City of West Linn funds if asked by the City Administrator or Finance Director.

DeJardin made a motion which was seconded by Lairson to adopt Resolution No. 83-002 authorizing the County Treasurer to invest City of West Linn funds if asked by the City Administrator or Finance Director.

Ayes: Tandy, Smith, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

No. 83-003, authorizing facsimile signatures for West Linn's bank accounts.

Smith made a motion which was seconded by DeJardin to adopt Resolution No. 83-003 authorizing Mayor, Council President, City Administrator, and Finance Director to sign on West Linn Bank Accounts.

#16. DeJardin made a motion to approve the payment of December, 1982's bills in the amount of \$216,589.86. DeJardin seconded the motion. Poll of the Council showed:

Ayes: Tandy, Smith, Stevens, Lairson, Hart, DeJardin.  
Nays: None.

Tandy made a motion to adjourn. Smith seconded. Unanimous.

DeJardin made a motion seconded by Smith to have a flag salute in honor of the late Tom McCall. Unanimous.

After the flag salute, the meeting was adjourned at 10:30 P.M.

*Liana J. Nicolay*  
City Recorder

January 26, 1983

Executive Session and Regular Mtg.

There was an executive session prior to the regular meeting at 7:30 P.M. to discuss current and pending litigation.

Members present at the regular meeting were Jim Tandy, Ted Phillips, Mike Stevens, Mayor Larry McIntyre, Council President Kathy Lairson, and Tom DeJardin. Joe Hart was not present.

Staff present were: John A. Buol, City Administrator; Diana J. Nicolay, City Recorder; Al Steininger, Public Works Director.

Also present were: Jack Hammond, City Attorney; Hal Murray and Phil Smith, Consulting Engineers; Jim Savage, and Bill Barker, Coopers and Lybrand CPA's.

- ) Mayor McIntyre opened the regular meeting at 8:05 P.M. by leading the audience in the flag salute.
- #2) McIntyre then announced that Mr. Ted Phillips had been selected by the Council to fill the unexpired term of Councillor Dorothy Smith. Oath of Office was given to Mr. Phillips by City Recorder Nicolay, and Mr. Phillips took his seat with the Council.
- #3) Mayor McIntyre, speaking for the entire Council introduced Willamette Grade School students who adopted an elderly woman named Mrs. Billeter. McIntyre presented each

student a certificate of appreciation.

- #4) Minutes of the January 12, 1983 Council meeting were approved as distributed on a motion from DeJardin, seconded by Stevens.

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin.  
Nays: None.

- #5) Continued Public Hearing on Community Development Codes.

Administrator Buol asked the Council to continue the public hearing. Lairson made a motion to continue the public hearing on Development Codes to May 25, 1983. Stevens seconded the motion.

Ayes: Tandy, Phillips, Lairson, Stevens, and DeJardin.  
Nays: None.

- #6) Jim Savage and Bill Barker from Coopers and Lybrand CPA's presented the 1981-82 Fiscal Year Audit to the Council. After some questions of clarification, Councillor DeJardin made a motion to accept the 1981-82 audit report as presented by Coopers and Lybrand. Lairson seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin.  
Nays: None.

- #7) Presentation of a Water System Rate Review by Murray, Smith and Associates.

Administrator Buol explained to the new members of the Council that Murray, Smith's original water study showed approximately \$700,000 worth of emergency repairs that were needed to the West Linn Water System as soon as possible. Not having the money to do these repairs West Linn applied for a loan from the Water Resources Department. Preliminary approval has been received for the loan, subject to us having our attorneys issue an opinion and also coming up with a way to pay off this bonded indebtedness. He explained that this report from Murray, Smith shows how we will pay off this debt. Phil Smith presented the Water System Rate Review with suggested rate increases to the Council, gave a brief review. Tandy made a motion to set a public hearing date of February 23, 1983. Stevens seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin.  
Nays: None.

- #8) West Linn Sanitary Service's request for rate adjustment and franchise extension.

Mr. Jack Caldwell, attorney for West Linn Sanitary Service presented the request for rate adjustment because of higher costs of dumping, and higher wages due to the union; and a request for franchise extension to add stability in financing and to keep good employees.

Mr. Caldwell introduced Ernie Klein, owner of the sanitary service. After lengthy questions, answers, and discussion, the Council decided to continue both of the applicants requests for more justification of the need for a rate increase, for comparison with other city's levels of service and cost, to analyze the effect of varied charges per can, and to hear from the newly formed Recycling Task Force as to necessary revisions to the franchise.

- #9) Open Period - None.

- #10) Proposed Resolution No. 83-004, regarding denial of application by Edwards Ind. in Hidden Springs Ranch No. 8.

Jack Hammond explained that the resolution finalized the City's land use decision by adopting the findings of fact and conclusions for denial.

DeJardin made a motion to adopt Resolution No. 83-004. Tandy seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

- #11) (a) Proposed Ordinance No. 1111, regulating and prohibiting cross-connections and control and use of backflow devices was continued to February 9, 1983 in order to give the Public Works Director a chance to review.

(b) Ordinance No. 1112, revising water turn-on fees was discussed. Mayor McIntyre read the Ordinance by title, and Councillor DeJardin made a motion to adopt the proposed Ordinance. Tandy seconded the motion.

Ayes: Tandy, DeJardin, Phillips  
Nays: Lairson, Stevens

Ordinance No. 1112 was continued to the February 9, 1983 meeting for a second reading because it was not adopted unanimously by the Council.

- #12) (a) Mr. Tim Hoard was appointed to the West Linn Planning Commission for a term ending December 31, 1985, on a motion from DeJardin, seconded by Lairson.

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin.  
Nays: None.

- (b) Council consensus was that Joe Hart may be interested in being the Council Representative to the Design Review Board, however, Mr. Hart was not in attendance, so this item was continued.

Stevens made a motion to appoint Mr. David West to the Budget Committee.  
DeJardin seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

#13) Consent Agenda:

Mayor McIntyre announced that item "D" was removed from the agenda. (Recommendation on Request for Proposals on Base Maps)

Tom DeJardin claimed a conflict of interest on item B-1 (Liquor License Renewal for West Linn Thriftway)

Items B (1) and (2) were handled separately. DeJardin made a motion to adopt Consent Agenda Items A, C, and E.

- A. Bid Recap - Sale of Used Vehicles, January, 1983.
- C. Set Public Hearing on Tree Preservation Ordinance (March 9, 1983)
- E. Intergovernmental Agreement between Clackamas County and West Linn on 7th Avenue Improvements.

Tandy seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin.  
Nays: None.

Item "B" was then handled - DeJardin voiced conflict of interest on B-1.  
Tandy made a motion to approve the Liquor License Renewal for West Linn Thriftway.  
Stevens seconded the motion.

Ayes: Tandy, Phillips, Stevens, and Lairson.  
Nays: None.

DeJardin made a motion to approve the Liquor License for Mark's Tavern. Stevens seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

#14) Administrator's Reports:

Buol asked for permission to pay \$1,305.00 to Coopers and Lybrand for completion of the audit. Council asked Buol to obtain an itemized statement for the charges.

DeJardin made a motion to approve payment of the \$1,305.00 to Coopers and Lybrand. Lairson seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin.  
Nays: None.

Buol then presented the Council with an agreement for professional services between Ames Associates and the City of West Linn for completion of work on the Comprehensive Plan, and asked for authorization for the Mayor to sign. The Council questioned the hourly rate in the agreement, and the \$30,000 figure shown. Buol was asked to contact Ames Associates regarding the fees to be paid, since Council was under the understanding that the total charges for the service would be between 27,000 and 30,000. Approval was continued to February 1, 1983 until necessary changes could be made to the agreement.

The transfer of funds to cover payment of Ames Associates for this work was also continued until Tuesday, February 1, 1983, at 7:00 A.M.

Mike Stevens made a motion that letters of commendation be written to volunteer firemen (Geigle and Wenzinger) whose quick and unselfish action was recognized by the Portland Fire Department. Tandy seconded the motion.



Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin.  
Nays: None.

Tandy asked for an analysis of current and proposed user fees (ie) drainage and sewer, to help in Council's decision on water rates.

Mayor McIntyre suggested a City-wide celebration for West Linn's 70th Birthday on August 15, 1983. Council supported the idea. DeJardin, Lairson, Phillips, Stevens, and Tandy volunteered their help to organize the celebration.

McIntyre also announced that the Mayor's Task Force on Business would be launching their program during the month of February.

The Mayor then suggested that some future City Council meetings be moved to other locations in the City. Council agreed that if equipment could be moved easily, it would be a good idea.

At 10:35 P.M. the Council continued the meeting until 7:00 A.M. Tuesday, February 1, 1983.

Diana J. Nicolay  
Diana J. Nicolay, City Recorder

February 1, 1983  
(Continued from January 26, 1983)

Continued Mtg.

Members Present: Tandy, Phillips, Mayor McIntyre, Lairson, Hart, DeJardin.  
Staff Present: Buol.

Mayor McIntyre reopened the meeting at 7:00 A.M. The Council was given a revised agreement with Ames Associates for completion of work on the Comprehensive Plan. Buol explained the revisions made to the hourly rate and overall charges.

DeJardin made a motion that the City of West Linn accept the agreement for professional services with Ames Associates, Inc. Lairson seconded the motion.

Ayes: Tandy, Phillips, Lairson, Hart, DeJardin.  
Nays: None

DeJardin made a motion to transfer \$30,000 from the General Fund Contingency into the Department Line Item for Consultants. Lairson seconded the motion.

Ayes: Tandy, Phillips, Lairson, Hart, and DeJardin.  
Nays: None

Diana J. Nicolay  
Diana J. Nicolay, City Recorder

February 9, 1983

Regular Meeting

Members present were: Jim Tandy, Ted Phillips, Mike Stevens, Joe Hart. and Kathy Lairson. Absent were Tom DeJardin and Mayor McIntyre. McIntyre arrived at 8:34 P.M.

Staff present were: John A. Buol, City Administrator; Diana J. Nicolay, City Recorder; Al Steininger, Public Works Director; Russ Castleman, Fire Chief; and Jack Hammond, City Attorney.

The regular meeting was opened at 8:00 P.M. by Council President Lairson, in the absence of Mayor McIntyre.

#1) Lairson led the flag salute. Item number two was held over for a few minutes until all of the Fire Department personnel had arrived.

#3) Approval of the minutes from the January 26, 1983 and February 1, 1983 Council meetings:

Mike Stevens pointed out that he had voted against Ordinance No. 1112 and Ted Phillips had voted in favor. The minutes were approved as corrected.

#4) Request for vacation of easement between Lots one and two, Block four, Willa View Estates.

Al Steininger explained that staff supports vacation of the easement, with the requirement that the builder reimburse the City for any costs incurred.

Councillor Hart made a motion to authorize the City Attorney to compose a quick claim deed to effect a vacation.

Ted Phillips seconded the motion. Hart added to his motion that the builder reimburse the City for any costs incurred. Phillips seconded the addition to the motion.

Ayes: Tandy, Phillips, Stevens, Hart.

Nays: None.

#5) Formal acceptance of subdivision improvements for Sunburst II, Phase I.

Buol explained that this item only required a motion from the Council. Stevens asked if all agreements and bonds had been met. Staff answered "yes".

Tandy made a motion to accept the public improvements in Sunburst II, Phase I. Hart seconded the motion.

Ayes: Tandy, Phillips, Stevens, and Hart.

Nays: None.

#6) (a) Proposed Ordinance No. 1111, regulating and prohibiting cross connections, providing for control and use of backflow devices.

Al Steininger, Public Works Director, explained that there is a requirement that anytime there is a cross connection in your plumbing system there is a device that is required. West Linn can require the device now, through the plumbing code, but we don't have any facility to go out and inspect it. This ordinance would require that they have that inspected once a year.

Hammond pointed out that the State Health Division has adopted administrative rules that require all municipalities to enact programs like this. If we don't enact this, and there is an injury to someone from a defective backflow preventor, we could be liable.

Council President Lairson read the ordinance by title.

Mike Stevens made a motion to adopt Ordinance No. 1111, regulating and prohibiting cross-connections, providing for control and use of backflow devices. Joe Hart seconded the motion.

Ayes: Tandy, Phillips, Stevens, Hart

Nays: None

Lairson then read the ordinance a second time by title.

Mike Stevens made a motion to adopt Ordinance No. 1111, effective February 10, 1983. Hart seconded the motion.

Roll call vote showed:

Ayes: Tandy, Phillips, Stevens, and Hart.

Nays: None.

#6) (b) Second reading of Ordinance No. 1112, revising water turn on fees. Lairson read the ordinance by title. Tandy made a motion to adopt Ordinance No. 1112, revising water turn on fees, effective in thirty days. Hart seconded the motion.

Phillips was concerned that we were raising a fee that we hadn't been enforcing, and also that there was no provision for accepting partial payments from those who didn't have the money.

Buol assured Mr. Phillips that the citizen has had an opportunity to sign a payment agreement before this ordinance would be enforced, and that they have ignored the payment agreement, they themselves had signed.

Mike Stevens echoed Mr. Phillips concerns. After some discussion, the roll call vote was taken.

Ayes: Tandy, Phillips, Hart

Nays: Stevens

#2) Presentation and recognition of Fire Department personnel.

Fire Chief Russ Castleman presented a twenty-five year pin and honor roll status to Harold Froescher.

Castleman then introduced Mike Patrick who presented helmet stripes to firefighters who had reached certification at level one.

Harlan Geigle	Dennis Rolling (not present)
Kirk Junk (not present)	Bill Peterson
Chuck Hill	Hal Oqburn
Richard Block(not present)	Earl Leichner
Cliff Collins	Rick McCall (not present)
Ralph Byrne	Russ Lawrence
Mel Bailey	Del Thieman
Craig Allen	Mike Mash
Jim Suire	Phil Netzorg
Bob Theis (not present)	Dan Stewart
Todd Schweitz	

#7) Open Period - None.

#8) Appointments

(a) Council Representative to the Design Review Board.

Hart volunteered to fill this position. Tandy made a motion to appoint Hart as Council Representative to the Design Review Board. Phillips seconded the motion.

Ayes: Tandy, Phillips, Stevens, Hart  
Nays: None.

(b) Council Representative to the Clackamas County Recycling Task Force.

Hart volunteered. Tandy made a motion to appoint Hart as the Council's representative on the Clackamas County Recycling Task Force, and to recognize such as a body. Hart seconded the motion.

Ayes: Tandy, Phillips, Stevens, Hart  
Nays: None.

#9) Consent Agenda:

Council President Lairson reviewed the items on the consent agenda.

(a) Recommendation on requests for proposals - Base Maps.

(b) Liquor License Renewals

1. Morrow's Serv-U
2. 7-11 #2342-18259
3. Plaid Pantry #16

(c) Proposed agreement for automatic aid in fire suppression with Lake Oswego.

(d) Bid Recap - Gas and Oil Products March 1, 1983 through February 28, 1984

Item "C" was removed to be handled separately. Joe Hart made a motion to approve the consent agenda except item "C". Mike Stevens seconded the motion.

Ayes: Tandy, Phillips, Stevens, Hart.  
Nays: None.

Stevens asked for an explanation of the proposed automatic aid agreement with Lake Oswego.

Fire Chief Castleman explained that aid from Lake Oswego would automatically be supplied without any wait, and vice versa.

Mr. Larry Rutledge asked some questions of clarification which were answered by Chief Castleman.

Hart made a motion to authorize the City Administrator to sign the automatic aid agreement. Stevens seconded the motion.

Ayes: Tandy, Phillips, Stevens, Hart  
Nays: None.

#10) Administrator's Reports - None.

#11) Other

Mike Stevens made a motion that the Council petition the Oregon State Highway Division to place, at the two interchanges on I-205 in West Linn, the blue

informational signs referring to services available at that exit. (The request was made by Willamette Business Group)

Tandy seconded the motion.

Buol said he would write a letter to Ed Hardt, Highway Division, informing him of the Council's action.

Ayes: Tandy, Phillips, Stevens, Hart.

Nays: None.

Lairson asked Buol how we are doing on the I-205 cross-over road for emergency vehicles.

Buol explained that the City contacted Representative Darlene Hooley, who in turn contacted the State. The State Highway Department will take another look at the area if we will provide them with more information on emergency personnel called out in that area.

There being no further business the meeting was adjourned at 8:35 P.M.

*Diana J. Nicolay*

Diana J. Nicolay, City Recorder

February 23, 1983

Regular Meeting

Council members present were: Tandy, Phillips, Stevens, Mayor McIntyre, Lairson, and DeJardin. Council member Hart was absent.

Staff present were: Buol, Nicolay, Steininger.

Also present were: DeAnn Darling, City Attorney's office, and Phil Smith, Murray, Smith and Associates.

- #1) Mayor McIntyre opened the regular meeting at 8:00 P.M. with the flag salute.
- #2) McIntyre then recognized three young men from the West Linn area who had recently achieved Eagle Scout status. Each young man was presented a certificate of appreciation.
- #3) Minutes of the February 9, 1983 Council meeting were approved on a motion from DeJardin, seconded by Stevens.  
  
Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin  
Nays: None
- #4) Dave Rood, Building Official, was named employee of the month for the month of February, 1983, for his work on the Sunset Fire Hall. Dave was given a compensatory day off.
- #5) West Linn Sanitary's request to increase garbage rates. Mr. John Caldwell, attorney for West Linn Sanitary presented the Council with the proposed rates. Several members of the Council were interested in hearing what the newly formed Recycling Task Force would have to say before finalizing the new rates. After discussion and questions of clarification, DeJardin made a motion to authorize the City Attorney to prepare an ordinance for revised rates for West Linn Sanitary. Lairson seconded the motion.  
  
Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

#### #6) Public Hearing - Water Rate Increase

Administrator Buol summarized the reasons leading up to the proposed increase. Buol stated that six million dollars worth of improvements were needed to the West Linn water system and the City had applied for a one million dollar loan from the State to get started on them. Buol pointed out that it would be necessary for the loan to be approved by a vote of the people at the May 17th, 1983 election. Buol then reviewed four possible choices the Council had. 1) Do nothing 2) submit a ballot measure to the citizens of West Linn requesting voter approval to authorize the loan agreement with the State 3) submit a ballot measure to the citizens of West Linn requesting voter approval to issue General Obligation Bonds 4) increase the water rates as suggested by Murray, Smith which will generate \$155,000 per year plus add the \$118,000 we have budgeted in the 1983-84 fiscal year budget, and only perform work on a cash basis on a year to year method.

Phil Smith, Murray, Smith and Associates, explained the method used to determine the proposed rates and gave three alternative rate structures.



After comments and questions of clarification from Val West, J.M. Kerr, Robert Stowell, Ed Ferguson, Mike Patrick, and Mrs. Kerr, DeJardin made a motion to close the public hearing. Stevens seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin  
Nays: None

Lairson then made a motion to authorize the City Attorney to create a ballot title to submit to the citizens of West Linn requesting voter approval to authorize completion of the one million dollar loan agreement with the State of Oregon. Tandy seconded the motion. Council asked that staff produce a strategy for doing the improvements and repairs, that can be presented to the public.

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

Council took a five minute break from 9:35 to 9:40 P.M.

#7) Open period -

(a) Robert Stowell, president of the Greater Robinwood Neighborhood Association, told Mayor McIntyre that the neighborhood groups would like to be involved in the Mayor's Task Force on Business. McIntyre explained that the Task Force was intended for businesses only, no staff was involved, but the information would be passed on to the Task Force in case they wanted to contact the neighborhood associations for their input.

#8) Mayor McIntyre reviewed the Consent Agenda. DeJardin made a motion to approve consent agenda items "A" through "D", amending the motion by adding that, on item "A" citizens who have already expressed an interest should be contacted first and selections will be made April 13th, 1983. Stevens seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin  
Nays: None

#9) Administrator's Reports

Buol asked for approval of a renewed OLCC License for Round Table Pizza. Lairson made a motion to approve the renewal, DeJardin seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

Buol then asked for Council approval of Resolution No. 83-005 reallocating and reappropriating funds in the 1982-83 Fiscal Year Budget.

DeJardin made a motion to adopt Resolution No. 83-005. Lairson seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

Buol announced that there would be joint Council/Planning Commission/Staff worksession on the Comprehensive Plan on March 7, 1983 at 7:30 P.M..

#10) Other:

(a) Jim Tandy asked about the letter received from West Linn School District, and was told that it would be handled in Executive Session.

Tandy also mentioned that he had an extra copy of the draft of the original Conservation Electric Power Plan for the Library. McIntyre added some information he had received and asked if anyone knew what effect the study would have on West Linn.

Councillor Phillips mentioned that it would have a significant impact. Staff will review.

(b) DeJardin told the Council that he had spoken with the School District and they were interested in participating in West Linn's 70th Birthday Celebration.

(c) McIntyre mentioned that Coopers and Lybrand had itemized their final bill and he (McIntyre) was satisfied with the charges as billed. He made a copy available to anyone on the Council that was interested.

#11) DeJardin made a motion that was seconded by Lairson to approve the payment of bills for January, 1983, in the amount of \$330,522.07. Roll call vote showed:

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin  
 Nays: None.

Adjourned to Executive Session at 10:00 P.M. to discuss ORS 192660(D)(E) Negotiate Real Property Transactions.

Out of Executive Session and back into regular session at 10:30 PM. Meeting adjourned at 10:30 P.M.

Diana J. Nicolay  
 Diana J. Nicolay, City Recorder

# Regular Meeting

March 9, 1983

Members present were: Tandy, Phillips, Stevens, Lairson, DeJardin, and Mayor McIntyre. Joe Hart was absent.

Staff present were: John Buol, Diana Nicolay, Jack Hammond (City Attorney) Phil Smith (Murray Smith and Associates - Consulting Engineers)

- #1) Mayor McIntyre opened the regular meeting at 8:00 P.M. with the flag salute.
- #2) Mike Stevens pointed out that he had voted in favor of item #5 at the meeting of February 23, 1983. DeJardin made a motion to approve the minutes from February 23, 1983 with one correction. Lairson seconded the motion. The minutes were unanimously approved as corrected.
- #3) Public Hearing - Proposed tree cutting ordinance. John Buol pointed out the agenda bill written by Dave Richey, City Planner, recommending approval of the ordinance with one change which was suggested by the Planning Commission. The Commission was against unnecessary tree cutting and favored a permit system for anyone wishing to cut more than four trees.
- #4) Buol also read a memo from the Design Review Board who opposed the ordinance. Buol mentioned that he himself opposed the ordinance because he felt there was a lack of staff available to process the permits and staff would have a problem determining the number of trees being cut. He also felt it would be an unnecessary regulation of peoples personal lives since some controls are already imposed on a new subdivision at the Planning Commission level. Buol recommended the Council table the ordinance.

Hammond compared this ordinance with Lake Oswego's ordinance. Lairson asked what effect tree cutting has on drainage problems. Buol answered that Al Steininger, City Engineer, had said it would be difficult to prove that the removal caused any additional problem.

Larry Kellerman, citizen and member of the West Linn Planning Commission spoke in favor of the proposed ordinance saying that;

1. The current Ordinance is not sufficient.
2. The Ordinance is lenient and not obtrusive.
3. The Ordinance would give the City an opportunity to review tree cutting before a problem occurs instead of after the fact.
4. The Ordinance is backed by a small group of citizens who have seen drainage problems on their property.
5. Not many people would want to cut more than five trees, so there wouldn't be much demand on staff time, and the permit price would cover any cost.

Mr. Willis House, Wilderness Drive, addressed drainage problems on his own property and supported the tree cutting ordinance in an effort to prevent more problems.

Mr. Gene Kerr spoke against the Ordinance saying it would be a violation of personal rights and hard to enforce. He pointed out that trees can be hazardous and may need to be cut.

Mr. Paul Brazil also spoke against the Ordinance saying it was unfair, not enforceable, people won't come down to get permits. Brazil also asked the Council not to make a law regarding tree cutting if they were trying to solve drainage problems.

Val West explained that forty-two trees were removed from twenty-six lots in Robinwood Estates and he (Mr. West) was probably the reason the citizens had filed a petition in favor of the Ordinance. West explained that all trees which were removed were either dieing or needed to be removed to build the house.

DeJardin made a motion to close the public hearing. Lairson seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, DeJardin.  
Nays: None.

Lairson asked Hammond about the City's liability if there were a tree cutting ordinance. Hammond didn't see any liability. Hammond clarified that this ordinance would not have much impact on single family lots only on large five to ten acre lots.

DeJardin made a motion to table the tree cutting ordinance. Stevens seconded the motion. Tandy added that the ordinance is not sufficient to address concerns we have in the area.

Stevens said Kellerman's points were well taken, but "let's deal with drainage".

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

#4) Report from Murray, Smith and Associates on Autumn View Ct.

Phil Smith explained that all administrative matters had been taken care of and now they would like to proceed with the actual work. Smith explained history of the bid opening and how K & R Development had been the low bidder. Because so much time had passed since the bid opening, K & R was asking for an increase of 10% over their original bid price.

Pat Monte, from K & R Plumbing, told the Council that he would do it for a 3.5% increase over the original bid price.

Discussion regarding the use of 1968 sewer bond funds followed. Hammond said it was legally okay to spend the money.

After some discussion Ted Phillips made a motion to authorize Mr. Buol (the City) to enter into a contract with K & R Plumbing to do work on Autumn View Ct. and include a 3.5% increase over the original bid price. DeJardin seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin.  
Nays: None.

Mike Stevens asked Jack Hammond how long it would take to figure out how much of the 1968 bond issue had already been spent in the Willamette area. Hammond said that they believe that 42% had been spent in the Willamette area to date, and further investigation could be done. Hammond suggested a review of the 1968 CH2M Hill Report.

There was a general consensus of the Council that the discussion should be continued until the next regular meeting to allow staff time to review the 1968 CH2M Hill Report, and other pertinent data.

#5) Open Period - None.

#6) Proposed Ordinance No. 1113, increasing West Linn Sanitary Service's rates, was then considered.

Mayor McIntyre read the proposed ordinance by title. DeJardin made a motion to adopt Ordinance No. 1113, effective March 10, 1983. Lairson seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, DeJardin.  
Nays: None.

Mayor McIntyre read the ordinance a second time by title. DeJardin made a motion to adopt Ordinance No. 1113, effective March 10, 1983. Lairson seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin.  
Nays: None.

#7) Consent Agenda

- (a) Statement - Murray Smith and Associates - \$6,000 on Storm Drainage Master Plan. DeJardin made a motion to approve payment of the \$6,000. Stevens seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin.  
Nays: None.

- (b) Selection of a new member for the Design Review Committee. Lairson nominated Mr. Don Smith, DeJardin nominated Mr. Lyndon Osborne. Nominations were closed.

Mr. Don Smith received two votes.  
Mr. Lyndon Osborne received three votes.

Mr. Lyndon Osborne was appointed to the Design Review Committee



## #8) Administrative Reports:

- (a) Buol asked Council approval of two Liquor License renewals which had been reviewed by the West Linn Police Department and approved. A & L Market and Sentry Market.

DeJardin made a motion to approve the Liquor License renewals for A & L Market, and Sentry Market. Stevens seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin.

Nays: None.

- (b) Buol announced that two Council meetings were planned for outside City Hall.  
April 27 - Willamette Grade School  
June 22 - Cedaroak Grade School

- #9) Payment of the Bills for February, 1983. DeJardin made a motion to approve the payment of the bills for February, 1983, in the amount of \$287,848.79. Stevens seconded the motion.

Roll call vote showed: Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin.

Nays: None.

The regular meeting was adjourned at 9:45 P.M.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

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March 23, 1983

Regular Meeting

Members present were: Tandy, Phillips, Stevens, Lairson, DeJardin, and Mayor McIntyre. Joe Hart was absent.

Staff present were: John Buol, Ella Gossett, Jack Hammond (City Attorney), Al Steininger, Ken Worcester.

- #1) Mayor McIntyre opened the regular meeting at 8:00PM with the flag salute.
- #2) Mayor McIntyre presented certificates of recognition to the boy scouts who had performed work for the city at Hammerle Park. Boy scouts present were Steve Leach and Kelly Saito; others absent who helped were Casey Clark, Shean Fouschee, & Scott Fouschee.
- #3) DeJardin made a motion to approve the minutes from the meeting of March 9, 1983 council meeting. Stevens seconded the motion. The minutes were unanimously approved.
- #4) DeJardin made a motion to allow special requests of homebuilders association to place a construction office on property in Sunburst II Subdivision for the 1983 Street of Dreams--a temporary permit for the office and water and sewer service. Phillips seconded.  
Ayes: Tandy, Stevens, Lairson, DeJardin, Phillips.  
Nays: None.
- #5) Establishment of a policy for the Sunset Firehall--  
Russ Lawrence, 4961 Prospect, West Linn, OR 97068 spoke and requested clarification about the \$85.00 usage and stated that as long as Sunset needs of community are reasonably met--we can't deny other requests; utilization of Sunset needs must be met first. The Mayor asked Mr. Lawrence about the key situation--Mr. Lawrence recommended three keys to be used and regular users have keys. There was further discussion on whether to have someone in the city be designated to do scheduling and check back with the fire department. Jim Zonner, 1683 SW 19th St., West Linn, OR 97068 spoke on his operation of Willamette Fire Hall--being limited to the community of West Linn, no outsiders; keys are a problem--they have 20 keys. Lairson made a motion that we accept the agreement dated March 11, 1983, signed by Harold J. Winkel, Sunset Fire Co. 3, that it be administered by volunteer Fire dept.#3. Stevens seconded.  
Ayes: Tandy, Phillips, DeJardin, Lairson, Stevens.  
Nays: None.

## #6) Open Period-presentations from the floor of non-agenda items.

Michael Skee, 1684 SW Dollar, West Linn, OR 97068 spoke and read his letter on community resource development. Mr. Skee wanted volunteers from the community to work on a community resource project to benefit the city and create good feelings with the public. Stevens made a motion to move that we advertise for community volunteers for a community resource development. Seconded by DeJardin with discussion. Stevens withdrew the motion. DeJardin withdrew seconded. Lairson recommended to John Buol to place this on a list for the meeting of the council with Bill Kutz.

Val West, Cedar Oak Drive, West Linn, requested information on metro plan--wanted to know what work is being done on the plan now. John Buol advised that the city staff and Ames Associates are working on inventories for the LCDC comp. plan. Mr. West further wanted to know what had happened to the 1978 1979 inventories. Mr. West was advised by Mr. Buol that they are not acceptable by LCDC.

## #7) Financial contribution to design and construction of HiddenSprings r

DeJardin made a motion to recommend we approve the expenditure of \$7,000 for the financial contribution of Hidden Springs Road. Lairson seconded.

Ayes: Tandy, Stevens, Phillips, DeJardin & Lairson

Nays: None.

## #8) Consent agenda:

- A. Approval of grant applications for park improvements.
- B. Approval of proposed park signs.
- C. Liquor license renewal - Zupan's Super Center.
- D. Statement from Ames Associates (\$5,303.00).
- E. Request of the Friends of McLean House to hold a benefit art show.

DeJardin moved we accept the consent agenda A-E. Stevens seconded.

Ayes: Tandy, Lairson, Phillips, DeJardin & Stevens

Nays: None.

## #9) Discussion on proposal for submitting \$1,000,000 improvements for water system to the voters.

Tandy made a motion to withdraw out bond request from the Oregon Water Resources Dept. and instead prepare a ballot title and make preparation for May 17, 1983 election for sale of general obligations bonds and if approved by voters that the bonds will be repaid by an increase in water rates. Phillips seconded.

Ayes: Lairson, Phillips, DeJardin, Stevens & Tandy

Nays: None.

## #10) Administrator's Reports.

- A. Council unanimously supported the county library measure #83-006--motion made by Lairson. Seconded by DeJardin.  
Ayes: Phillips, Tandy and Stevens, Lairson & DeJardin.  
Nays: None.
- B. Water Meter Reading Service. DeJardin recommended we accept the proposal for water meter reading service. Tandy seconded. City Attorney to include in the contract sufficient protection, be able to negate it within an adequate amount of time. No seconded. Matter was referred back to staff for corrections to council.
- C. John Buol advised of a letter from Bob Briggs, advising that he has moved his company out of the city.
- D. John Buol advised of a special report from the police department, advising that insurance from Mr. Bernert was covering the damage done to the boat ramp.

The Regular Meeting was adjourned at 10:00PM.

Ella Gossett  
City Staff

## Special Meeting

The Special meeting was called to order by Mayor Larry McIntyre at 7:03A.M. Members present were: McIntyre, Hart, DeJardin, and Phillips.

Staff present were: John A. Buol, City Administrator, and Diana J. Nicolay, City Recorder.

The first item of business was consideration of Resolution No. 83-007 calling for a Special Election to be held on May 17, 1983, for the purpose of submitting to the legal voters of West Linn the following question:

Shall the City of West Linn issue general obligation water bonds in an amount not to exceed \$1,025,000.00?

The bonds will be payable over a period not to exceed twenty years. Proceeds from the bonds shall be used to construct new and enlarge existing water supply, distribution, and storage facilities. These improvements would be located both within and without West Linn. Proceeds from the bonds would also be used to acquire real property necessary to accomplish such improvements.

City Administrator Buol explained that the proposed resolution had been submitted to Attorney Dick Roberts for his review, and we were awaiting his comments.

DeJardin made a motion to approve Resolution No. 83-007, calling for a special election to be held on May 17, 1983. Hart seconded the motion.

Ayes: Hart, DeJardin, and Phillips  
Nays: None.

The Council then discussed proposed Resolution No. 83-008 calling for a special election on May 17, 1983 for the purpose of submitting to the legal voters of West Linn the following question:

Shall the City of West Linn be authorized a \$464,923.00 special property tax levy for 1983-84, outside the constitutional limits?

The tax base for the year 1983-84 is \$1,355,691.00. This may be levied with no vote of the people. If this measure is approved, \$1,518,531.00 of the taxes levied in the 1983-84 fiscal year are eligible for partial state payment. If the measure is approved it will result in an estimated rate of \$4.69 per \$1,000 of assessed value exclusive of levies for bond principal and interest.

DeJardin made a motion to approve Resolution No. 83-008, calling for a May 17, 1983 special election. Hart seconded the motion.

Ayes: Hart, DeJardin, and Phillips.  
Nays: None.

The Council then discussed the idea of contractual meter reading, as submitted by Public Works Director Al Steininger.

Decision regarding this issue was tabled until the proposal could be discussed with AFSCME Union.

Councillor Kathy Lairson arrived at 7:07 P.M. The meeting was adjourned at 7:10 A.M.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

## Regular Meeting

April 13, 1983

Members present were: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin. Mayor McIntyre was also present.

Staff present were: John A. Buol, City Administrator, Janet Dancer Williams, Assistant to the Administrator, and Diana J. Nicolay, City Recorder.

#1) Mayor McIntyre opened the regular meeting at 8:00 P.M. with the flag salute.

#2) Councillor Lairson pointed out that both she and DeJardin had voted in favor of item 10A. DeJardin made a motion to approve the minutes as corrected. Stevens seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

#3) Public Hearing - Supplemental Budget No. 1 FY 1982-83.

John Buol explained that the supplemental budget was approved by the West Linn Budget Committee and the law requires that the Council hold a public hearing before final approval. Buol recommended approval of the proposed budget.

Hearing no comments from the audience either for or against, Joe Hart made a motion to close the public hearing. Lairson seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

DeJardin then made a motion to approve the supplemental budget as proposed. Stevens seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

#4) T.C.I. (Tele-Communications Inc.) purchase of Liberty Cable Television's franchise.

Sylvia Sycamore and Joe DeBacco of Liberty Cable, and Ron Robertson and Jim Higgins of T.C.I. were present. Bruce Rylander, Chairman of the West Linn Cable TV Advisory Board was also present. After question from the Council it was decided that the Cable TV Advisory Board should be able to review the transfer and make their recommendations to the Council. The Cable TV Board will discuss the purchase at their April 25, 1983 meeting. The recommendation will be presented to the Council at their April 27th meeting at Willamette Grade School.

#5) A. Proposed Ordinance No. 1114 (a revised park ordinance) was considered by the Council. City Administrator Buol explained the changes to the old ordinance. Harry Wright, Chairman of the Park Board was present to answer questions.

Mayor McIntyre read the proposed ordinance by title. DeJardin made a motion to adopt Ordinance No. 1114 effective April 14, 1983. Phillips seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

Mayor McIntyre then read the ordinance a second time by title. DeJardin made a motion which was seconded by Phillips, to adopt Resolution No. 1114 effective April 14, 1983. Roll call vote showed:

Tandy - Yes  
Phillips - Yes  
Stevens - Yes  
Lairson - Yes  
Hart - Yes  
DeJardin - Yes.

#5) B. Proposed Ordinance No. 1115, was explained by City Administrator Buol and then read in full by Mayor McIntyre.

Phillips made a motion to approve Ordinance No. 1115, expressing the City of West Linn's election to receive State Revenue Sharing Funds. The motion was seconded by DeJardin.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

Mayor McIntyre then read the ordinance a second time by title. DeJardin made a motion to adopt Ordinance No. 1115 effective April 14, 1983. Lairson seconded the motion. Roll call vote showed:

Tandy - Yes  
Phillips - Yes  
Stevens - Yes  
Lairson - Yes  
Hart - Yes  
DeJardin - Yes

#6) Open Period - Presentations from the floor of non-agenda items.

A. Val West asked the Council for updated information regarding the Development Codes and Comprehensive Plan, for the Mayor's Task Force on Business. Buol said his office would provide.

B. Larry Rutledge, 1783 S.W. Ostman asked members of the Council to come to the fire volunteer's rummage sale and craft sale Saturday, May 7th from 10-6. Proceeds from the sale will go toward the purchase of "Jaws for Life."

#7) Selection for the Citizen Involvement Committee.



Buol explained that we had received two applications, one from Mike Skee and one from Linda White. Skee and White were nominated and Alan Brickley was nominated. Tandy suggested that Gus Mohr might be interested.

Councillor Stevens made a motion to appoint Skee, White, and Brickley. Phillips seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin.

Nays: None.

The Council decided to choose a total of seven citizens for the committee. It was decided that the Councillors would have names of potential citizens at the next meeting.

- #8) A statement from Murray, Smith and Associates for the Storm Drainage Master Plan, in the amount of \$8,500 was approved by a motion from DeJardin, seconded by Stevens.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin.

Nays: None.

#9) Administrator's Reports:

- A. Buol asked for Council approval to pay \$5,160 to Ames Associates for their work on the Comprehensive Plan. Tandy made a motion to approve the payment of \$5,160. The motion was seconded by Hart.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, DeJardin

Nays: None.

- B. Janet Williams mentioned that the Friends of McLean House had raised money to replace the dishwasher at the house. Council asked staff to write a letter to the Friends of McLean House and Park thanking them for their many hours of volunteer service including their participation during the building of the shed on the property.

- C. Council expressed appreciation for the volunteer work done by the West Linn Lions.

- D. The Open House to be held on Saturday, April 16, 1983 at the newly remodeled Sunset Firehall was announced.

- E. It was announced that Diane Furgeson had resigned from the Planning Commission due to conflict with work.

- F. A letter from West Linn High School was read to the Council. The letter thanked the West Linn Police Department for their work with the High School.

#10) Other reports:

- A. Tandy mentioned that he was in favor of developing time lines for developing existing new parks.

- B. Lairson mention that she hoped to see everyone at the Sunset Community Center Open House.

- C. DeJardin mentioned that he was having a nuisance ordinance sent from New Jersey for our review.

- D. McIntyre mentioned that the Task Force on Recycling was meeting on the 14th, and also that there was a Budget Committee meeting at City Hall the same night.

- E. It was also mentioned that the City auction would be held at the City Shops on Saturday, April 16, from 10:00 A.M. on.

The meeting was adjourned at 9:45 P.M.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

Willamette Grade School  
Regular City Council Meeting

April 27, 1983

This meeting was the first of several planned City Council meetings that will be held at various locations throughout the City of West Linn.

The regular meeting was opened at 8:00pm by Mayor Larry McIntyre, with the flag salute.

Members present were Jim Tandy, Ted Phillips, Mike Stevens, Larry McIntyre, Joe Hart, Tom DeJardin, and Kathy Lairson.

Staff members present were John A. Buol, City Administrator; Diana J. Nicolay, City Recorder; and Jack Hammond, City Attorney. Public Works Director, Al Steininger was also present.

Guests: Joe DiBacco, representative from Liberty Communications.

#2) Mayor McIntyre presented a certificate of appreciation to Marie Horvath for her volunteer work at the Sunset Firehall, and Jay Dunwoodie, representing the Willamette Lions for their fund raising which supported the "Jaws of Life" campaign.

#3) The minutes of the April 11, and 13 City Council meetings were approved as distributed, by a motion from Tom DeJardin, seconded by Joe Hart.

Ayes: Tandy Phillips Stevens Hart Lairson and DeJardin

Nays: None

#4) Public Hearing on 1983-84 Fiscal Year Budget and Federal and State Revenue Sharing.

Administrator Buol explained budget processes and local budget law. Mayor McIntyre asked for testimony both for and against the proposed budget and discussion regarding State and Federal Revenue Sharing. Hearing no comments, DeJardin made a motion to close the public hearing. Lairson seconded the motion.

Ayes: Tandy, Phillips, Stevens, Hart, Lairson, and DeJardin.

Nays: None.

Lairson made a motion to accept the budget as approved by the Budget Committee. Stevens seconded the motion. Tandy gave a brief summary of the budget process which had begun in November of 1982, and involved much citizen input. Tandy spoke in support of the proposed budget.

Buol spoke in favor of the proposed budget.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin.

Nays: None.

#5) T.C.I. Purchase of Liberty Cable.

Mayor McIntyre brought the audience current on the history of the requested purchase. McIntyre read a letter written by Janet Williams, Assistant to the Administrator and staff member of the Cable TV Advisory Committee, recommending approval of the purchase. Williams stated that the Cable Advisory Committee had met with Liberty and TCI on the 25th of April and were satisfied with the response that Liberty gave regarding their concerns. The Board informed the Council that recent complaints have been declining, and that Liberty has been more responsive in addressing concerns. The Board plans on working closely with Liberty in the future in order to promote public access programming in West Linn.

Joe DiBacco of Liberty was present to answer any questions that the Council had.

DeJardin made a motion to approve Resolution No. 83-009 consenting to the transfer of control of Liberty Cable Communications, Inc. to Liberty Tele-Communications, Inc. Hart seconded the motion. The motion was made effective April 28, 1983.

Ayes: Tandy, Phillips, Stevens, Hart, Lairson, DeJardin

Nays: None.

#6) Open Period

a. Jane Ohlemann, 3501 S.W. Turner Road, West Linn, and owner of the Electric Lion, and Universal Video, told the Council of malicious mischief in the Willamette area of West Linn. After some discussion, it was decided that staff should contact the Police Chief regarding the issue and have him contact the juvenile court. At the same time Mayor McIntyre and Mike Stevens stated that they would be available to go with the Willamette Square people to talk to the parents of the youths that were causing the problems.

b. Marie Horvath, 4256 Terra Vista Court, supported more money for the Police Dept.

c. Ken Montgomery, 1608 S.E. 6th Avenue, asked by the parents of the youth (item a. of consent agenda) would not be responsible for the damage. Hammond answered his questions, stating that it must be proven that the parents had neglected their responsibility since they previously knew about the problem.

## #7) Report on storm drainage improvements - 7th Avenue Business District.

Al Steininger, Public Works Director, presented plans showing the improvements, to the Council and explained that many meetings with both Willamette citizens and the County had been held. Steininger asked the Council for approval to begin the project.

Buol explained that funds from the 1968 Sewer Bond issue would be used for the project. After some discussion, Mike Stevens made a motion to accept the plans as presented and draw \$125,000.00 from the 1968 Sewer Bond Fund to complete the 7th Avenue project. Hart seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin.

Nays: None.

## #8) Consent Agenda

- a. A public hearing was set for the 11th of May for the proposed street renaming in Skyline Ridge Subdivision. (Phil Gentemann)
- b. Shirley Weiss was appointed to fill the vacancy of Diane Ferguson on the Planning Commission.
- c. Gus Mohr, Burton Weast, Wayne Amondson, and David Fulton were appointed to the newly formed Citizen Involvement Committee.
- d. Resolution No. 83-010 adopting the Supplemental Budget No. 1 (Fiscal Year 1982/83) was adopted.
- e. The Council formally accepted the public improvements in Robinwood Estates III subdivision.
- f. The Council authorized the Mayor to sign the proposed street improvement agreement for the realignment of Hidden Springs Road. (agreement between K and F Development, the Brian Steenson family, and the City of West Linn.) Resolution No. 83-011, authorizing the Mayor and City Recorder to sign the agreement for realignment of Arena Lane was approved.

Phillips made a motion to approve consent agenda items "a" through "f". Hart seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin.

Nays: None.

## #9) Administrative Reports:

- a. Buol read a letter from Round Table Pizza Restaurant requesting permission to have a concession stand at their softball tournament April 30 through May 1, at Willamette Park. All proceeds will be donated to the W. L. Softball/Baseball Program. DeJardin made a motion to approve the concession stand, and Lairson seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin

Nays: None.

- b. Buol presented a request from Nick Fosses, a developer, to transfer a utility easement, Lots 1 & 2, Block 2, Horton Heights II. The Council authorized the City Attorney to prepare a quit claim deed, on a motion from DeJardin, seconded by Hart.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin.

Nays: None.

- c. Resolution No. 83-012, approving the extraterritorial sanitary sewer line extension requested by K & F Development (adjacent to Sunburst II) was approved by a motion Phillips, seconded by DeJardin.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin.

Nays: None.

Resolution No. 83-013, authorizing a sanitary sewer reimbursement agreement between K & F Development, Steenson, and the City of West Linn was authorized by a motion from Phillips, seconded by DeJardin.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin.

Nays: None.

- d. The Council approved a progress payment in the amount of \$4,044.25 to David C. Smith and Associates, for work performed on the Base Map and Address Overlay Project. The motion was made by DeJardin, seconded by Stevens.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin.

Nays: None.



DeJardin made a motion to approve the bills for the month of March, 1983, in the amount of \$197,235.26. Phillips seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin.

Nays: None.

The meeting was adjourned at 9:15pm.

Diana J. Nicolay  
Diana J. Nicolay, City Recorder

May 11, 1983

Regular Meeting

Larry McIntyre announced that two council members were out doing budget presentations and would be late. (Kathy Lairson and Jim Tandy)

Members present were Phillips, Stevens, and DeJardin. Mayor McIntyre was also present. Lairson arrived at 8:45PM.

Staff present was Janet Dancer Williams, Acting City Administrator, Diana J. Nicolay City Recorder, DeAnn Darling City Attorney, and Al Steininger, Public Works Director.

Mayor McIntyre opened the meeting with the flag salute.

- #3) Recognition of Mr. John Forsloff's contribution to the City. Mr. Forsloff was present to receive a certificate of appreciation for donating a hand carved City Seal which was hung in the Council Chambers at City Hall. Mr. Forsloff received a standing ovation.

Mr. Bill Gregory, President of the West Linn Lions was present to accept a certificate of appreciation on behalf of the Lions for doing many things that have made West Linn a better place to live. Mr. Gregory introduced other members of the West Linn Lions who were in the audience.

Certificates of Appreciation were presented to each member of the West Linn High School Dance Team for being State champions.

- #4) Mr. Robert Schaetzel was added to the Fire Department honor roll for twenty years of volunteer service.
- #2) The minutes of the April 27, 1983 City Council meeting were approved as distributed, by a motion from DeJardin, seconded by Phillips. Unanimous.
- #5) Public Hearing - Street renaming in Skyline Ridge Subdivision from Merry Way to Skye Parkway. (Gentemann)

Mr. Phill Gentemann, 19335 Suncrest Drive, was present to answer questions. He stated that all neighbors on the street concerned had been contacted and everyone was in favor of the name change.

There being no opposition to the request, DeJardin made a motion to close the public hearing. Stevens seconded the motion.

Ayes: Ted Phillips, Mike Stevens, and Tom DeJardin.

Nays: None.

DeJardin then made a motion to adopt Resolution No. 83-014, changing the street name from Merry Way to Skye Parkway. Ted Phillips seconded the motion.

Ayes: Ted Phillips, Mike Stevens, and Tom DeJardin.

Nays: None.

- #6) Open Period - Presentations from the floor of non-agenda items.

(a) Mr. James Rommel of Wilderness Drive spoke of flooding problems on his property, and the fact that he has been waiting for a response from the City since March of 1982. McIntyre told Mr. Rommel that since Rommel had already filed a law suit against the City, the Council would be unable to respond to his accusations except to say that he and several other Council members (Stevens and Phillips) would be interested in going out to take a look at his problem.

- #7) Citizen request for restriction of traffic on Bluegrass Way, and speed limit enforcement.

Al Steininger explained that a speed study had been done in the area and it showed

that traffic was traveling over the limit. Steininger said staff recommends that traffic be restricted and that more enforcement be applied to the area.

Mayor McIntyre read his letter to Herb Koss (Developer involved) concurring with the citizen's request for traffic restriction and speed limit enforcement.

Kathy Lairson arrived at 8:45PM

McIntyre said staff would contact the developers in the area and encourage them to use Rosemont Road wherever possible.

Steininger added that the police had been alerted and they were watching closer now.

One citizen (unidentified) asked that police use radar between the hours of seven and eight in the morning and three thirty and five thirty in the evening.

Phillips made a motion to have the "No Through Trucks" signs installed in the area. Stevens seconded the motion.

Ayes: Phillips, Stevens, Lairson, and DeJardin.

Nays: None.

#8) Recommendations from Mayor's Task Force on Business.

John Merina summarized the report:

1. Adopt a policy of "Pro-Business"
2. Review Sign Ordinance
3. City appoint "ombudsman"
4. Recognize the Business Community as a valid constituency
5. Apply for Oregon Downtown Grant
6. Sunset and Sidewalk Ordinance
7. Directory of West Linn Businesses
8. Give City businesses preferential treatment for City contracts.
9. Request Hwy. Department to improve signage on I-205.
10. Annex Industrial Developable Land
11. Establish an economic Development Committee
12. Clarify 10th Street Exit Zoning
13. Increase Retain-Commercial Zoned Land
14. Additions and Changes needed to Comp Plan
15. Development of restaurant/motel complex on site of old W.L. Inn

It was decided that a copy of the Businessmen's Report should be forwarded to the City's consultants working on the Comprehensive Plan (Ames Associates).

After some discussion, it was decided that the Council would have a work session on another date to go over each item in the report. Wednesday, May 18, 1983, at 7:30PM was chosen.

Robert Mountain, 1381 N.E. Buck Street, said that West Linn (in the past) had appeared to be insensitive to economic development, and asked the Council to adopt an attitude that is receptive to business. The Council asked that a copy of the report be forwarded to the City Attorney's office for his comments.

#9) Consent Agenda:

- (a) Council approved an amendment to the cooperative agreement between the City and Clackamas County for 7th Avenue Improvements.
- (b) Council passed Resolution No. 83-015, authorizing the Mayor and City Recorder to execute the contract with K and R Plumbing Company for the construction of storm sewer facilities in the vicinity of Autumn Vw. Ct.
- (c) Council approved payment of a statement in the amount of \$1,140 for services provided by Ames Associates on the Comprehensive Plan.
- (d) Council set a May 25, 1983 public hearing for the Wellenbrink annexation request.
- (e) Council approved a request by West Linn Men's "B" League softball to have a concession stand during their games in Willamette Park.

All Consent Agenda items were approved on a motion from DeJardin, seconded by Phillips

Ayes: Phillips, Stevens, Lairson, and DeJardin.

Nays: None.

#10) Administrator's Reports:

- (a) Janet presented Council with the new criteria for "Employee of the Month". Council added their name to the list of people that could submit a name for employee of the month.

- (b) DeJardin made a motion that was seconded by Stevens to approve payment of \$3,905.00 to David C. Smith for work on the mapping system.
- (c) OSPIRG asked permission to canvas the City of West Linn in early June (no specific date given) The Council decided to allow the group to canvas, but asked that they contact the Police Department prior to their program regarding the exact dates and also asked that their people carry proper identification.
- (d) Phillips made a motion to direct the Citizen Involvement Committee to prepare an amendment to the current Citizen Involvement Ordinance for the Council's review. DeJardin seconded the motion.

Ayes: Phillips, Stevens, Lairson, and DeJardin.

Nays: None.

- (e) Williams updated the Council on the "Jobs Bill" and the action that the City was taking.

- (f) Lairson thanked the members of the Council and Budget Committee for the budget presentations they had been making to the public.

- #12) DeJardin made a motion to approve payment of the bills for the month of April, 1983 in the amount of \$218,680.15. Phillips seconded the motion.

A poll of the Council showed:

Ayes: Phillips, Stevens, Lairson, and DeJardin.

Nays: None.

The regular meeting was adjourned to an Executive Session and Mayor McIntyre stated that the meeting would reconvene after the session and adjourn until May 18, 1983 at 7:30 P.M. for a worksession regarding the Businessmen's Report.

After the Executive Session, the regular meeting was reconvened and adjourned until May 18, 1983 at 7:30 P.M. It was 10:15PM.

*Diana F. Nicolay, Recorder*

May 18, 1983 Adjourned Meeting  
(adjourned from May 11, 1983)

Present: Tandy, Phillips, Stevens, Lairson, Hart, DeJardin, and Mayor McIntyre. The Mayor opened the adjourned meeting at 7:30PM. Stevens made a motion to close the continued meeting and continue with a worksession. Hart seconded the motion.

Ayes: All (Staff present were Buol, Nicolay)

Nays: None.

*Diana F. Nicolay, Recorder*

May 25, 1983

Special Council Meeting

The Mayor opened the Special Meeting at 7:10AM. Members present were Tandy, Phillips, Stevens, Lairson, Hart, and Mayor McIntyre. Councillor DeJardin was unable to attend. Staff members present were John Buol, Janet Williams, and Diana Nicolay. Others present were Wanda Cochran (Oregonian reporter) and Hank Schouten (Courier reporter), who arrived at 7:30AM. Legal representation was Jack Hammond.

The Mayor opened with an explanation of the recommendation received by the Budget Committee regarding the 1983-84 Budget Election.

Jack Hammond explained that in a second election like this would be the Council would receive a recommendation from the Budget Committee, but they have the right, because it is a second election, to either accept the recommendation or change it in any way they feel necessary, including sending the question back to the Budget Committee if they so desire for re-consideration. They could change the election date suggested, or change the dollar amount in any way they feel necessary.

Buol explained that the June 28 Vote-By-Mail election is out. There is not enough time to set it up, so the soonest possible date would be August 9, 1983. The County must have our request for a vote by mail sixty days before the election date. Buol explained that if the Council wanted to resubmit the same budget figures as the last election, in the June 3 Special Election, in the same manner as the last election, we must submit a resolution to the County by 5:00PM today. Buol also explained that the Secretary of State selects locations that will use Vote-By-Mail and the legislation that regulates that expires on August 1, 1983. There is currently legislation in the State Senate that would continue to allow Vote-By-Mail, and if the bill passes it would become effective in ninety days. That would make it October of 1983. They would have to pass an emergency implementation clause for the bill to take effect August 1.



Kathy Lairson made a motion to have a budget election on the June 28th ballot. The motion died for a lack of a second.

Hart made a motion to accept the Budget Committees recommendation to resubmit the same budget by Vote-By-Mail on June 28, or the soonest available time after that, and if Vote-By-Mail is not available this year, cut within the 6% limitation and if the vote date exceeds June 28 we operate within the 6% as of July 1. Stevens seconded the motion.

Discussion followed. Phillips suggested that we put the proposed recommendation in front of the voters and ask them if they want to pass the budget or suffer the effects of the cuts that will need to be made. Stevens proposed a four day work week to save jobs.

Ayes: Tandy, Phillips, Stevens, Hart.

Nays: Lairson

Lairson made a motion to adopt Resolution No. 83-016, calling for an August 9, 1983 budget election for a tax levy amount of \$464,923. as in the May 17 election. Tandy seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart.

Nays: None.

Stevens made a motion to direct staff to contact the Unions regarding the possibility of reducing staff work days to four days a week before implementing City Administrator Buol's recommended cuts to stay within the 6% limitation. Lairson seconded the motion. Discussion followed.

Ayes: Stevens

Nays: Tandy, Phillips, Lairson, and Hart.

Tandy made a motion to go with the budget cuts recommended, and have the City Administrator consider reducing the Council expense checks by \$4,600 and applying that amount to another area to offset expenses. Stevens seconded the motion.

Ayes: Tandy, Phillips, Stevens, Hart, Lairson

Nays: None

Tandy asked Hammond to research rules and procedures for dis-incorporation.

It was decided to fill the park's wading pools on May 30th as usual, but drain them on July 1, because of the lack of funds to pay a park attendant.

There being no further business, the meeting was adjourned at 7:50A.M.

Diana J. Nicolay  
Diana J. Nicolay, City Recorder

May 25, 1983

Regular Council Meeting

Members present were Jim Tandy, Ted Phillips, Mike Stevens, Kathy Lairson, Joe Hart, and Tom DeJardin.

Staff members present were John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Al Steininger, Public Works Director.

Others present were: Phil Smith and Hal Murray of Murray, Smith and Associates. (Engineer Consultants)

#1 Mayor McIntyre opened the regular meeting at 8:02 PM with the flag salute.

#2 Minutes of the May 11, May 18, and May 25, City Council meetings were approved with a motion from DeJardin, seconded by Stevens. Unanimous.

#3 Public Hearing on Wellenbrink Annexation.

John Buol gave a brief summary of the staff report provided by Dave Richey, City Planner, recommending approval of the annexation, and explained that the applicant was aware that we can not provide sewer.

Applicant was not present, and no one spoke in support of the annexation.

Mr. Bill Tripp of 5290 West "A" Street spoke in opposition of the requested annexation, asking Council to put a moratorium on any further annexations until the City can afford to annex property.

After some discussion, and hearing no further testimony, DeJardin made a motion to close the public hearing. Hart seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, and Hart.  
Nays: None.

Hart made a motion to adopt Resolution No. 83-018, directing the City Recorder to forward a certified copy of the resolution to the Portland Metropolitan Area Local Government Boundary Commission.

Ayes: Phillips, Lairson, Hart, DeJardin  
Nays: Tandy, Stevens.

#4 Open Period - Presentations from the floor of non-agenda items.

- (a) Mr. Jim Rommel, 19442 Wilderness Drive, spoke to Council regarding his drainage problem.

Mayor McIntyre explained that the case was in litigation so Council was unable to discuss the matter. Mr. Rommel insisted that he must know when the City was planning on fixing his problem.

City Attorney, Jack Hammond again explained that it would be very inappropriate for the Council to respond to Mr. Rommel's questions while they were in litigation

- (b) Mr. Robert Stowell, President of the Greater Robinwood Neighborhood Association, told the Council that the Association was against the City adopting a "Pro-Business" attitude, mainly because they felt that a balanced approach was needed between residents and businesses.

#5 Proposed contract for meter reading.

Buol explained that amendments had been made to the proposed contract since the March 23, 1983 Council meeting, to allow the City to discontinue the service after a six month notice. Staff recommended that Council authorize signing of the contract.

Mayor McIntyre was concerned about having to give a six month notice to terminate the service.

Phillips felt that since payment was only to be made after meters had been read, the mandatory six month notice prior to termination of the service, would not cause a problem.

DeJardin made a motion to enter into a contractual agreement effective June 1, 1983, with Metereaders, for their utility meter reading service. The motion was seconded by Tandy.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

#6 Consent Agenda:

- (a) McLean House was granted permission to hold their annual Salmon Bake on August 4, 1983, from 4:00 to 8:00PM.
- (b) A public hearing date of June 8, 1983, was set for a requested rezone from R-10 to M.L. (Light Industrial) along Willamette Falls Drive. (Dorsey Bus Co.)
- (c) Council approved payment of \$5,490.00 to Ames Associates for work on the Comprehensive Plan.
- (d) Council approved Resolution No. 83-017 authorizing the City to obtain a VISA Card from First Interstate Bank of Oregon.
- (e) The Council authorized the City Recorder to sign a quitclaim deed relinquishing easement rights for lot 1 Blk 4 Willamette Vw. Estates, from the City to Douglas Medac.
- (f) Subdivision improvements for Willamette View Estates were accepted by Council.
- (g) Council authorized Murray Smith and Associates to proceed with the design of water system improvements due to the water bond issue passage in the May election.

Stevens asked that item "D" be handled separately for questions of clarification. DeJardin made a motion to approve the consent agenda items a, b, c, e, f, and g. Stevens seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

Item "D" was then discussed and DeJardin made a motion to approve item "D" of the consent agenda. Hart seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

## #7 Administrator's Reports

Mr. Buol told the Council that the City of West Linn is not far enough along to apply for a grant from the Oregon Downtown Development Association.

Buol addressed the I-205 signing requested by the Mayor's Task Force on Business, by saying that the Highway Division would like to receive letters directly from the West Linn Businesses regarding the signs needed, so they could be individually reviewed.

The Council discussed a resolution developed by the City Attorney's office supporting the West Linn Business Groups findings.

Council authorized the City Attorney to execute a quitclaim deed to handle the relocation and vacation. The motion was made by DeJardin, seconded by Stevens.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, DeJardin  
Nays: None.

Hart made a motion to adopt Resolution No. 83-019 repealing Resolution No. 83-016 calling for a vote-by-mail election on August 9, 1983. Stevens seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

- #8 Tandy asked City Attorney Hammond what it would take to disincorporate a city. Hammond told Tandy that you can not disincorporate if you are in debt.

Phillips wanted to be sure that police were watching traffic speed on Bluegrass, and commented that he was glad to see the requested sign installed.

Lairson was happy to see the No Parking signs that had been installed on the overpass on Broadway and "A" Streets.

McIntyre mentioned that the Tri-City Chamber of Commerce was going to have fireworks from a barge in the Willamette River July 4.

It was also mentioned that the West Linn/Oregon City Bridge would be closed to traffic on August 6th for the parade.

There being no further business, the meeting was adjourned at 9:05PM

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

June 8, 1983

Regular Meeting

Council members present were, Kathy Lairson, Council President, Tom DeJardin, Mike Stevens, and Joe Hart. Absent were Jim Tandy, and Ted Phillips. Mayor Larry McIntyre arrived at 8:37 PM. Staff: Buol, Nicolay, Richey, Steininger. Jack Hammond, Attorney.

- #1) Kathy Lairson opened the regular meeting with the flag salute.  
#2) Mr. Kenneth Potter was placed on the Fire Department Honor Roll for his 22 years of volunteer service at the Willamette Fire Station.

Kathy Lairson and Fire Chief Castleman presented the award. Mr. Ken Carlick and Mr. Mike Stevens spoke regarding Mr. Potter's career as a volunteer firefighter.

- #3) Minutes of the May 25, 1983 City Council Meeting were approved by a motion from DeJardin, seconded by Stevens. Unanimous.  
#4) Rezone from R-10 (Single Family Residential) to M-L(Light Industrial) of two acres along Willamette Falls Drive - Dorsey Bus Co.

Dave Richey, City Planner, gave a staff report recommending approval with Planning Commissions Findings of Fact.

Mr. Dorsey, applicant, reviewed his report dated June 8, 1983, requesting the zone change to allow for a school bus parking facility.

1. Property is located in geographic center of bus routes.
2. Property is not in residential area, and can not be viewed from residential area.
3. Property is located along a straight stretch of roadway where exit and entry vision is good in both directions.
4. Vehicular traffic is very light and there is practically no pedestrian traffic in



the area.

5. There are no street intersections or stop lights to cause traffic congestion.
6. It has adequate off-street parking for employees automobiles.

Mr. Dorsey said there would be no more than twenty-four to twenty-six buses at the location.

Lairson asked for comments from others in favor of the zone change. Hearing no comments she asked for testimony from opponents of the request.

(Mayor McIntyre arrived at 8:37PM and chaired the remainder of the meeting.)

Mr. Brenner, 1551 S.E. 5th Street

Mr. Gale Knapp, 2715 S.E. 7th

Mr. Steve House, 2750 S.E. 5th (also representing the Davidsons) spoke against the rezone for two basic reasons:

1. The entire area should be rezoned at the same time.
2. Aesthetics should be addressed (ie. lighting, etc.)

The Council explained that property owners in the area would be welcome to come in with a similar proposal, but this proposal was before them now for a decision. They also pointed out that the aesthetics of the proposed project would be handled by the Design Review Committee.

Mr. Dorsey explained that his company was prepared to live with the City's requirements, and they intended to limit lighting in the area as much as possible.

Hearing no further testimony, DeJardin made a motion to close the public hearing. Hart seconded the motion.

Ayes: DeJardin, Stevens, Hart, and Lairson.

Nays: None.

Hart asked Richey what other uses could be granted in an M-L zone. Richey read a list of excepted uses.

After some discussion, DeJardin made a motion to adopt the Planning Commission's recommendation to change the zoning designation from R-10 to M-L with the Planning Commission's Findings of Fact. Lairson seconded the motion.

Ayes: Lairson, DeJardin, Stevens, and Hart

Nays: None.

- #5) Report and recommendation from the Solid Waste Task Force. Ed Druback, member of the Solid Waste Task Force, presented the Task Force's report and recommendations dated June of 1983. Druback reviewed the responses received from the Solid Waste Task Force Survey which was published in the local newspapers and mailed out to water customers.

The Task Force asked that their recommendation for weekly curbside pick up begin as soon as possible.

Hammond explained that the City would need West Linn Sanitary's written consent for sub-franchisee, and the sub-franchisee would need the same bonds as West Linn Sanitary even during an experimental period.

Hart made a motion to accept the Solid Waste Task Force's report, forward it to staff for review of possible legal implications, and consider implementation of recommendation #1 as soon as possible. Lairson seconded the motion.

Ayes: Lairson, DeJardin, Stevens, and Hart.

Nays: None.

It was decided that the Solid Waste Task Force and the City Council would have a worksession regarding the report on June 15, 1983 at 7:30PM.

- #6) Proposal for improvements to Highway 43 near West Linn Shopping Center.

DeJardin claimed a conflict of interest. Attorney Joy Abele represented the DeJardins, asking that they be allowed to either install sidewalks adjacent to the existing pavement of Highway 43, or provide cash for the future development of the improvements after the State widens the highway. Abele claimed that the highway was not legally a City street.

Al Steininger, City's Public Works Director, recommended that all improvements be required according to State requirements, including widening the highway, storm drainage, and sidewalks. Steininger also suggested that their bond be extended.

Val West, 4344 Cedaroak Drive, and developer of Robinwood Shopping Center, pointed out that he himself, and other developers along Highway 43, had been required to make the improvements according to State requirements.

Jane Ohlemann, 3501 S.W. Turner Road, and representing the Mayor's Task Force on West Linn Business, reminded the Council that they had made a commitment to take a look at the current curb and sidewalk ordinance.

Hearing no further comments, Hart made a motion to require installation of improvements along Highway 43, as soon as possible, and as specified by the State Highway Department.

Lairson seconded the motion for the purpose of discussion.

After some discussion the vote showed:

Ayes: Hart and Lairson

Nays: Stevens

Lairson made a motion to request a ninety day extension of DeJardin's bond, until September 8, 1983. Hart seconded the motion.

Ayes: Hart, Lairson, and Stevens

Nays: None.

#7) Open Period -

- (a) Mr. Frank Craig, representing the West Linn Fair Board, asked the Council for permission to hold several street dances during the fair to help celebrate West Linn's 70th Birthday. The Council didn't see any problems, but asked staff to look into several of the locations.

Council then took a two minute break.

- (b) Barbara Bickmann, 2111 Sunset Street, and a representative of the Local Spiritual Assembly of the Baha'is of West Linn, asked the Council to pass a resolution urging the State of Oregon to pass House Joint Memorial 19, urging the government of Iran to end the persecution and extermination of Baha'is in Iran.

DeJardin made a motion based on the information provided to join the members of Congress, State Department, European Department, Great Britains House of Lords, Parliaments of Australia, and Canada, in condemning the persecution of Baha'is of Iran and encourage the Human Resources Committee to pass HJM 19 out of Committee and on to the floor of the Legislature. Lairson seconded the motion.

Ayes: Hart, Lairson, Stevens, and DeJardin.

Nays: None.

#8) Requests from the Homebuilders Association - 1983 Street of Dreams.

The Council approved the following requests on a motion from DeJardin, seconded by Stevens.

- (a) Closure of Sunburst Terrace to public access until September 1, 1983.
- (b) Development of a pedestrian walkway from the parking lot across the City's reservoir site.
- (c) Approval of a Special Event Liquor License from OLCC.

Ayes: Hart, Lairson, Stevens, and DeJardin

Nays: None.

#9) Consent Agenda (Item 9-I handled separately as requested by Stevens)

DeJardin made a motion to approve consent agenda items A through H, and the motion was seconded by Stevens.

- (a) Resolution No. 83-020 renaming Merry Way to Skye Parkway
- (b) Closure of Tannler and Green Streets
- (c) Request to serve liquor in Mary S. Young State Park - Liberty Cable
- (d) Agreement - City Animal Control Shelter.
- (e) Corrected statement from Ames Associates ( Planning Consultants) \$300.00
- (f) Election results - May 17, 1983 Special Election
- (g) Set Public Hearing for September 28, 1983 on Proposed Development Codes
- (h) Agreement for Consulting Engineers ( Ames Associates)

Ayes: Hart , Lairson, Stevens, and DeJardin

Nays: None.



- #9-I After discussion and clarification, Lairson declared a conflict of interest and DeJardin made a motion to allow Clackamas ESD (Lairson's employer) to have a keg of beer at their annual employees picnic in Mary S. Young Park. Hart seconded the motion.
- #10) Administrative Reports:
- John Buol, City Administrator asked the Council for authorization for the Mayor to sign a proclamation regarding the \$1,025,000.00 Water Bond Issue passed at the May 17, 1983 Special Election. Hart made the motion, seconded by Lairson, Unanimous.
- Buol asked permission to pay \$2,500 to Ames Associates for their work on the Comprehensive Plan through May 31, 1983. DeJardin made a motion to authorize the payment and Hart seconded. Unanimous.
- Buol told the Council about the Tri City Chambers Greeters Group who was having a business after hours get together at the McLean House in August.
- Buol asked for authorization of \$32,168.75 for water line improvements, Hidden Springs Road. DeJardin made a motion to approve funding for the water line improvements. Stevens seconded the motion.
- Ayes: Hart, Lairson, Stevens, and DeJardin  
Nays: None.
- #11) DeJardin made a motion to pay the bills for the month of May, 1983 in the amount of \$664,294.02. Stevens seconded the motion.
- A poll of the Council showed:
- Ayes Stevens, Lairson, Hart, and DeJardin.
- The Council adjourned to Executive Session at 11:20PM and came out of Executive Session at 12:00PM and adjourned the regular meeting.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

Regular Meeting  
CedarOak Grade School Cafeteria

June 22, 1983

Council members present were Tandy, Phillips, Stevens, Lairson, DeJardin. Absent was Hart.

Staff present were Buol, Nicolay, Steininger, Butts (Temporary City Planner) and staff attorney, DeAnn Darling.

- #1) Mayor McIntyre opened the regular meeting at 8:00PM with the flag salute.
- #2) Minutes of the June 8, 1983 City Council meeting were approved on a motion from DeJardin, seconded by Stevens.

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

- #3) Variance of Sidewalk Ordinance - Dorsey Bus Co.

Mr. Murray Dorsey of Dorsey Bus Company formally presented his request for the variance. (Dorsey handed out his written request dated June 22, 1983)

Russell Lawrence, a Civil Engineer, had physically reviewed the property and stated that he felt sidewalks in the area would be unfeasible at this time.

Al Steininger, Public Works Director, gave a staff report recommending that the City enter into an agreement with Dorsey for sidewalks to be installed at a later date and waive the right to remonstrate against a future LID.

DeAnn Darling, City Attorney, suggested that Dorsey Bus be required to obtain a bond for the City's protection until improvements are installed, and possibly that the City also set a date for further review. She suggested the bond should be renewed each year to keep the price current. She also suggested adoption of the Planning Commission's findings.

Dorsey was concerned that the bond would just go on forever and sidewalks would never get built, and that would only make the bonding company rich.

Councillor Stevens pointed out that other property owners in the area were interested in rezoning their property and could produce more development in the area.

Phillips was interested in buying more time to make the decision.

John Buol stated that the code says the City Administrator can extend the time of installation up to two years. Buol suggested that Council ask Administration to require a six month bond, and have a meeting with the business group regarding their recommended changes in the sidewalk ordinance.

DeAnn Darling said that she could draw up some kind of a contract, but it would require some type of security.

Carol DeJardin, representing the West Linn Thriftway, was in favor of individual assessment of each situation for its own merit.

Val West, Developer, spoke against the variance request, because it would show favoritism. Every developer should be treated equally.

Ted Phillips made a motion that the Council approve a variance for Dorsey Bus Company for twelve months. Stevens seconded the motion for discussion.

Lairson asked if the Planning Commission's findings should be part of the motion. DeAnn Darling answered "yes", but also pointed out that if we grant temporary relief, how do we force compliance at a later date.

Tandy was against the motion because it appeared to be selective application of a City ordinance. Tandy suggested that the Council go ahead and direct the City Administrator to grant relief with a bond as security.

Buol agreed with Tandy. The vote on Phillips motion:

Ayes: None

Nays: Tandy, Phillips, Stevens, Lairson, and DeJardin

It was decided that staff would review the case and recommend an extension for Dorsey Bus of six months and between now and then the Council will review the sidewalk ordinance and recommendations from the Business Group.

#4) Report and recommendation on Workers Compensation.

Buol stated that JBL and K recommends that the City renew their retrospective agreement with SAIF Corporation for 1983-84.

Dennis Ferguson and Brian Rice, President of JBL and K, were introduced and they suggested staying where we are with worker's compensation.

Larry Rutledge, 1783 Ostman Drive, spoke regarding the current benefits that volunteer firemen received, and asked that they be raised to the maximum.

After some discussion, Mike Stevens made a motion to go with SAIF Corporation, and expand the volunteer firefighter and volunteer police benefits to the maximum of \$18,00.00 or \$313.50 per week.

Mayor McIntyre and Jim Tandy were against the motion as stated.

Ayes: Phillips, Stevens, Lairson, and DeJardin.

Nays: Tandy

#5) Open Period - None.

#6) Consideration of Ordinance No. 1116 changing the zoning of the Dorsey Bus property along Willamette Falls Drive from R-10 to M-L (Light Industrial).

Since the ordinance had been posted in advance, as required by law, Mayor McIntyre read the proposed ordinance by title. DeJardin made a motion to adopt the ordinance. Lairson seconded the motion.

Ayes: Tandy, Phillips, Lairson, and DeJardin

Nays: None.

Mayor McIntyre then read the motion a second time by title, and DeJardin made a motion to adopt. Lairson seconded the motion. Poll of the Council showed:

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin

Nays: None.

#7) Mayor McIntyre reviewed the items on the consent agenda. DeJardin made a motion to approve consent agenda items "A" through "D". Stevens seconded the motion.

- (a) Resolution No. 83-021 stating West Linn's eligibility for receiving State Shared Revenues.
- (b) Resolution No. 83-022 adopting budget, making appropriations, and levying taxes for the fiscal year 1983-84.
- (c) Resolution No. 83-023 revising West Linn's Citizen Involvement Plan.
- (d) Statement from Ames Associates for work on Comprehensive Plan \$8,115.00.

Ayes: Tandy, Phillips, Stevens, Lairson and, DeJardin.  
Nays: None

#8) Administrative Reports:

- (a) John Buol presented a request from the West Linn Fair Board asking for permission to have a "Special Event" liquor license at this year's fair. Mike Stevens claimed a conflict of interest. DeJardin made a motion to approve the "Special Event" license. Lairson seconded the motion.

Ayes: Tandy, Phillips, Lairson, and DeJardin  
Nays: None.

- (b) Buol asked for approval of Resolution No. 83-024 reallocating and re-appropriating funds for the Fiscal Year 1982-83.

Tandy made a motion to approve Resolution No. 83-024 effective June 23, 1983.  
Phillips seconded the motion.

Ayes: Tandy, Phillips, Stevens, Lairson, and DeJardin.  
Nays: None.

- (c) Buol mentioned a letter dated June 17, 1983 that Al Steininger received from Ed Hardt of the State Highway Department regarding their six year plan and improvements to Highway 43 and McKillican intersection. Hardt pointed out that he would be sure that it is known that the improvements the City is requiring of the developer should be considered as a contribution towards the local match for the project.

- (d) West Linn Business Group had not reviewed the proposed ordinance regarding development and expansion of the commercial and industrial base in the City, so this item was continued until a later date.

Mayor McIntyre pointed out that Joe Hart had neglected to claim a conflict of interest on the recent DeJardin rezone, and after some discussion Phillips made a motion to bring the rezone issue back up for a brief reconsideration at the July 13, 1983 regular meeting. Stevens seconded the motion. The purpose for the meeting would be to allow Councillors who were not present at the first meeting to vote and to allow Mr. Hart to claim his conflict. DeJardin abstained from voting because of a conflict.

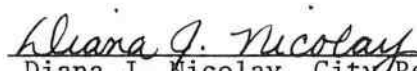
Ayes: Stevens and Phillips  
Nays: Tandy and Lairson

Mayor McIntyre voted because of the tie. "Yes".

Jim Tandy announced his resignation as Council member from Ward IV, effective after this evening's meeting of Executive Session.

Kathy Lairson reminded the public of West Linn's 70th Birthday Celebration to be held in August, and asked if anyone had any new developments regarding this affair. No further comments at this time.

Hearing no further new business the meeting was adjourned at 10:00 PM to an Executive Session regarding current and pending litigation. The Executive Session lasted twenty minutes and Mayor McIntyre took us back into regular meeting and adjourned at 10:20 PM.

  
Diana J. Nicolay, City Recorder



Members present were: Ted Phillips, Mike Stevens, Mayor Larry McIntyre, Kathy Lairson, Tom DeJardin. Joe Hart was absent, and one council position is vacant due to the resignation of Jim Tandy.

Staff present were: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Al Steininger, Public Works Director, and Jack Hammond, City Attorney.

- #1) The regular meeting was opened by Mayor McIntyre at 8:00PM with the flag salute.
- #2) Tom DeJardin made a motion to approve the minutes of the June 22 meeting, and Mike Stevens seconded the motion. Unanimous.
- #3) Re-discussion of City Council action of June 6, regarding sidewalk requirement of West Linn Shopping Center.

McIntyre explained that Councillor Hart neglected to claim his conflict of interest when he made the original motion on this item.

Hammond explained that the City could have some legal difficulties if they amend or repeal the original decision, because it would leave the City open for a civil rights suit. He sighted the requirements placed on Lake Realty.

Carol DeJardin summarized the history of the DeJardin remodeling, and asked that the City pay for the storm drainage portion of the improvements that are being required, since storm drains are not specifically mentioned in the City's ordinances as being required.

Al Steininger pointed out that even though storm drains had not specifically pointed out in the ordinance, they had been required of other developers in the past and a presidence had been set. He also pointed out that DeJardin's engineer felt that storm drainage was necessary in the area.

Carol Geldaker addressed public safety, and the need for adequate sidewalks around the shopping center area.

Val West, developer of the Robinwood Shopping Center on Highway 43, pointed out that he had been required to install storm drainage around the shopping center at the time his improvements were done, and he knew of other developers who had the same requirements.

DeJardin's Engineer, Russ Lawrence, 4961 Prospect Street, answered questions regarding the necessity of storm sewers in the area, and the method other property owners in the area had used for storm sewers. After lengthy discussion, Phillips made a motion to require the DeJardins to install curbs, sidewalks, and storm sewers along Highway No. 43, in front of the West Linn Shopping Center. Lairson seconded the motion.

Tom DeJardin claimed a conflict of interest, and abstained from voting.

Ayes: Phillips, Stevens, and Lairson.

Nays: None. (Council re-affirmed their original action taken on June 6)

Buol explained that staff had been working with the business group on the sidewalk ordinance, and the City is planning on placing it on the July 27, 1983 agenda.

- #4) (a) Council decided to interview the four candidates that were interested in filling the Council vacancy. Applications were received from, Robert Stowell, Ben Wilcox, Bill Holden, and E.A. (Val) West. It was decided that interviews would be held on Wednesday evening, July 20, beginning at 7:30PM. Staff was asked to schedule the appointments for twenty minutes each.

- (b) Jon Albert Buckley was appointed to the Traffic Safety Commission, leaving one additional vacancy to be filled.

- #5) Open Period - Presentations from the floor of non-agenda items.

- (a) Jane Ohlemann, 3501 S.W. Turner Rd. announced that the West Linn Business Group would give financial support in the approximate amount of \$2,000 for maintenance of three wading pools.

After a five minute recess, Lairson announced that the West Linn Lions were donating \$500 towards keeping the wading pools open.

- #6) Consent Agenda:

Mayor McIntyre gave a brief recap of the consent agenda items.

DeJardin made a motion which was seconded by Stevens to approve consent agenda items "A" through "G".

Ayes: Phillips, Stevens, Lairson, and DeJardin.

Nays: None.

## (Consent Agenda)

- A. Amendment to Intergovernmental Agreement with Clackamas County.
- B. Joe Hart and Mike Stevens appointed to Emergency Disaster Plan Committee.
- C. J.B.L.&K. selected to act as agent of record for City for next three years.
- D. Public Hearings were set for Reynders Annexation (August 10, 1983) and Jolly Annexation (August 10, 1983)
- E. Council approved payment of memberships for: League of Oregon Cities (\$3,404.50)  
Boundary Commission (\$1,238.00)  
LGPI (\$465.00)
- F. Statements - Murray Smith and Associates
- G. Progress Payment No. 3 - David C. Smith

DeJardin made a motion to appoint Joe Hart and Mike Stevens as Council representatives on the committee to develop an emergency disaster plan for West Linn. Lairson seconded the motion.

Ayes: Phillips, Stevens, Lairson, and DeJardin  
Nays: None

## #7) Administrative Reports:

- (a) Buol asked the Council for their permission to make 12th Street and Volpp St. in the Willamette area one-way during the West Linn Old Fashioned Fair, July 29, 30, and 31. Stevens made a motion to make 12th and Volpp streets one-way during the Fair, to facilitate the traffic flow. Lairson seconded the motion.

Ayes: Phillips, Stevens, Lairson, and DeJardin.  
Nays: None.

- (b) The Council approved the hanging of banners for the West Linn Fair.
- (c) Council approved a Special Event Liquor License for Kirkpatrick's Restaurant for the Street Dance to be held on July 16th in the parking lot of the W.L. Shopping Center. The motion was made by Stevens and seconded by Lairson. Councillor DeJardin abstained from voting because of a conflict of interest.

Ayes: Phillips, Stevens, and Lairson  
Nays: None (DeJardin abstained)

- (d) Stevens made a motion to adopt Resolution No. 83-025 authorizing the Mayor and City Recorder to sign an agreement between the City, West Linn Sanitary, and K & B Recycling to allow a curbside recycling program by K & B Recycling. DeJardin seconded the motion.

Ayes: Phillips, Stevens, Lairson,  
Nays: None

- (e) Buol told the Council about the City applying for a \$5,240 grant from the Oregon State Marine Board for improvements to Cedaroak and Bernert Landings. The City would contribute \$750 for a total of \$6,000.
- (f) Councillor Phillips complimented the Robinwood merchants on the street dance held last Saturday in the parking lot of Robinwood Shopping Center.
- (g) Mike Stevens reminded everyone of the West Linn Fair July 29, 30, and 31.
- (h) Kathy Lairson encouraged other councillors to attend the next street dance to be held on July 16, 1983, at West Linn Shopping Center.

Lairson also asked about installation of backflow devices on the West Linn wading pools. Al Steininger said that he is preparing for installation. Council asked staff to obtain an estimate of the cost.

- (i) Mayor McIntyre mentioned that we haven't yet set one specific date for a birthday celebration for West Linn's 70th Birthday..

McIntyre also announced that the Jamie Circle Downhill Coaster Race will be held August 13, 3:00PM. There will be a \$2.00 entry fee, which will be donated to the Fire Department's Jaws for Life campaign.

- #9) Bills for the month of June, 1983, in the amount of \$179,218.73 were paid by a motion from DeJardin, seconded by Phillips. Roll call vote showed:

Ayes: Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

At 9:37 PM the Council went into an Executive Session pursuant to O.R.S. 192.660 (1)(H),

Pending Litigation.

At 10:03 PM the Council came out of Executive Session, and went back into their regular meeting and adjourned.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

July 27, 1983

Regular Meeting

Members present: Ted Phillips, Mike Stevens, Mayor McIntyre, Kathy Lairson, Joe Hart, and Tom DeJardin.

Staff present: John Buol, Diana Nicolay, Jack Hammond (City Attorney), Al Steininger and Mike Butts (Temporary City Planner).

- #1) The meeting was opened at 8:00 PM by Mayor McIntyre with the flag salute.
- #2) The minutes of the July 13, 1983 Council meeting were approved with a motion from Phillips, seconded by DeJardin.  
  
Ayes: Phillips, Stevens, Lairson, Hart, and DeJardin  
Nays: None
- #3) A motion was made by Joe Hart to appoint Robert D. Stowell to fill the City Council vacancy in Ward IV, created by Jim Tandy's resignation. Lairson seconded the motion.  
  
Ayes: Phillips, Stevens, Lairson, Hart, and DeJardin  
Nays: None.
- #4) Diana Nicolay, City Recorder, administered the oath of office to Mr. Stowell and Stowell took his position with the rest of the Council, for the remainder of the meeting.
- #5) Discussion on sidewalk ordinance.

Mayor McIntyre pointed out that the Council was not required to hold a public hearing to change the sidewalk ordinance.

Steininger explained that the West Linn Business Group had had several meetings before coming up with their proposed amendments. Mike Butts (temporary Planning Director) and Al Steininger (Public Works Director) were staff persons who attended the meetings.

Steininger pointed out that the new ordinance changed the title to "street improvements" instead of "Curb and Sidewalk Ordinance". The new ordinance does not exclude public agencies, but in the case of remodels, would require that improvements equal to 25% of the remodeling costs be required. It would also require a letter of credit or proof of secure bank account.

Lairson asked if public buildings, and churches would now have to comply. Steininger answered "yes".

Phillips asked if the City Engineer could exempt anyone from these improvements. Steininger answered "yes".

Stowell asked if the proposed ordinance would have a provision for added traffic due to the improvements being made. Steininger said that was something that he would take a look at, that it hadn't really been addressed.

City Attorney Hammond noted that any improvements that would have that impact would most likely involve some sort of zone change.

DeJardin wanted to know if churches and schools participated in the creation of the proposed ordinance. Steininger answered that no one directly had participated.

Murray Dorsey, Dorsey Bus Company, claimed that he had not been allowed to participate in the formation of the proposed ordinance and presented his suggested amendment to the proposed ordinance and presented his suggested amendment to the ordinance.

City Administrator Buol explained that the staff had only developed their recommendation the day before, and that they had worked with Dorsey Bus Company and also had made public announcements of the meetings held.

Bill Gregory, 3025 W. Rosemont Drive, spoke for the congregation at the Emmanuel



Presbyterian Church, saying that they were planning an addition to their church in the near future, and the costs for improvements required in the proposed ordinance would inhibit the planned addition.

Mike Skee, 1684 S.W. Dollar Street, spoke regarding the sidewalk ordinance.

Jill Thorne, President of the West Linn Business Group, pointed out that research was done regarding other jurisdictions and requirements of their public facilities. Her only suggestion was that foot traffic could possibly decide the necessity for improvements to be required.

DeJardin was concerned that churches and schools had not been included in the drafting of the proposed ordinance. Hart agreed, and suggested that the proposal be tabled for further input.

Phillips made a motion to defer consideration until August 24th and notify public facilities of the proposed ordinance to allow their input. Stevens seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin  
Nays: None.

Jane Ohlemann, 3501 S.W. Turner Rd, West Linn, asked if they were going to have the same problems when they advertise for input regarding proposed changes to the existing sign ordinance. Staff explained the proper method for announcement of the sign ordinance meetings.

Buol added that when the committee was ready with their proposed changes, they would then present them to the Council.

- #6) Resolution No. 83-026, recognizing and supporting the West Linn Business Group, was considered. Phillips suggested two minor changes.

DeJardin made a motion to adopt Resolution No. 83-026 with the suggested changes made by Phillips. Stevens seconded the motion.

Ayes: Stowell, Phillips, Stevens, Hart, Lairson, and DeJardin  
Nays: None.

- #7) Open Period - Presentations from the floor of non-agenda items.

- (a) Jane Olhemann, 3501 Turner Road, publically thanked everyone who volunteered their time to cook and sell chicken to benefit the filling and maintaining of three West Linn wading pools.

- #8) Statements - Ames Associates

DeJardin made a motion to approve payment of two statements totaling \$4,958 to Ames Associates. Phillips seconded the motion.

Ayes: Stowell, Phillips, Stevens, Hart, Lairson, and DeJardin  
Nays: None.

- #9) Administrator's Reports:

- (a) Buol asked the Council to give their formal approval to a request from the Cantonesia Restaurant for a "Special Event Liquor License" for the Willamette Square street dance. Hearing that the police department had no problem with the request, DeJardin made a motion to approve the special event license. Stevens seconded the motion.
- (b) Buol informed the Council that the Tri-City Sewer District had lifted their restrictions on new sewer hookups and there is no limitation as previously.
- (c) Buol announced that the State Marine Board had approved a \$5,350 grant for improvements to both Bernert and Cedaroak Landings. The City's in-kind contribution will be \$750. Buol asked for authorization from the Council to have the Mayor sign the agreement. DeJardin made a motion to authorize the Mayor to sign the agreement between the State Marine Board and the City. Phillips seconded the motion.

Ayes: Stowell, Phillips, Stevens, Hart, Lairson, and DeJardin  
Nays: None.

- (d) Assistant to the administrator, Williams, pointed out to the Council that the article printed on the front page of that same days Tidings was inaccurate. Mayor McInytre asked to have a word with the reporter after the meeting.

- (e) Williams also announced that Tim Williams will be our factfinder in AFSCME negotiations.

#10) Other

- (a) Bob Stowell thanked the Council for their confidence in him and announced that he would welcome calls from citizens with concerns or suggestions.
- (b) Phillips announced that he had thoroughly enjoyed the street dances that had been held and thought they were good for the City.
- (c) Stevens thanked the many volunteers who had given their time to setting up Willamette Park for the "Old Fashioned Fair" to be held July 29, 30, & 31.
- (d) Lairson reminded everyone of the Saturday AM breakfast to be held at Thriftway.
- (e) DeJardin said that he felt good things were happening in the community and he feels the public is responding.
- (f) McIntyre announced that the Fair would include exhibits of interest from all areas of the City, and encouraged all citizens to participate.
- (g) McIntyre also reminded everyone on the next street dance to be held in Hammerle Park on August 5th.

McIntyre passed out hard hats to all Council members and asked them to become more visible and wear their hard hats and support more projects.

There being no further business, the meeting was adjourned at 9:30PM.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

August 10, 1983

Regular Meeting

Council members present: Bob Stowell, Mike Stevens, Kathy Lairson, Joe Hart, and Mayor Larry McIntyre.

Councillors absent: Tom DeJardin, and Ted Phillips

Staff present: John Buol, Diana Nicolay, Jack Hammond (City Attorney) and Mike Butts (Temporary City Planner)

- #1) The meeting was opened at 8:00PM by Mayor McIntyre, with the flag salute. McIntyre presented certificates of appreciation to Pat Weiverstadt for her work on the West Linn Fair, and Frank Craig for his contribution to the community, especially in regards to the four street dances which were held. McIntyre also commended the West Linn Business Group and Friends of West Linn Parks for their work providing money to maintain and fill three West Linn wading pools.
- #2) The minutes from the July 27, 1983 City Council meeting were approved on a motion from Stevens, seconded by Stowell.
- Ayes: Stevens, Stowell, Lairson, and Hart  
Nays: None
- #3) Public Hearing - Request for annexation - Reynders, 2015 Carriage Way
- A staff report, with Planning Commission's recommendation for approval, was presented by Mike Butts.
- There were no proponents - no opponents.
- Lairson made a motion to close the public hearing, and McIntyre asked if sewers were available for this property. Butts answered that the applicant was aware that sewers were connected on a first come first serve basis, but they were not planning on developing the property right away anyway.
- Stevens made a motion to accept the recommendation of the Planning Commission and recommend annexation of the Reynders property to the Boundary Commission. Lairson seconded the motion.
- Ayes: Stowell, Stevens, Lairson, and Hart.  
Nays: None.

## #4) Public Hearing - Jolly, 21151 S. Horton Road - Request for annexation.

Mike Butts gave the staff report supporting the Planning Commission's recommendation to approve the annexation request.

Don and Mary Jolly were present to answer questions.

There were no opponents, so Lairson made a motion to close the public hearing, Hart seconded the motion.

Ayes: Stowell, Stevens, Lairson, and Hart.

Nays: None.

Hart made a motion to recommend approval of the annexation to the Boundary Commission. Lairson seconded the motion.

Ayes: Stowell, Stevens, Lairson, and Hart

Nays: None.

## #5) Open Period

(a) The Jamie Circle Downhill Coaster Races to be held on August 13 were discussed.

## #6) Discussion regarding the possible formation of a Solid Waste and Recycling Committee was held.

The Solid Waste Task Force requested the formation of an on-going permanent advisory committee, with the purpose of aiding in promotion and monitoring of recycling and reduction of solid wastes in West Linn. Several members of the Task Force were willing to serve on the committee.

Mayor McIntyre suggested that there be a Council representative on the committee.

Hart made a motion to authorize the City Attorney to create a resolution setting up a committee consisting of five residents, one City Council representative, and one person with expertise in the field of recycling, and four year staggered terms. The Public Works Director would be an ex-officio member. Lairson seconded the motion.

Ayes: Stowell, Stevens, Lairson, and Hart.

Nays: None.

Hart made a motion to authorize the City Attorney to prepare an anti-scavenger ordinance for the next Council meeting. Stevens seconded the motion.

Ayes: Stowell, Stevens, Lairson, and Hart

Nays: None.

## #7) Consent Agenda

McIntyre reviewed the consent agenda.

(a) Set a public hearing for August 24, 1983, for rezone of the Wellenbrink property, 3075 S. Rosemont Rd.

(b) Authorize the City Administrator to execute a quit claim deed to vacate three utility easements.

(c) Authorize the Mayor to sign an agreement with the State Parks and Recreation Division of ODOT to make improvements at three City parks, (Hammerele, Benski, and Willamette Parks) due to a grant which the City received.

(d) Adoption of Resolution No. 83-027, ICMA Deferred Compensation Plan.

Stevens made a motion to approve consent agenda items (a) through (d). Hart seconded the motion.

Ayes: Stowell, Stevens, Lairson, and Hart

Nays: None.

## #8) Administrators Reports

(a) Buol asked the Council for authority to close Jamie Circle for Coaster Race to be held Saturday, August 13, 1983 from 3:00 - 5:00 PM. Hart made a motion to authorize the closure. Stevens seconded the motion.

Ayes: Stowell, Stevens, Lairson, and Hart

Nays: None.

- (b) Buol asked Council for authorization to pay three statements totaling \$6,195 from Ames Associates (Planning Consultants) for their work on the Comprehensive Plan. Buol explained that Ames felt there was two months work left on the Comprehensive Plan. Buol also reminded Council of public hearings to be held on the Comprehensive Plan, and asked the Council to attend as many as possible.

Stevens made a motion to authorize payment of \$6,195 to Ames Associates for three invoices. Hart seconded the motion.

Ayes: Stowell, Stevens, Lairson, and Hart.

Nays: None

- (c) Buol informed the Council of the Bond Sale for water improvements to be held on October 12, 1983. Water bill revenues will be used to pay back the debt.
- (d) Buol mentioned that the Chamber of Commerce's Greeters Group will hold their next get-together at McLean House on August 17, 1983 from 3:00 to 5:00PM. Buol said that any Council members that could attend would be welcome.
- (e) Buol mentioned the vacancy on the Traffic Safety Commission, and asked Council members to try to find someone who is interested.

#9) Other:

- (a) Bob Stowell spoke regarding the new recycling program.
- (b) Mike Stevens spoke regarding the street dances, the fair, and the Jaws of Life campaign.
- (c) Lairson asked staff to check into the conditions applied to approval of the final plat for Villa Roma Estates. She believes that walkways and fences were a condition of the approval, and says that those conditions have not been met. Lairson asked that a report be prepared by the August 24th meeting.
- (d) McIntyre spoke regarding the street dances and the coaster race to be held at Jamie Circle.

- #10) Stevens made a motion to pay the bills for the month of July, 1983, in the amount of \$349,933.26. Hart seconded the motion. A poll of the Council showed:

Ayes: Stowell, Stevens, Lairson, and Hart

Nays: None.

There being no further business, the meeting was adjourned at approximately 9:00PM

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

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August 24, 1983

Regular Meeting

Members Present: Bob Stowell, Ted Phillips, Mike Stevens, Mayor Larry McIntyre, Kathy Lairson, and Tom DeJardin. Joe Hart was absent.

Staff Present: Diana Nicolay, City Recorder, DeAnn Darling, Staff Attorney, Mike Butts City Planner. (John Buol, City Administrator, arrived at 8:45 PM)

Also Present: Hal Murray, Murray Smith and Associates, Engineering Consultants.

- #1) Mayor McIntyre opened the regular meeting with the flag salute at 8:00 PM.
- #2) The minutes of the August 10, 1983, City Council meeting were approved with a motion from DeJardin, seconded by Stevens.

Ayes: Stevens, Phillips, Stowell, Lairson, and DeJardin.

Nays: None.

- #3) Public hearing - Rezone request - Wellenbrink property.

Mayor McIntyre opened the Wellenbrink public hearing. Mike Butts gave a brief staff report recommending approval of the reqone from County FU (Future Urbanizable) to City R-10 (Single Family Residential).

Hearing no testimony for or against, DeJardin made a motion to close the public hearing. Lairson seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin.

Nays: None.



DeJardin made a motion to approve the zone change from FU to R-10 per the Planning Commission's Findings of Fact. Stevens seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin.

Nays: None.

McIntyre asked that an agreement be drawn up that would insure that if the property was so the new owners would be aware that sewer may not be available.

Mike Butts and DeAnn Darling agreed to draw up the necessary agreement.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin

Nays: None.

#4) Discussion - Street Improvement Ordinance amendments.

Mayor McIntyre explained that the August 10th public hearing was continued to allow public facilities to review the proposed amendments.

Mr. Fowler of 4226 Norfolk was given a copy of the proposed ordinance to review.

Mr. Bill Gregory, 3025 Rosemont Drive, representing Emanuel Presbyterian Church asked that they be treated like every other church, and be allowed to remodel without the requirements outlined in the proposed ordinance. He also asked that churches be excluded from the requirements or at least given a moratorium of five to eight years to build.

Mr. Fowler then expressed his concern that 25% of a very small remodeling job would not be enough to put in much sidewalk. Fowler wanted a provision for the size project in the ordinance.

DeAnn Darling added a clause to the proposed ordinance to address Mr. Fowler's concerns.

Jill Thorn, 2380 Valley Vw. Drive, mentioned that most sidewalks near businesses in West Linn were already installed so the new ordinance would not affect many existing businesses. Ms. Thorn also recapped statistics from other jurisdictions regarding sidewalk requirements.

Hearing no other comments Phillips made a motion to adopt Ordinance No. 1117, revising requirements for the construction of street improvements for new buildings and structures including certain remodels, effective August 25, 1983. DeJardin seconded the motion.

Stevens asked that a paragraph be added to the ordinance to address small remodel jobs where there wasn't much money involved. He asked for a provision that the City Planner could at his discretion stipulate that an amount be set aside for future improvements.

Steven's suggestion was added to the original motion and second. DeAnn Darling of the City Attorney's office, will draft the revision. McIntyre read the Ordinance by title and included the revision.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin

Nays: None.

McIntyre read Ordinance No. 1117 a second time by title. DeJardin made a motion to adopt Ordinance No. 1117 with one revision. Lairson seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin

Nays: None.

#5) Request from Municipal Judge Crist for health insurance supplied by the City.

Council in general felt that the Judge's request had come at a bad time, because of budget problems, and would be better handled at the time budgets for the new fiscal year were considered.

Lairson made a motion to deny the Judge's request for a health insurance plan. Phillips seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin

Nays: None.

#6) Open Period

John Buol, City Administrator, mentioned that he had arrived late at the Council meeting because he had attended a Metropolitan Homebuilders Association awards



dinner, where West Linn received three awards. One went to Police Chief Art Enderlin for giving the most tickets at an opening night of the Street of Dreams, one went to Building Official Dave Rood for positive supervision, and one to the City's staff for positive support. Buol reported that attendance at this Street of Dreams was 18% higher than any before. The Homebuilders commended the West Linn Fire Department for being present at the affair and for responding to medical emergency. It was decided that the City's Fire Department will be in attendance at all future Street of Dreams shows.

Council asked that staff forward a letter of commendation to the West Linn Fire Department and the fire volunteers for their efforts.

- #7) (a) Proposed Ordinance number 1118, concerning maintenance and damage responsibility for private sewer lines was read by title by Mayor McIntyre.

Stevens made a motion to adopt Ordinance No. 1118 a second time by title. Stevens made a motion to adopt Ordinance No. 1118, effective August 25, 1983. DeJardin seconded the motion. A poll of the Council showed:

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

(b) Proposed Ordinance No. 1119, revising water rates was read by title by Mayor McIntyre. Stevens made a motion to adopt Ordinance No. 1119 effective August 25, 1983. DeJardin seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

McIntyre read Ordinance No. 1119 a second time by title. Stevens made a motion to adopt Ordinance No. 1119 effective August 25, 1983. Lairson seconded the motion. A poll of the Council showed:

Ayes: Stowell, Phillips, Stevens, Lairson and DeJardin  
Nays: None.

(c) Proposed Ordinance No. 1120, forming a Solid Waste and Recycling Committee was read in full by the Mayor. DeJardin made a motion to adopt ordinance 1120 effective August 25, 1983. Stevens seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson and DeJardin.  
Nays: None.

Mayor McIntyre read Ordinance No. 1120 a second time by title. A motion was made by Lairson, seconded by DeJardin with an effective date of August 25, 1983, to adopt Ordinance No. 1120. A poll of the Council showed:

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

Phillips then made a motion to appoint the following people to the new Solid Waste and Recycling Committee:

	Term Expiring
Angela Stoffregen	12/31/84
Ed Druback	12/31/85
Beverly Wittkopp (MD)	12/31/85
Jerry Herrmann	12/31/86
Bob Mountain	12/31/86
Larry Bollinger	12/31/87
Joe Hart (Council representative)	
Bob Stowell (Council alternate)	

Staff was asked to prepare a resolution stating policy statement number fifteen of the Solid Waste Task Force.

- #8) Consent Agenda:

Mayor McIntyre reviewed the consent agenda. DeJardin made a motion to approve items A through H. Stowell seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

- (a) Resolution No. 83-028, Jolly annexation recommendation.
- (b) Resolution No. 83-029, Reynders annexation recommendation.
- (c) Approval of benefit art show September 24 & 25, 1983 for McLean House, and approval of a holiday arts and crafts bazaar November 11 & 12, 1983.

- #8) (d) Authorization for signing agreement for State Aid Per Capita for West Linn Library.
- (e) August 9, 1983, vote by mail election results were made part of the record.  
Tax Levy Measure 51
- |     |       |
|-----|-------|
| Yes | 1,142 |
| No  | 2,771 |
- (f) Final payment approved for David C. Smith and Associates for base map project. (\$509.66)
- (g) Authorization for payment of statement from K&F Development for water line improvements on the Hidden Springs Road Realignment (\$29,281.00)
- (h) Approval was given to pay \$17,432.00 to Murray Smith and Associates for water improvements:
- (1) Horton Pumping Station Modifications.
  - (2) Bolton Pumping Station Modifications.
  - (3) Water Audit Program
  - (4) Intertie Piping and valving to Lake Oswego Transmission Line
  - (5) Portland Avenue Transmission Main
- (i) Removed from the agenda.

#9) Administrator's Reports:

Buol asked for approval to pay statements for insurance through the new agents of record, J.B.L.&K. (Gulf Insurance)

DeJardin made a motion to authorize payment of \$4,178, \$25,960, \$3,600, for a total of \$33,738.00. Stowell seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin.  
 Nays: None.

Hearing no further new business the meeting was adjourned at 9:40PM.

*Diana J. Nicolay*  
 Diana J. Nicolay, City Recorder

September 14, 1983

Regular Meeting

Council members present were: Bob Stowell, Ted Phillips, Mike Stevens, Kathy Lairson, and Tom DeJardin. Also present was Mayor Larry McIntyre.

Absent was Joe Hart.

Staff members present were:

- City Administrator, John A. Buol
- Assistant City Administrator, Janet D. Williams
- City Recorder, Diana J. Nicolay
- City Planner, Mike Butts
- Public Works Director, Al Steininger
- Fire Chief, Russ Castleman
- City Attorney, Jack Hammond

- #1) Mayor McIntyre opened the regular meeting at 8:03 PM with the flag salute.
- #2) Minutes of the August 24, 1983 meeting will be approved at the September 28 City Council meeting.
- #3) Public Hearing on Hidden Springs Ranch No. 8 Final Development Plan, Zone Change from R-10 to R-10PD, and Tentative Plat approval for Hidden Springs Ranch No. 8 - Edwards Industries was held next.

Mayor McIntyre asked if there was any member of the Council wishing to abstain from the matter. Ted Phillips pointed out that he lives immediately in the area under discussion but did not disqualify himself.

Mayor McIntyre asked if anyone in the audience challenged any member of the Council from hearing the matter. None.

Mike Butts gave the staff report, pointing out that there were three requests before the Council.

1. Final Development Approval for Hidden Springs Ranch No. 8.
2. Zone Change approval from R-10 to R-10 PD for Hidden Springs Ranch No. 8A.
3. Amendment to the 1973 Plan for Hidden Springs Ranch No. 8A & B. (Butts added that the subdivision plat acted upon by the Planning Commission was conditioned upon Council approval)

Butts gave a brief summary of the proposal, saying that the 1973 plan originally called for 974 units which included a 16.5% density bonus, and as has been developed today, and

including the revisions to Hidden Springs Ranch No. 8 they will be developing 895 units, which includes about a 7.1% density bonus.

The 1973 Hidden Springs Ranch No. 8 plan originally called for neighborhood commercial development, 300 garden apartments, and 70 single family units. As proposed now, 65 single family units and 221 multi-family units which is a total of 286 residential units to be built on 36.2 acres of land.

Butts gave the Council a copy of the Planning Commissions conditions of approval. There were two outstanding issues regarding those conditions:

1. A 16" water transmission line along Rosemont Road in Hidden Springs Ranch No. 8B. (Edwards agrees with this requirement)
2. A 3.67 acre park dedication was recommended by the staff and included as a part of the Planning Commissions approval. Butts explained that there was a 15.42 acre school site that will be reserved for recreation. Butts presented the Council with his amended recommendation for a two (2) acre park dedication from Edwards, to be placed in Hidden Springs Ranch No. 8B, instead of Hidden Springs Ranch No. 8A. Butts recommended that the developer be required to develop it and retain ownership. Edwards was interested in having the homeowners association take over ownership and maintenance of the park area and the homeowners association thought that was a reasonable request, so Butts agreed to change his recommendation.

There were several questions of clarification. After a lengthy discussion, Mr. Robert Ball, attorney for Edwards Industries, 101 S.W. Main Street in Portland, presented Exhibit "A" and Edward's position. Ball said that they were in agreement with all issues with the exception of park dedication. Edwards Industries did not agree with the calculations that staff used to establish the need for a two acre park dedication. Edwards was in favor of calculating the need in accordance with the actual demand created by the new development. Edwards was also opposed to being required to own and maintain the park. They felt a dedication of park land to the City would be sufficient.

Gordon Davis, 1020 S.W. Taylor, Portland, asked for specific language regarding the 16" water line that would be required. Davis suggested adding "at the time of development of phase 8B, a 16 inch water line will be installed in Rosemont, along the phase 8B boundary or within a street to be constructed in the development. The City shall reimburse the developer for costs which exceed the cost of a 6" water line." to page twelve of the Planning Commission recommendations dated September 6, 1983, No. 1(c). Regarding the park requirement recommended by staff, Davis presented Exhibit "B" to the Council, a summary of West Linn's athletic fields and Standards for Calculation of Demand. Their conclusion from the report was that based upon State standards, a total of eleven fields are needed in West Linn, and existing facilities in West Linn exceed these requirements.

Gary Katsion, 521 S.W. 11th, Traffic Engineer for Edwards, presented Council with Exhibit "C", an average daily traffic volumes/capacity ratio for Hidden Springs Ranch No. 8.

Robert Ball urged the Council to recognize the negotiated settlement between the Association and Edwards. Ball asked the City to adopt an ordinance approving the terms of the letters presented, and establishing the density range requested for Hidden Springs Ranch No. 8(B). Edwards Industries asked that the City acknowledge by ordinance that the Hidden Springs Ranch No. 8(B) property may be used either for single family or multi-family development in accordance with the terms of such letters so long as such development is within the density range of 3-14 units per acre. It was proposed that Edward's rights to such use and density, without the imposition of conditions not set forth in the letters, be vested and final as of the effective date of the ordinance, and that no subsequent change of law, policy, or ordinance will affect the permitted use or density of Hidden Springs Ranch No. 8(B). The ordinance should supercede remaining approvals to be secured for Hidden Springs Ranch No. 8(B) pursuant to the City's Planned Development Ordinance.

Gary Newbore, 2421 Pimlico, representing the Hidden Springs Neighborhood Association, spoke in favor of approval because after negotiations with the Association and Edwards, the two parties were able to come to a compromise. Newbore referred to Exhibit "A" from this evening, a letter to Mr. Timothy Ramis from Robert Ball, and signed by the Neighborhood Association, asking the Council to include those recommendations along with the conditions from the Planning Commission. The Neighborhood Association also felt like any park required should be first a public facility, owned by the City, or second, owned by the neighborhood association. If a park is put in Hidden Springs No. 8(B), there should be pedestrian access to the park without having to go on to Rosemont.

Val West, 3144 Cedaroak Drive, spoke in opposition of the proposal, on behalf of the West Linn Business Community, because the planned traffic flow would send shoppers outside of the City.



Hearing no other opposition, Tom DeJardin made a motion to close the public hearing. Kathy Lairson seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin.

Nays: None.

After lengthy discussion, Hammond explained that the motion should be for modification of the tentative preliminary development plan for phases 8A & B; Final development plan approval 8A; Zone change approval for 8A from R-10 to R-10PD; subject to the amended conditions and tentative plan approval of 8A.

Kathy Lairson then made a motion to accept the Planning Commission's recommendation with an adjustment to their item 1(a), to require a two acre park dedication, to be graded and seeded, and owned by the City, and tied to phase 8(B) and also, modify their recommendation 1(c), per Al Steininger's memo of September 14, 1983, requiring a 16" water line to be placed in phase 8B, with the City reimbursing the developer for costs which exceed the cost of a 6" water line.

Stevens seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin.

Nays: None.

- #4) Proposed Ordinance No. 1121, amending and repealing portions of Title 9 of the Code, concerning public peace, morals, and welfare.

Buol explained that this ordinance came about because of the District Attorney's office having cut back. The recommendation comes from the City Attorney and the Police Chief. Jack Hammond explained that these were minor-type offenses that until this time were prosecuted in District Court of Clackamas County. This is to give our Municipal Court some recourse in these matters. Some housekeeping will need to be done every once in a while if State statutes are changed in future years. Other jurisdictions are doing the same thing. For State offenses, we don't have to pay jail fees, only on Municipal Code offenses, these would be paid for by the State.

Mayor McIntyre read the ordinance by title and DeJardin made a motion to adopt Ordinance No. 1121. Lairson seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin.

Nays: None.

Mayor McIntyre then read the proposed Ordinance a second time by title, and Lairson made a motion to adopt Ordinance No. 1121. DeJardin seconded the motion. A poll of the Council showed:

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin.

Nays: None.

- #5) Proposed Resolutions:

- (a) Resolution No. 83-030, a policy statement supporting the recycling of solid waste.
- (b) Resolution No. 83-031, appointing a registrar and paying agent - 1st Interstate
- (c) Resolution No. 83-032, authorizing City representatives to acquire surplus property from the Federal Government in Salem.

Mayor McIntyre reviewed each of the resolutions. Stevens made a motion to adopt Resolutions number 83-030, 83-031, and 83-032. Stowell seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin.

Nays: None.

- #6) Open Period:

- (a) Mr. Larry Bollinger asked the Council to consider appointing Judy Morton to the newly formed Solid Waste and Recycling Committee. Council told Mr. Bollinger that all positions on the Committee had already been filled according to the governing ordinance.
- (b) Mr. Robert Mountain, 1381 N.E. Buck Street, talked to the Council regarding an alternate system that may be available for the disposing of garbage, instead of the garbage burning facility that was turned down.

Mr. Mountain also talked about the City having an obligation to develop a park that was dedicated to the City by a developer. He felt that the citizens that used the park should pay for the maintenance of it.

- #7) Consent Agenda:

- (a) Agreement signed with Crown Zellerbach for use of their property for parking at City Hall.

- (b) The AFSCME Agreement was ratified by the Council.
- (c) Statement from the Clackamas County Department of Human Resources for the 7th Avenue Project, (\$2,340.00) was approved.
- (d) Statement from Murray Smith and Associates for water line improvements \$10,337.01) was approved.

Mayor McIntyre summarized each item on the consent agenda. DeJardin made a motion to approve items "A" through "D" of the consent agenda. Stevens seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin.

Nays: None.

#8) Administrative Reports:

- (a) Buol announced that the September 28 City Council meeting would be held at the Sunset Elementary School Gym.
- (b) Buol announced that the City had received a copy of the State Highway Department's Preliminary Six Year Plan for Highway Improvements, and the two projects that West Linn had hoped would be in the plan were not there. He told the Council that the State was having a public hearing to receive comments regarding their plan, and Buol encouraged Councillors, and citizens, to attend the hearing in an effort to have the two projects added to the plan. The hearing is scheduled for September 27, 1983, at 7:30 PM, 902 Abernethy Road, Oregon City.
- (c) Buol asked for approval for the Bahai religion to hold an informational meeting regarding the persecution of Bahais in Iran, in the McLean House on September 30. Council gave their approval.
- (d) Buol pointed out that there would be a seminar for elected officials and appointed officials on the actions of the 1983 Legislature. The seminar is to be held at Milwaukie City Hall, September 28th at 1:00 PM.
- (e) Buol asked the Council for permission to pay bills from the County on the 7th Ave. project. The agreement signed between the City and the County specifies that bill must be paid within three days of receipt. Buol will then bring the bills for formal approval to the next regular meeting. The Council gave their approval to Mr. Buol to personally approve payment of the bills.

At 10:10 PM, the Council went into Executive Session regarding current and pending litigation. At 10:30 PM the Council came out of Executive Session and back into regular session. DeJardin made a motion to adjourn and it was seconded by Stevens.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin

Nays: None.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

Regular Meeting  
Sunset Grade School

September 28, 1983

Council members present: Bob Stowell, Ted Phillips, Mike Stevens, Kathy Lairson, Joe Hart, and Tom DeJardin.

Staff members present: City Administrator, John A. Buol; City Recorder, Diana J. Nicolay; City Attorney, Jack Hammond.

Also present were Barbara Hartfeil, Traffic Safety Commission.

- #1) Mayor McIntyre opened the regular meeting at 8:05 PM with the flag salute.
- #2) Tom DeJardin made a motion to approve the minutes from the August 24 and September 14, 1983, Council meetings. Phillips seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.

Nays: None.

- #3) Mayor McIntyre read Ordinance No. 1122, rezoning the Wellenbrink property, by title. Tom DeJardin made a motion to adopt Ordinance No. 1122. Lairson seconded the motion.

Ted Phillips asked if both parcels would be rezoned by this ordinance, and recorded at the County. Hammond answered yes.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.

Nays: None.

Mayor McIntyre then read Ordinance No. 1122 a second time by title. DeJardin made a motion to adopt Ordinance No. 1122, effective September 29, 1983. Lairson



seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.

Nays: None.

Ordinance No. 1123 was tabled until the October 12, City Council meeting. ( Hidden Springs Ranch No. 8 Zone Change)

Mayor McIntyre read Ordinance No. 1124 , Revising nuisance abatement procedures by title. Stevens made a motion to adopt Ordinance No. 1124, revising nuisance abatement procedures. Phillips seconded the motion. After some clarification, the vote showed:

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin

Nays: None.

Mayor McIntyre then read Ordinance No. 1124 a second time by title. Stevens made a motion to adopt Ordinance No. 1124 effective September 29, 1983. Stowell seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin

Nays: None.

#4) McLean House request to allow bottled beer at McLean House functions.

Buol explained the request, and stated that the Police Department and Administration do not have any objections to the request.

DeJardin made a motion to approve packaged beer at McLean House functions. Stowell seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.

Nays: None.

#5) Open Period:

- (a) Mayor McIntyre and John Buol commented on the good attendance at the State Highway Department's public hearing on their Preliminary Six Year Improvement Plan.

#6) Request to change hours of operation at City Hall.

John Buol pointed out that the Personnel Resolution states that the City Council sets the hours of operation for City Hall. Buol asked the Council for permission to change hours of operation by closing City Hall for lunch between the hours of 12:00 Noon and 1:00 PM. Reason for the request was shortage of employees and vacations have caused a problem providing service to the public during lunch hours.

DeJardin made a motion to close City Hall from 12:00 to 1:00 PM for lunch. Phillips seconded the motion.

Ayes: DeJardin, Phillips

Nays: Stowell, Stevens, Lairson, and Hart

- (b) Buol then asked for temporary clerical assistance in the Development Services Department to help with the work load of the Comprehensive Plan and office reorganization.

After some discussion, Hart made a motion to authorize the transfer of \$3,000 from the General Fund to extra labor. Stowell seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin

Nays: None.

- (c) Temporary labor for the parks Department, to be used for work in Benski and Hammerle Parks. Buol explained that the grant we received stated that the work must be done by October of 1984. At present, with the short staff, the work is not getting done. Buol asked for \$3,500 for parks.

Hart made a motion to transfer \$3,500 from the General Fund Contingency to the Parks Department, extra labor. Lairson seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin

Nays: None.

#7) Appointments:

- (a) Traffic Safety Commission - no appointments were made. One citizen from the audience expressed an interest in filling out an application. Diana Nicolay will mail an application.
- (b) Budget Committee - DeJardin made a motion to appoint Mr. John Miller, 1750 N.E. Easy Street, West Linn, to the Budget Committee to represent Ward III. Lairson seconded the motion.

- (c) Cable T.V. Advisory Board - DeJardin made a motion to appoint Mr. Robert Thorn and Mr. Jim Waddell to the Cable T.V. Advisory Committee. Stevens seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin  
Nays: None.

#8) Consent Agenda:

- (a) Statement from Ames Associates for work on Comprehensive Plan in the amount of \$6,551.00  
(b) Refer Development Codes to the Planning Commission and cancel the public hearing at this time.  
(c) Statement from Clackamas County on the 7th Avenue project - \$1,760.00

DeJardin made a motion to approve consent agenda items "A" through "C". Stevens seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin  
Nays: None.

#9) Administrative Reports:

- (a) Buol reminded the Council of the Wednesday, October 5, Worksession on the Comprehensive Plan, scheduled for 7:30 PM.  
(b) Buol mentioned that the City had received a statement for the vote-by-mail election held in August of 1983, in the amount of \$2,889.27. Regular elections cost about one third to one half of that amount.  
(c) HGE Engineering firm recommends that the City go out for bids on the 7th Avenue project in March of 1984, and open bids in April of 1984. Council consensus was to go out now, because prices were likely to go up after January. Council asked staff to send a letter to the citizens in the 7th Avenue area, regarding progress and plans.  
(d) Buol pointed out that the West Linn City Council Meeting agenda will now appear on Cable TV, Channel 11.  
(e) Buol asked Council if November 16, 1983, was a good date to hold the Volunteer Recognition Reception. Council agreed that the date was okay.  
(f) Buol discussed problems developers were having with the County Surveyor's office and proposed the City get in to surveying until the County can handle the calls that need to be made.

Hart made a motion to authorize the City Attorney to prepare the necessary ordinance for Council review. DeJardin seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, DeJardin  
Nays: None.

- #10) (a) Lairson asked if the Council would be having a Special Council Meeting regarding the bond sale, on October 26, 1983, at 12:00 Noon.

Buol answered "yes".

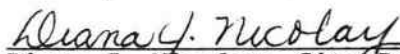
- (b) Hart asked the other Council members if any of them would be interested in being the Council Representative on the Design Review Board.

- #11) Stowell made a motion to approve the bills from the month of August 1983, in the amount of \$252,515.49. DeJardin seconded the motion. A poll of the Council showed:

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin  
Nays: None.

Larry Bollinger updated Council on the Solid Waste and Recycling Program.

The meeting was adjourned at 9:30 PM until October 5, 1983, at 7:00 PM.

  
Diana J. Nicolay, City Recorder

The adjourned regular meeting was opened by Mayor Larry McIntyre at 7:25 PM. Council members present were: Bob Stowell, Kathy Lairson, Tom DeJardin, and Larry McIntyre.

John A. Buol, City Administrator was also present.

Mayor McIntyre read proposed Ordinance number 1125, establishing the position of City Surveyor, for the City of West Linn, in its entirety. DeJardin made a motion to adopt proposed Ordinance No. 1125 effective October 6, 1983. Lairson seconded the motion.

Ayes: Stowell, Lairson, DeJardin, and McIntyre.

Nays: None.

Mayor McIntyre then read Ordinance No. 1125 a second time by title.

DeJardin made a motion to adopt Ordinance No. 1125, effective October 6, 1983. Stowell seconded the motion. A poll of the Council showed the following vote:

Ayes: Stowell, Lairson, DeJardin, and McIntyre.

Nays: None.

Hearing no further new business, the Council adjourned the continued meeting at 7:35 PM.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

Regular Council Meeting

October 12, 1983

Members present were: Bob Stowell, Mike Stevens, Kathy Lairson, Joe Hart, Tom DeJardin, and Mayor McIntyre.

Absent was Ted Phillips.

Staff present were: City Administrator John A. Buol, City Recorder Diana J. Nicolay, City Attorney Jack Hammond, City Planner Mike Butts, Public Works Director Al Steininger.

- #1) Mayor McIntyre opened the regular meeting at 8:00 PM with the flag salute.
- #2) Councillor DeJardin made a motion to approve the minutes from the September 28 and October 5 City Council meetings. Stevens seconded the motion.

Ayes: Stowell, Stevens, Lairson, Hart and DeJardin

Nays: None

- #3) Storm Drainage Report - Murray Smith and Associates.

Phil Smith presented their Storm Drainage Report to the Council, giving a brief background and reviewing the contents of the report. Smith recommended the report be incorporated into the Comprehensive Plan.

DeJardin made a motion to accept the Storm Drainage Master Plan as prepared by Murray Smith and Associates, and refer it to the Planning Commission and staff for their review. If accepted by both, it should come back to the City Council who will make plans for implementation. The motion was seconded by Lairson.

DeJardin added that the Business Group, volunteers, the Budget Committee, and all other groups should have a chance to review the plan, and make comments.

Ayes: Stowell, Stevens, Lairson, Hart, and DeJardin

Nays: None

- #4) West Linn Sanitary Service request for franchise extension.

Paul Schultz, attorney for West Linn Sanitary, presented the request for extension and a proposed ordinance for adoption which had been revised to include concerns pointed out by the Solid Waste Task Force in their report.

Hart made a motion to refer the proposed ordinance to the Solid Waste and Recycling Committee for their review and recommendation. Lairson seconded the motion. It was asked that the Solid Waste and Recycling Committee review the ordinance and get a recommendation to the Council as soon as possible.

Ayes: Stowell, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

#5. Open period:

Mike Skee, 1684 S.W. Dollar, asked questions of clarification regarding the Rommel lawsuit.

Jim Rommel, 19442 Wilderness Drive, pointed out that storm drainage problems suffered by the Whites on Autumn Vw. Ct. were being taken care of and asked that he be treated equally. Council reminded Mr. Rommel that he had started a lawsuit against the City, and since the two parties were still in litigation the Council was unable to even discuss the problem.

Mr. Jerry Berget, 19444 Wilderness Drive spoke in support of Mr. Rommel, and his drainage problem, attempting to point out the severity of the problem.

#6) Proposed Ordinance No. 1126, revising filing fees for certain land use applications was considered.

Mike Butts gave the staff report recommending that the land use fee schedule be updated.

Hammond pointed out that the new fee structure would be adopted with the new development codes and advised Council to refer them back to the Planning Commission for discussion at their meeting on the following Monday.

There was a consensus of the Council to refer the revised fee schedule to the Planning Commission for their recommendation.

#7) Appointments:

- (a) Mr. Monty Schuster was appointed to a three year term on the Traffic Safety Commission, on a motion from Stevens which was seconded by DeJardin.

Ayes: Stowell, Stevens, Lairson, Hart, and DeJardin  
Nays: None.

- (b) Lairson then made a motion to appoint Mr. Robert Liddell to a three year term on the Budget Committee, and Mrs. Judith Cook also to the Budget Committee for a three year term. Stowell seconded the motion.

Ayes: Stowell, Stevens, Lairson, Hart, and DeJardin  
Nays: None.

#8) The consent agenda was reviewed by the Mayor. Item "B" was pulled off to be handled separately. DeJardin made a motion to approve consent agenda items A, C, and D. Phillips seconded the motion.

Ayes: Stevens, Stowell, Lairson, Hart, and DeJardin  
Nays: None.

- (a) Resolution No. 83-034, reallocating and reappropriating funds for the 1983/84 Fiscal Year was approved.

- (c) A statement from Murray Smith and Associates in the amount of \$11,118.74 was approved for payment.

- (d) A statement from K & R Plumbing for work on Autumn Vw. Ct. in the amount of \$53,093.83 was approved for payment.

- 8(b) Lairson made a motion to adopt Resolution No. 83-035 setting December 14, 1983 as a public hearing date for the Steenson street vacation request. DeJardin seconded the motion.

Ayes: Stowell, Stevens, Lairson, Hart, and DeJardin  
Nays: None.

#9) Administrative Reports:

- (a) Buol asked the Council what their meeting dates would be for their November and December Council meetings.

After some discussion it was decided that the Council would hold the second meeting of November on the 21st instead of the 23rd because of the Thanksgiving Holiday. They also decided to hold one formal meeting in December on the 14th. The second meeting in December was cancelled.



- (b) Buol presented a statement for \$300.00 from H.G.E. Engineers for design work on the 7th Avenue project.

Stevens made a motion to approve payment of the \$300.00 to H.G.E. DeJardin seconded the motion.

Ayes: Stowell, Stevens, Lairson, Hart, and DeJardin  
Nays: None.

- (c) Buol asked for approval of Ordinance No. 1123, changing the zoning designation from R-10 to R-10PD for Hidden Springs Ranch No. 8A, approving an amendment to the preliminary development plan for Hidden Springs Ranch No 8A and 8B, and approving the tentative subdivision plan and the final development plan for Hidden Springs Ranch No. 8A.

Mayor McIntyre read Ordinance No. 1123 by title, Phillips made a motion to adopt Ordinance No. 1123 effective October 13, 1983. DeJardin seconded the motion.

Ayes: Stowell, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

Mayor McIntyre then read Ordinance No. 1123 a second time by title.

Phillips made a motion to adopt Ordinance No. 1123 effective October 13, 1983, and DeJardin seconded the motion. A poll of the Council showed:

Ayes: Stowell, Stevens, Lairson, Hart, and DeJardin  
Nays: None.

#10) Other:

Buol reminded the Council to adjourn until October 26, 1983 at 12:00 Noon for bids from the Bond sale.

Mayor McIntyre pointed out that October 22-29 was energy awareness week.

McIntyre asked the Council to set a time and location for the City Administrator evaluation. Council set November 17th at West Linn City Hall from 8:00PM to 10:00 PM.

- #11) Stevens made a motion to approve payment of the bills for the month of September 1983, in the amount of \$261,294.75. DeJardin seconded the motion. A poll of the Council showed:

Ayes: Stowell, Stevens, Lairson, Hart, and DeJardin  
Nays: None.

Mayor McIntyre then adjourned the regular meeting until October 26, 1983 at 12:00 Noon.

11:30 PM

Diana J. Nicolay  
Diana J. Nicolay, City Recorder

Adjourned Meeting  
(Adjourned from the meeting of October 12, 1983)

October 26, 1983

Members present were: Bob Stowell, Larry McIntyre, Kathy Lairson, and Tom DeJardin.

Staff present were: City Administrator, John A. Buol, City Recorder, Diana J. Nicolay, City Attorney, Jack Hammond.

Mayor McIntyre opened the adjourned meeting at 12:00 Noon.

John Buol explained that Moody Investment Service had given the City of West Linn a rating of BAA1.

Jack Hammond recapped the bids received at the 10:00 AM bid opening.

BIDDER

First Interstate Bank

EFFECTIVE INTEREST RATE

8.8462%



BIDDER (Con't)EFFECTIVE INTEREST RATE (Con't)

The Oregon Bank	9.2941%
Merrill Lynch Capital Funds	9.571578%
U.S. National Bank	9.33865%

DeJardin made a motion that the City of West Linn acknowledges the receipt of four bids for the 1983 General Obligation Water Bond Issue, acknowledges receipt of a bid from First Interstate Bank of Oregon with a net effective rate of 8.8462%; a bid from the Oregon Bank with a net effective rate of 9.2941%; a bid from U.S. National Bank with a net effective rate of 9.33865%; a bid from Merrill Lynch Capital Funds of 9.571578%; it rejects the bid from Merrill Lynch Capital Funds on the basis that it had more than a 2% discount which is not in accordance with our official notice of bond sale. The City of West Linn accepts the low bid from First Interstate Bank of Oregon, with a net effective rate of 8.8462%.

Lairson seconded the motion.

Ayes: Stowell, McIntyre, Lairson, and DeJardin.

Nays: None.

Mayor McIntyre adjourned the meeting at 12:10 PM.

  
Diana J. Nicolay, City Recorder

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Regular Council Meeting

October 26, 1983

Members present were: Bob Stowell, Mike Stevens, Kathy Lairson, and Tom DeJardin. Mayor Larry McIntyre was also present.

Staff present were: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, DeAnn Darling, City Attorney, Janet Dancer Williams, Assistant to the Administrator.

Mayor McIntyre opened the regular meeting with the flag salute.

- #2 Minutes from the October 12 and October 26 (12:00 Noon) City Council meetings were approved by a motion from DeJardin, second by Stevens.

Ayes: Stowell, Stevens, Lairson, and DeJardin.

Nays: None.

- #3 Compliance Agreement - Environmental Protection Agency, South Fork Water Board, City of West Linn, and City of Lake Oswego.

John Buol explained that the EPA says that the South Fork Water Board must close its mainline because the turbidity level exceeds EPA standards. The South Fork Water Board has authorized their chairman to sign a compliance agreement, and EPA requires that both Cities that own the Board must also sign. Buol spoke of the emergency intertie that is being negotiated with the City of Lake Oswego. Buol asked the Council for authorization for the Mayor to sign the Compliance Agreement with EPA. West Linn is one of six jurisdictions that doesn't have a compliance agreement.

DeJardin made a motion to authorize the Mayor to sign the Compliance Agreement. Lairson seconded the motion. There were some questions of clarification.

Ayes: Stowell, Stevens, Lairson, and DeJardin.

Nays: None.

- #4 Appeal of Employment Relations Board decision - League of Oregon Cities

Janet Williams explained that the Executive Committee of the League of Oregon Cities has authorized the preparation of an amicus curiel brief, on behalf of the League and cities, in support of the appeal of a collective bargaining case before the Court of Appeals. West Linn's support of this effort is requested, along with other municipalities in Oregon.

The Council, after discussion, decided not to financially support the case, but wish to be listed on the amicus brief as a participant in the appeal.

The motion was made by DeJardin to contribute \$250.00 to the amicus brief. Lairson seconded the motion.

Ayes: DeJardin, Lairson

Nays: Stevens, and Stowell

Mayor: Nay

Lairson then made a motion to have the City of West Linn listed as a participant in the appeal. DeJardin seconded the motion.

Ayes: Stowell, Lairson, and DeJardin  
Nays: Stevens

#5 Open Period - None

#6 Request for Holiday - day after Thanksgiving

Buol gave the staff report requesting that management employees be allowed a holiday on the day following Thanksgiving. Buol explained that union employees had been granted the day off in their 1983/84 agreement. Buol explained that the Library would only have one employee working, Administration would have four employees, Development Services would have two, and City Shops would have to close. Buol also pointed out that production on the day after Thanksgiving was always low.

After discussion Stevens made a motion to keep City Hall open the day after Thanksgiving, and have management employees work. DeJardin seconded the motion.

Ayes: Stevens, DeJardin  
Nays: Lairson, Stowell  
Mayor: Aye (the office is to remain open)

#7 Consent Agenda:

The Mayor summarized the consent agenda. DeJardin made a motion to approve consent agenda items A through G. Stowell seconded the motion.

Ayes: Stowell, Stevens, Lairson, and DeJardin  
Nays: None.

- (a) Council authorized the Finance Director and City Administrator to sign the signature cards for a Market Interest Account that would pay 8½%.
- (b) Council set a public hearing date of November 21, 1983 for the Jolly annexation request.
- (c) Council set a public hearing date of November 21, 1983 for the Steenson annexation request.
- (d) Council set a public hearing date of November 9, 1983 for Property Tax Relief/Sales Tax/Expenditure Limit Referral
- (e) Council adopted Resolution No. 83-036, amending Resolution No. 1164 (Personnel Resolution) regarding worker's compensation.
- (f) Council authorized payment of a statement from Ames Associates for \$7,122.00 for work performed on the Comprehensive Plan.
- (g) Council authorized staff to reject all bids received on the Call For Bids for topsoil (Parks Department)

#8 Administrative Reports:

- (a) Buol explained that a Call for Bids for Irrigation Equipment for use in Hammerele, Willamette, and Benski Parks produced three bids. Buol recapped the bids and pointed out that United Pipe and Supply Company of Portland was the low bidder at \$6,971.00. Buol asked that Council to accept the low bid from United Pipe and Supply.

DeJardin made a motion to accept the low bid of \$6,971 from United Pipe and Supply for irrigation equipment. Lairson seconded the motion.

Councillor Stevens claimed a conflict of interest and abstained from voting.

Ayes: Stowell, Lairson, and DeJardin  
Nays: None.

- (b) Buol recapped the bids received from the Bond Sale Bid Opening.

<u>Bidders</u>	<u>Effective Interest Rate</u>
First Interstate Bank	8.8462%
The Oregon Bank	9.2941%
Merrill Lynch Capital Funds	9.571578%
U.S. National Bank	9.33865%

Buol stated that the West Linn City Council had accepted the low bid from First Interstate at their 12:00 Noon meeting earlier that same day.

- (c) Buol asked the Council for authorization to sign a warranty deed for the Steenson property, to give us an easement through the property. The requested easement was needed by the Engineering Department. The property was located on Arena Lane

DeJardin made a motion to authorize Mr. Buol to prepare and sign a warranty deed for the Steenson property. Stevens seconded the motion.

Ayes: Stowell, Stevens, Lairson, and DeJardin

Nays: None.

- (d) Mr. Buol asked the Council for permission to prepare and sign a quit claim deed for Mr. Silliman (off Killarney Drive) to deed back a utility easement that was not correct. Mr. Silliman's house was built incorrectly on the property and the wrong easement was granted. We will then prepare a new 6' utility easement in the correct location.

DeJardin made a motion to allow the City Administrator to prepare and sign a quit claim deed to correct the problem. Lairson seconded the motion.

Ayes: Stowell, Stevens, Lairson, and DeJardin

Nays: None.

Hearing no further new business, the meeting was adjourned at 9:10 PM.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

Joint Planning Commission and City Council  
Public Hearing on Comprehensive Plan and  
Development Codes - West Linn City Hall  
October 19, 1983 8:00 PM

Comprehensive Plan and  
Development Codes

Council members present were: Joe Hart, Kathy Lairson, Bob Stowell, Mike Stevens, and Mayor Larry McIntyre. (quorum)

Planning Commission members present were: Mike Gosling, Tim Hoard, Gary Madson. (no quorum)

Staff members present were: City Planner Mike Butts, City Recorder Diana J. Nicolay, and City Administrator John A. Buol.

Others present were: City Attorney, DeAnn Darling, Intergovernmental Coordinator Ella Gossett, and Planning Consultant Mariel Ames.

- #1) Mayor McIntyre opened the joint Planning Commission/City Council public hearing with the flag salute at 8:15 PM.
- #2) Mayor McIntyre then began the public hearing on the Comprehensive Plan and Development Codes by asking if there were any members of the Council or Commission who wished to abstain from the matter. None. McIntyre asked if anyone in the audience wished to challenge any member of the Planning Commission or Council from acting. None. McIntyre then pointed out that there was not a quorum of the Planning Commission present, so no decisions would be made by the Planning Commission, however they would be allowed to participate in the discussion.

Mike Butts, Planner, introduced Mariel Ames, Planning Consultant from Ames Associates, who gave a brief summary of the Comprehensive Plan process the City had followed to date. Ms. Ames stated that this public hearing was the last step in a long process, which began in 1976, and the first of a series of public hearings on the proposed Comprehensive Plan and Development Codes.

Ms. Ames then described the information charts (approximately 20) displayed around the room on the walls.

Dr. Richard Cook, orthodontist practicing in West Linn, requested that the 100 x 100 parcel of land directly behind his office at 18603 Pacific Highway be included in the General Commercial zone. Dr. Cook wanted to use the property for additional parking.

Councillor Stowell asked Dr. Cook if the neighbors directly around his office had been informed of his request for a rezone. Dr. Cook responded that there weren't many neighbors in the immediate area.

Jill Thorn, President of the West Linn Business Group, addressed the Council next, pointing out that the West Linn Business Group was supportive of the proposed Comprehensive Plan and Development Codes, with four minor modifications.

1. They were in favor of allowing Dr. Cook's 100 x 100 lot to be designated General Commercial to allow additional parking.
2. They requested an overlay zone be adopted to encourage and facilitate elderly and disabled housing.



3. They wanted Val West's property on Highway 43 and Hidden Springs Road to be modified to separate the zones by a right angle. Design and buffering should not be attempted by zoning.
4. They also requested that Design Review not be a public hearing. They felt design and review appeals should not be a process of the Planning Commission.

Marshall Fox, citizen living on Ostman Drive, spoke for the citizens around the sand pit excavation site on 7th Avenue. Mr. Fox was upset with the excavation and presented the Planning Commission with a list of questions regarding the process that allowed the sand pit in the first place.

Fox asked what type of use would be allowed if this property were zoned light industrial, as planned in the proposed Comprehensive Plan.

Mike Butts reviewed types of uses permitted with a light industrial campus type setting, and added that no outside storage would be allowed.

Fox showed newspaper articles clipped from the Tidings, around the period of time when the excavation permits were issued, which stated that the excavating was being done in preparation for building single family homes, and pointed out that now engineers state that the property is not suited to build single family homes.

Fox asked that the City investigate possible erosion and drainage field problems. He also felt that specific landscaping should be required.

Fox ended his testimony by asking that the sand pit remain zoned for single family residential homes.

Buol responded to three of Mr. Fox's comments. (1) Buol pointed out that Mr. Jerry Jennings now owns the property that the sand pit is on. (2) Mr. Jennings originally planned to build single family homes in that area, and until very recently was not even aware that the proposed zone designation was light industrial. (3) Buol also stated that the slopes around the sand pit were examined by two different engineers, and they both agreed that what finally was done, was okay.

It was announced that the following Tuesday (October 25, 1983) the Planning Commission would hold a worksession on the Comprehensive Plan and Development Codes, and on November 2nd the Council would hold their final public hearing prior to adoption of the Plan and Codes.

Mr. John Flanagan, 22185 Ribera Lane, West Linn, (one mile from the sand pit) spoke against light industrial zoning for that area. Mr. Flanagan said he was told that the Borland Road was a Scenic Corridor before he bought his home, and was shocked to hear it may be zoned light industrial. He feared that the zoning would set a precedence and it would carry clear out to his area. He feared the increased traffic flow, and possible flooding caused by development. Mr. Flanagan stated that he was against planning without coherence or without vision. He felt planning should protect the homeowner. The present Dorsey Bus Depoe made him realize that there must not be any protection for present homeowners.

Mr. Ronald H. McKichan, 8420 S.W. Canyon Lane, Portland, spoke representing Mr. Ronald Engesetter, a property owner between I-205 and 7th Avenue. Mr. McKichan was in favor of general commercial zoning for the Engesetter property.

Hearing no further testimony, the public hearing was continued until October 20, 1983 at 8:00 PM.

#3) Next, the Council and Commission discussed outstanding land issues.

Mayor McIntyre pointed out that the purpose of the discussion on these issues was to give staff general direction on each of the issues for the proposed Comprehensive Plan.

- (a) Mike Butts explained that Bessie Klokkevold requested the zoning of her property on Territorial Drive be zoned multi-family residential with associated marine facilities allowed as a conditional use.

Ann Lawrence, manager of the Klokkevold estate and real estate person, explained that there were three lots involved, all are approximately 4,500 square feet. One of the houses is currently a multi-family dwelling. Ms. Lawrence mentioned that the property has been for sale for more than a year without success. They now have an interested party who would like to put in boat houses with docks. Discussion on this issue was continued until Thursday evening October 20, 1983.

- (b) Mike Butts explained a request from Mr. and Mrs. Brian L. McNicol of 6327 S.W. Taylors Ferry Road. Mr. and Mrs. McNicol own property at 3830 Robinview Drive which is zoned R-15. With the required setbacks it would be impossible to build

a home on the property. The McNicols were asking to have the property zoned R-10 to make it buildable. There was a consensus of the Council to have staff make this zone change part of their recommendation in the proposed Comprehensive Plan.

(c) Mike Butts pointed out that Mr. Val West, 4344 Cedaroak Drive, was making three separate requests.

- I. (Parcel "A") Tax Lot 6100 (presently zoned CD) Mr. West requests medium density residential zoning for the property located directly behind Robinwood Shopping Center. Medium density zoning would act as a buffer between the shopping center and the single family homes.

There was a consensus of Council to have staff find out what the current zoning is for the property and Council will make their decision after they review the findings.

- II. (Parcel "B") Tax Lot 6200. Mr. West feels the proposed separation line between zones is not practical, because it creates four triangular corners that cannot economically be used, and because a traffic-way created on the proposed line would create a dangerous and unacceptable exit on to Hidden Springs Road. Mr. West requested that the zone be squared off.

After lengthy discussion, the Council decided to have a traffic engineer look at access to the property and make a recommendation. The item was continued until a report could be received.

- III. Tax Lot 6200 (presently zoned high density multiple) West was against having a one acre buffer along Hidden Springs Road, and stated ten reasons.

Butts stated that staff recommends the City drop the one acre medium density zoning and zone the entire 4.5 acres high density residential. The one acre buffer creates the need for more access points onto Hidden Springs Road, and hampers the design of any future development. Designing by zoning is inappropriate, especially when the issue of buffering will be addressed as part of the development review process. Additionally, Butts added, similar restrictions have not been applied to other such high density zoned lands.

It was a consensus of the Council to direct staff to combine the areas and make the entire area multi-family in their recommendation for the proposed Comprehensive Plan.

Dr. Cook once again approached the Council with his request for an extension of the commercial zone to include additional parking area behind his office.

Stevens made a motion to allow the property behind Dr. Cook's office to be zoned commercial. Lairson seconded the motion.

Ayes: Lairson and Stevens

Nays: Hart and Stowell Mayor McIntyre broke the tie by voting yes, and so the Council asked staff that the zoning be included in the proposed Comprehensive Plan.

- #3 (e) East of 4th Street and Willamette Falls area. Mike Butts explained that this area is presently zoned R-10 and is critically constrained by a dramatic drop in elevation from Willamette Falls Drive, except for a narrow land parcel located east of 4th Street. Access to this area would likely be established from 5th Ave. Any zoning should be compatible with planned land uses for the lower lands to the south. Lands to the south are presently zoned General and Light Industrial. Staff recommended this area be zoned Campus Industrial.

After some discussion it was decided to hold over the decision until Thursday, October 20th.

- #3 (d) 10th Street and Willamette Falls study area. Mike Butts explained that the parcels in question total 8 acres and are presently zoned R-5B. 20 feet of the area is sewer easement and structures can not be located on an easement. The property could complement Office Business Center zoning to the north of I-205 at 10th Street or be zoned Campus Industrial or Office Business Center.

Stevens asked Butts for a clarification of both zones and allowed uses. Butts reviewed the zones and uses.

Mr. McKichan, 8420 S.W. Canyon Lane, Portland, representing Mr. Ronald Engesetter of 8885 S.W. Canyon Road asked that Mr. Engesetter's property between I-205 and 7th Avenue be zoned General Commercial. After discussion, there was a consensus of the Council to instruct staff to recommend an Office Business zone for this area. The meeting adjourned at 11:25 PM.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder



266 Members present were: Bob Stowell, Ted Phillips, Mike Stevens, Kathy Lairson, Joe Hart, and Tom DeJardin. Also present was Mayor Larry McIntyre.

Staff present was John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Al Steininger, Director of Public Works.

Also present was DeAnn Darling, City Attorney.

- #1) Mayor McIntyre opened the regular meeting with the flag salute at 8:00 PM.
- #2) The minutes from the October 26, 1983 City Council meeting were approved as written. The motion was made by Mike Stevens, seconded by Tom DeJardin.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.

Nays: None.

- #3) Mayor McIntyre opened the public hearing on Senate Joint Resolution No. 30. There were no abstentions on the Council, or challenges from the floor.

Senator Walter F. Brown, District 12, Mr. Richard Wiese, 26785 S. Meridian Road, Aurora, Oregon (Chairman of the Citizens against the sales tax) urged the Council not to refer the issue to the voters, because they felt it would not pass and it would waste time that could be spent finding a good method of obtaining tax relief.

State Representative Darlene Hooley, 6404 Failing Street, and State Senator Joyce Cohen, spoke in favor of referring SJR 30 to the voters, because they both felt the people have a right to hear the debate and make their own decision.

Ed Druback, 1790 S.W. Britton, told the Council that he had always felt the Council should refer the issue to the voters, but after listening to Senator Brown he felt that maybe it would be a waste of time that could be used by the legislature to come up with a better decision.

Robert Mountain, 1381 N.E. Buck Street urged Council not to refer SJR 30 to the voters, feeling that it would not pass, and it may add impetus to a measure three.

Patricia Tryon, 2365 Dillow Drive, spoke against referring SJR 30 on to the voters, because she felt it should never have been passed on to the cities, counties and school districts in the first place. She felt the legislature passed something on that they were not confident to do themselves. She feared that the way this questions was framed, their decision would be construed one way or the other.

Mayor McIntyre then introduced Exhibit "A" a letter from the Portland Homebuilders Association. The letter supported referral to the voters.

There was thirty second rebuttal from Senator Brown, Representative Hooley, Senator Joyce Cohen, and Patricia Tryon.

Hearing no further testimony, Lairson made a motion to close the public hearing. DeJardin seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.

Nays: None.

After some discussion DeJardin made a motion to ratify the amendments to SJR 30 for the purpose of referring the amendments to the voters. Lairson seconded.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin

Nays: None.

- #4) Continued discussion on extension of franchise with West Linn Sanitary Service.

Ed Druback, Chairman of the West Linn Solid Waste and Recycling Committee, told the Council that after meeting, the committee recommends the following:

1. Do not accept the proposed franchise extension as proposed.
2. Continue the current franchise to its termination.
3. Have the Solid Waste and Recycling Committee prepare a draft franchise agreement which closely follows the Solid Waste Task Force Recommendations of June, 1983.

Some discussion and questions of clarification followed.

Robert Mountain felt that the current recycling promotion is not satisfactory. He felt the City should fund a promotion.

Ed Druback (from the audience) added that the Solid Waste Task Force was planning to apply for a grant which was turned down by Gresham, for 10,000 to 20,000 for

City Council Final Public Hearing  
Comprehensive Plan and Development Codes

November 2, 1983

Council members present were: Bob Stowell, Ted Phillips, Mike Stevens, Mayor McIntyre, Kathy Lairson, and Tom DeJardin.

Absent was Joe Hart.

Staff present were: City Planner Mike Butts, City Recorder Diana Nicolay, City Attorney Jack Hammond, City Administrator John Buol, City Engineer Al Steininger.

Also present were: Intergovernmental Coordinator and staff member for the Citizen Involvement Committee, Ella Gossett, Mariel Ames, Planning Consultant from Ames Associates, Planning Commission members Gary Madson, Mike Gosling, and Tim Hoard.

- #1) Mayor McIntyre opened the meeting at 8:00 P.M. McIntyre then lead the flag salute.
- #2) DeJardin made a motion to approve the minutes from the October 19, 1983 Planning Commission and City Council public hearing. Lairson seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

Mayor McIntyre asked that anyone wishing to speak fill out a small form and hand it to the City Recorder.

McIntyre then made opening remarks, regarding the process which has been followed to date in preparing the proposed Comprehensive Plan.

He then asked the audience to adhere to the following rules:

1. Deal with the Comprehensive Plan and proposed Development Codes only. Leave personalities out. Use history as a reference if necessary, but Council is aware of how we arrived at where are today.
2. Keep your presentations to five minutes each.

McIntyre stated that decisions may not be made tonight. McIntyre asked that the following dialogue be avoided:

1. Complaints regarding lack of notification of changes. McIntyre pointed out that public notice has been made regularly regarding workshops being held on the Comprehensive Plan.

McIntyre also reminded the audience that one year ago today, Oregon voted by majority to maintain LCDC, and its goals, and policies, and he didn't want to discuss the merits of LCDC, but wanted the audience to know that what was being proposed today was a product of the Planning Commission and City Council following the goals and guidelines of LCDC. McIntyre didn't want LCDC to look like the bad guys, because they aren't they are doing exactly what the citizens of this state told them to do.

McIntyre reminded the audience that thousands of hours were spent working on this proposed plan and it was all volunteer time. Not one of the people recieved any compensation what-so-ever.

McIntyre then asked if there was any member of the City Council who wished to abstain from the matter. There were no abstentions. He then asked if any member of the audience challenged any member of the Council from acting on this matter. There were no challenges.

(For the record, the Council Chambers were filled past capacity and people were out in the hall, down the stairs and out in the parking lot waiting to get in) Council spent the next five minutes trying to fit more people into the room.

McIntyre told the audience that they were attempting to locate another facility to move to, but in the meantime they were going to proceed with the agenda.

McIntyre introduced the City staff, Jack Hammond, Mariel Ames, Mike Butts, Diana Nicolay, Al Steininger, Gary Madson, Mike Gosling, and Tim Hoard.

Gary Madson, Planning Commission Chairman called attention to the fact that

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the Planning Commission in their final recommendation to the Council, had tightened up the standards or criteria considerably in two areas:

1. The MR-5 Zone
2. The Campus Industrial Zone

Madson pointed out that there were probably one hundred persons out in the hallway that couldn't hear the testimony.

- #2) McIntyre then opened the public hearing on the Comprehensive Plan and Development Codes.

The first items discussed were zone change requests that were not previously considered.

- 2A(1) Mike Butts, City Planner, explained that the Coston property is presently zoned R-5B which allows for office use. This property is within an R-10 zone. Because there is a need to expand the commercial district in the area, the Planning Commission proposed an MR 4.5 Zone. This would allow the Costons to maintain what they are currently doing, and also to expand. It is also recommended that the district be extended up towards Highway 43 so the zone will become a buffer zone between General Commercial and R-10 zoning.

Mayor McIntyre clarified that tax lots 2100 and 2300 would be included in the zone. Butts confirmed that they would, and added that portions of 2200 would also be included.

Tom DeJardin indicated that the property in question adjoins property he owns, and would affect his property.

Bill and Alma Coston presented their letter objecting to the proposed zone designation, and asked that the current zone (General Commercial) be maintained. They pointed out that they have plans for an office building which the City has already approved. The Costons were not familiar with the zone MR4.5. Butts reviewed the permitted uses and conditional uses allowed in the MR4.5 Zone, and explained that the current zone (R-5B) and the proposed zone (MR4.5) were almost identical and the new zone would still allow their office building.

The Costons objected to the MR4.5 zone because they would have to go through the Conditional Use process to be allowed the uses they had intended for their property. The Costons would like to see the zone be General Commercial, and also have tax lot 2400 included.

McIntyre advised the audience that the Fire Department was on the scene and were saying that the crowd in the Council Chambers was over capacity for the room.

Buol announced that the meeting would be moved to the West Linn High School Music Room.

McIntyre decided to handle item 2A(2) prior to moving over to the school. (Most of the audience left at this time, for the high school)

- 2A(2) Leitz Plan and Zone Change request.

Mike Butts explained that the property is currently a non-conforming use in an R-10 zone. The Leitz's request a CN Zone which would allow retail and wholesale of horticultural products and associated gardening supplies. Staff recommended the R-10 Zone be maintained. Mr. and Mrs. Leitz's wholesale and retail sales could continue as a non-conforming use, with horticulture use permitted under prescribed conditions, however, any expansion would not be allowed.

Ray Bartel, architect and land use planner, 2515 SE Harrison, Milwaukie 97222, pointed out that he had represented Mr. Leitz in 1981 on land use planning. Mr. Bartel spoke regarding two issues:

1. He wished to make sure again, as it was stated in the record in 1981, that there is a declared use on the Leitz property and with his letter dated October 31, 1983, he stipulated that the scale of that declared use, as it exists now, is considerably larger than it was in 1981 during the annexation. Mr. Bartel asked that the words "Nursery and Supply Shop" be placed back in the text of the Comprehensive Plan.



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Mr. Bartel also added that the current R-10 zone allows agricultural use if it does not involve retail or wholesale sales, and in Chapter 34, there is an exclusion under "greenhouse type uses" that stipulates that any greenhouse type use that requires a license under Chapter 571 would not be allowed. Mr. Bartel saw those as being in direct conflict and he thought that the neighborhood commercial zone would be better for the Leitz.

Mr. Bartel was here to protect the existing use, and ask that you consider Neighborhood Commercial Zoning. *D. Nicolay*

Mr. Leitz, ~~655 Elder Street~~ *65 Dollar Street*, stated that he would like to change his current business to a retail garden center, and explained his current business has greenhouses, a cooler, Christmas tree sales, and a soil tool shed. About 80% of his property is used for the business. He was concerned that under an R-10 Zone, he would not be allowed to have his retail business, and was asking for a Neighborhood Commercial Zone that would allow his retail garden center.

Mrs. Sherri Fortuna, 1190 Blankenship, (one block from the Leitz property) spoke in favor of allowing Mr. Leitz to have his expansion rights.

Marshall Fox (also living in the area near the Leitz property) spoke in favor of allowing Mr. Leitz to expand to a garden center.

Mr. Easlick, 1312 Dollar Street also supported Mr. Leitz's request for a zone that would allow expansion of his nursery business to a garden center.

Jack Wright, 1205 Dollar Street, spoke in favor of Mr. Leitz being able to expand.

The Council then adjourned to the Music Room at West Linn High School so more citizens could attend the meeting.

Mike Butts, City Planner gave a slide presentation regarding some mobile homes subdivisions West Linn could pattern their mobile home areas after. Butts explained that the development standards (blank space on tape) for these mobile homes have been revised and tightened.

Mr. Don Miner, Executive Director and attorney for Oregon Manufactured Housing Association of Oregon explained what manufactured homes are, and gave descriptions of the different types ranging in cost from \$10,000 to \$100,000. He also pointed out that a jurisdiction could put any restrictions they wanted on the homes.

- Wood Siding
- Certain type of roof
- Specific required lot size
- Landscaping requirements
- etc.

Mr. Paul Wolfe, 1013 Snidow Drive, tried attempted to defer five minutes of speaking time to Mr. John Seaver. It was not allowed.

Mr. John Seaver, Willamette area resident, addressed the MR-5 Zoning for mobile homes. He did not feel there had been an opportunity for sufficient input on the matter from citizens of the designated areas. Because of this Mr. Severt proposed a continuation of two weeks to allow a steering committee time to look at possible sites versus requirements, and come to the Council with their recommendation. Mr. Severt felt that the current proposed MR-5 Zoning was incompatible with R-10 Zoning.

Mr. Ron Webber was called but wanted to speak regarding the sand pit.

Mrs. Sherri Fortuna was called but passed on speaking at this time.

Matt Russell was called but was not present.

Jack Nunn was called but passed.

Mr. Dick Burnes, Jolie Pointe resident, expressed concerns about traffic volume and children if a mobile home subdivision were allowed. He didn't feel Jolie Pointe could be widened, and felt additional traffic would damage the street, which currently is sluffing off in some areas.

Larry Forsythe did not show up for the meeting, so Mr. Tim Conser spoke for the Bolton group. Conser presented petitions from 310 people who live in the Bolton area, who oppose a mobile home subdivision in the area, because they



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don't feel the density can be handled in that area.

Mayor McIntyre asked for alternatives. Mr. Robert Grace spoke against mobile homes in the Jolie Pointe area. He was concerned about increased traffic and the change in characteristics mobile homes would create. Mr. Grace was also upset with the notification process which took place.

Mayor McIntyre explained the requirements the City was under and what some of the consequences were if we did not meet the deadlines.

Jerry Tomsick, 15 year resident of Mark Lane, was against mobile homes in the area. He spoke regarding traffic concerns.

Sharon Roberts was called but was not present.

Mr. Harvey Baker, 2000 Jolie Pointe Road, was opposed to mobile homes in the Jolie Pointe area, because it is some of the most expensive land in the City of West Linn. He was also concerned about the method of notification.

Mr. Ranny Anderson, Lamplighter Ct., spoke against low income housing and in favor of maintaining current character. Low income housing would adversely affect existing low density housing.

Barbara Hartfeil, 4230 Terra Vista, opposed mobile homes in the Jolie Pointe area. Hartfeil introduced herself as a Robinwood resident and chairman of the West Linn Traffic Safety Commission, and pointed out that the Commission didn't have the opportunity to review the proposed site. Hartfeil asked if the City had looked at the realistic nature of putting high density at the end of a low density neighborhood. She questioned the nature of the road, and the quality of the road. She asked if there was a time delay study done? Did the City consider the number of accesses on Jolie Pointe Road, the lane width, the visual obstructions, the fixed objects, the things that force pedestrians out into lanes of traffic and the topography? Did they do a speed study, determine capacity at peak hours? Have they spoken to the State about their concerns about the effect of dumping traffic from higher density on to Highway 43, which is already at a "D" to "F" service level. Has the City made any attempt to have a federal aid urban system applied so existing homeowners are not forced into an L.I.D. situation. She calculated an approximate 39% traffic flow increase from the proposed development.

Lynn Keller, 2550 Jolie Pointe Road, spoke against the proposed mobile home subdivision at the end of Jolie Pointe Road. His main concern was the traffic pattern. He explained that the City has been deeded the right to about five feet of his bedroom as the right-of-way for the street, and any enlargement of Jolie Pointe Road would go across his living room, through his hallway, and out his back bedroom, which would be an intollerable situation.

Tim Conser suggested the following possible alternatives for mobile home locations:

1. Robinwood Way and Arbor Drive
2. Lower Midhill and Upper Midhill Drive
3. End of Imperial Drive
4. North End of Willamette area currently zoned industrial
5. Next door to West Linn High School (8.4 acres)
6. Street of Dreams area could have \$100,000 trailer homes.

Conser urged Council to seek alternative sites.

Mr. Matt Russell, Willamette area resident living near the sand pit said that the Council voted on the issue of industrial zoning for the area of the sand pit, two or three years ago when Larry McIntyre represented the Willamette area. He said that at that time the Council was against industrial zoning. He also stated that Mr. DeJardin was on the Council at that time.

The meeting was continued until November 3, 1983, at 8:00 PM. It was 12:00 Midnight.

*Liana J. Nicolay*  
Diana J. Nicolay, City Recorder

for promotion of recycling.

Paul Schultz, attorney for West Linn Sanitary, 1001 Molalla Avenue, asked Council not to continue the decision any longer. He stated that Mr. Klein is solidly behind whatever the Council decides to do. He pointed out that Mr. Klein's bad equipment could not be replaced if he doesn't have the extension, because he wouldn't be able to get a loan. Mr. Klein is willing to go with the present agreement plus the recycling Task Force's amendments.

Hart asked if Mr. Klein had ever competed for the franchise. The answer was no.

Stevens suggested that the recycling committee be given until January 15, 1984 to come up with their recommendations.

DeJardin expressed his problem with making Mr. Klein wait for a decision, because it could affect his business. He felt Mr. Klein had shown good faith so far. He suggested granting the agreement with the understanding that they would sit down later with the recycling committee's proposed changes.

Phillips was also against a delay in the extension, and was in favor of agreeing that recycling would be added later.

Bob Mountain agreed with DeJardin and Phillips - grant extension tonight and reserve the right to make recycling changes in the future.

John Buol suggested that the Council make an adendum to the franchise.

Ed Druback pointed out that an adendum would be illusary and subject to change, thus affecting Mr. Klein's ability to obtain the necessary loan.

Phillips made a motion that the franchise extension be extended as revised with the latest recycling amendments. DeJardin seconded the motion.

Stowell feels a two month extension wouldn't hurt anyone.

Hart agreed that we shouldn't rush in to an extension because we could loose the opportunity to have a successful recycling program.

Ayes: Phillips, Stevens, DeJardin.

Nays: Stowell, Hart, and Lairson.

Mayor McIntyre voted "NO" to break the tie.

McIntyre then stated that he would be more in favor of a five year extension.

Stevens made a motion that the Council meet with the Recycling Committee to come up with specific recommendations to refer to the City Attorney, and to be brought back to the Council on January 11, 1984. Lairson seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.

Nays: None.

Council set Monday, December 5, 7:30 PM as the time to meet with the Task Force in worksession.

#5) Open Period -

- (a) Bill and Alma Coston, 1535 Burns St., requested that the public hearing regarding a zone change in the Comprehensive Plan on their property at Burns and Hood Streets be reopened, due to the fact that under the MR 4.5 zone, the office complex they have already received approval for would not be allowed. After lengthy discussion, Stevens made a motion to reopen the public hearing for the purpose of considering rezoning the property from MR 4.5 to Office Business Center, and give authority to staff to start the notification process for a public hearing to be held November 28, 1983 at 7:30 PM.

Ayes: Stowell, Phillips, Stevens, Lairson

Nays: Hart

DeJardin abstained from voting because of a possible conflict of interest.

- (b) Larry Rutledge, West Linn Volunteer Firefighter, told the Council that the Jaws of Life tool was about to be purchased. He added that the campaign would continue in an effort to buy complimentary equipment.

Mayor McIntyre recognized Mr. Rutledge for his hard work in coordinating the successful campaign.

Rutledge said there would be demonstrations of the new equipment scheduled

for the shopping centers soon.

#6) Consent Agenda:

Mayor McIntyre reviewed the consent agenda.

- (a) Appoint Joe Beelart of 2118 Clubhouse Drive to a three year term on the West Linn Budget Committee.
- (b) Progress payment number two to K & R Plumbing (\$18,110.48) for work on the Autumn Vw. Ct. project.
- (c) Statement for \$4,400 from Coopers and Lybrand for 1982/83 audit.
- (d) City acceptance of public improvements of Skyline Ridge Subdivision.

DeJardin made a motion to approve consent agenda items "A" through "D".  
Lairson seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, DeJardin  
Nays: None.

#7) Administrator's Reports:

- (1) Buol announced that the November 21st Council meeting would be held at Sunset Grade School at 8:00 PM.
- (2) Buol announced that the Comprehensive Plan's Mobile Home/Manufactured Housing Task Force was now formed and has "27" members. Buol presented a list of the names and addresses. He also announced that the first meeting would be held Thursday November 10th at 7:30 PM.

#8) Mayor McIntyre asked for a volunteer from the elected officials to represent West Linn on Metro's South West Corridor Transportation Committee.

DeJardin volunteered - McIntyre will attend the first meeting which is to be held November 17th at 4:00 PM.

#9) DeJardin made a motion to approve payment of the City's bills for the month of October, 1983 in the amount of \$289,016.03. Stevens seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

The regular meeting was adjourned at 10:47 PM.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

November 21, 1983

Sunset Grade School Gym

Regular Meeting

Members present: Bob Stowell, Ted Phillips, Mayor Larry McIntyre, Kathy Lairson, and Joe Hart.

Staff present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder  
Jack Hammond, City Attorney. Mike Butts, City Planner.

Also present: Mariel Ames, Planning Consultant and Ella Gossett, Intergovernmental Coordinator.

#1) Mayor McIntyre opened the regular meeting with the flag salute.

#2) Hart made a motion to approve the minutes from the November 9, 1983 City Council meeting. Phillips seconded the motion. Lairson said she was the person who seconded the second motion to item number three. Nicolay acknowledged the change.

Ayes: Stowell, Phillips, McIntyre, Lairson, and Hart.  
Nays: None

#3) The West Linn Business Group, represented by Jill Thorn and Jane Ohlemann, presented the Council with copies of the new business directory.

#4) Public Hearing - Annexation of the Steenson property on Rosemont Road and Arena Ln.

There were no abstentions on the Council. There were no challenges from the floor.

Mike Butts gave the staff report recommending conditional approval, subject

to the understanding that this approval does not constitute agreement to any future zoning of the subject parcel, and further, the applicant/developer shall fully understand that approval of this annexation shall not guarantee availability of sewer connections and that he could be left with lots that could not be developed.

Brian Steenson, 595 S. Marylhurst Drive, was present to present his request and answer any questions.

Hearing no opposition to the request, Lairson made a motion to close the public hearing. Hart seconded the motion.

Ayes: Stowell, Phillips, Lairson, Hart  
Nays: None

Lairson then made a motion to petition the Boundary Commission by way of resolution to recommend that the Steenson property at Rosemont Road and Arena Lane be annexed into the City. Phillips seconded the motion.

Ayes: Stowell, Phillips, Lairson, and Hart  
Nays: None.

- #5) Public Hearing - Rezone of Donald and Mary Jolly property at 21151 S. Horton Road. FU-10 to R-10.

There were no abstentions on the Council. There were no challenges from the floor.

Mike Butts explained the request and gave a description of the property. The staff recommended approval of the zone change to R-10 and approval of the minor partition and subdivision as submitted, subject to the following conditions:

1. An additional five feet of right-of-way be dedicated along Horton Road.
2. That the existing single family structure be connected to city sewer, water and storm drainage services upon development of the subdivision improvement.
3. That six feet utility easements be dedicated along all interior lot lines.

Mr. Jolly was present to make his request and answer any questions.

There was no opposition from the floor, so Hart made a motion to close the public hearing. Lairson seconded the motion.

Ayes: Stowell, Phillips, Lairson, and Hart  
Nays: None.

Phillips made a motion to rezone the Jolly property from County FU-10 to City R-10 subject to staff's three recommendations. Lairson seconded the motion.

Ayes: Stowell, Phillips, Lairson, and Hart  
Nays: None.

- #6) Public hearing - Edwards appeal of Planning Commission denial of a request for a variance.

There were no abstentions from the Council. There were no challenges from the floor.

Mike Butts gave the staff report recommending approval of the variance, and minor partition subject to four conditions, listed in their November 16, 1983 staff report.

Mr. Carl Edwards, 3680 Mapleton Drive, asked if new evidence could be submitted.

Attorney Hammond pointed out that only evidence submitted in the public hearing before the Planning Commission could be submitted.

There were some questions of clarification.

Mr. Mike Gentry, attorney for residents in the area, summarized his interpretation of the minutes from the Planning Commission meeting, and the decision made by the Commission.

Mr. Edwards claimed that the 6' sewer easment that went through the property was a hardship.

Hearing no further testimony, Phillips made a motion to close the public hearing. Hart seconded the motion.

Ayes: Stowell, Phillips, Lairson, and Hart  
Nays: None.



There were further questions of clarification.

Butts clarified the four criteria needed to grant a variance.

Phillips made a motion to sustain the Planning Commission's denial of the variance and minor partition. Hart and Stowell seconded the motion.

Ayes: Stowell, Phillips, Lairson, and Hart

Nays: None

#7) Continued public hearing - Comprehensive Plan and Development Codes

- (a) Bed & Breakfast, Mary and Tom Ruhl Hart made a motion that was seconded by Stowell that this request be approved as a type II conditional use.  
Ayes: Stowell, Phillips, Lairson and Hart Nays: None.

- (b) Three-plex zoning request - R. Burton Elledge  
On a motion from Phillips seconded by Stowell,  
this request was denied - zoning was kept at MR-4.5 Ayes: Stowell, Phillips  
Lairson, and Hart. Nays: None.

- (c) MR-4.5 zoning and inclusion of insurance sales and real estate sales office  
John C. Hutchison  
On a motion from Hart, seconded by Phillips, and Stowell  
this was zoned MR-4.5 and insurance and real estate offices were included  
in the Development Codes under professional and administrative services.  
Ayes: Stowell, Phillips, Lairson, and Hart. Nays: None.

- (d) Planning Commission recommendation on Borland Road Sand Pit Land Use  
Designation  
On a motion from Phillips, seconded by Stowell,  
this item was zoned MR-5 unless MR-5 has mobile homes, then it will be  
zoned MR-4.5.  
Ayes: Stowell, Phillips Nays: Lairson, Hart Mayor: Aye

- (e) Mobile Home/Manufactured Housing Task Force recommendation  
On a motion from Lairson, seconded by Stowell,  
discussion on this item was continued to November 28, 1983, and staff is  
to work up the figures on a fourth site (site "D"). Staff is also to notify  
the residents in the area of site "D".  
Ayes: Stowell, Lairson, Phillips. Nays: Hart

- (f) Policy/Code Changes - (Exhibit "1") were adopted by the Council  
Stowell made a motion to include the policy and code changes listed in  
Exhibit 1 (attached) Phillips seconded the motion.  
Ayes: Stowell, Phillips, Lairson, and Hart. Stowell then made the motion  
that the Ostman property be zoned R-10. Phillips seconded the motion.  
Ayes: Lairson, Phillips, and Stowell.  
Nays: Hart

#8) Open Period - None

#9) Discussion on selection of a Council representative for the Traffic Safety Commission was continued until December 14, 1983.

#10) Consent Agenda:

Mayor McIntyre reviewed the items on the consent agenda.

- (a) Statement from Ames Associates for planning work on the Comprehensive Plan  
(\$7,317.00)  
(b) Statement from Murray Smith and Associates (\$15,265.45) for engineering work  
Storm Drainage Master Plan, Portland Avenue Transmission Main, Intertie  
piping and valving to Lake Oswego Transmission Line, Bolton Pumping Station  
Modifications, Water audit Program. (five statements)

Phillips made a motion to approve consent agenda items "A" and "B". Stowell seconded the motion.

Ayes: Stowell, Phillips, Lairson, and Hart.

Nays: None.

#11) Administrative Reports:

- (a) Buol asked for authorization for the City Recorder to sign a Quit Claim Deed to correct an easement problem on the Erickson property. Hart made a motion to authorize the City Recorder to sign the quit claim deed. Lairson seconded the motion.

Ayes: Stowell, Phillips, Lairson, and Hart

Nays: None.

The meeting was adjourned at 12:15 PM.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

Council members present: Bob Stowell, Ted Phillips, Mike Stevens, Mayor Larry McIntyre, Kathy Lairson, and Tom DeJardin.

Absent was Joe Hart.

Staff present were: John A. Buol, Diana J. Nicolay, Mike Butts (City Planner) and Jack Hammond (City Attorney).

Others present were: Mariel Ames, Planning Consultant from Ames Associates.  
Ella Gossett, Intergovernmental Coordinator

- #1) Minutes from the November 21, 1983 City Council meeting were approved with one correction, on a motion from Lairson, seconded by DeJardin.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin.  
Nays: None.

- #2) Mayor McIntyre opened the public hearing on Bill and Alma Coston's request for a zone re-designation in the Comprehensive Plan.

Mike Butts gave a brief history of the request.

Mike Gosling challenged Tom DeJardin from acting on the Coston request because the DeJardins own property in the area in question.

Mr. DeJardin claimed a conflict of interest and decided to vote.

Mr. Bill Coston, 1535 Burns Street, presented his request for Office Business Center zoning on their property at Hood and Burns. The Costons were asking that the Council reconsider the MR-4.5 designation that they had placed on the property, because the office building they had planned for the area would only be allowed under a conditional use permit. The Costons feared that their plans, which had been approved several years ago, would be denied.

Mike Gosling of the Planning Commission, and resident of West Linn, pointed out that the property was originally purchased by Alma Wills as residential property. The Planning Commission had once recommended that the property be down zoned. Gosling was in favor of maintaining the MR-4.5 zone.

Mr. Eric Robinson, resident of Burns Street, spoke in favor of office use in the area.

Hearing no further testimony, Lairson made a motion to close the public hearing. DeJardin seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

After lengthy discussion and questions of clarification, Phillips made a motion that the subject property be zoned "Office Business Center", Lairson seconded the motion.

Ayes: Phillips, Stevens, Lairson, and DeJardin.  
Nays: Stowell

- #3) Mayor McIntyre opened the continued public hearing on the Comprehensive Plan and Development Codes. He explained that the hearing had been continued so that staff could work up the figures on site "D", and notify citizens that live in the area of site "D" of the possible zone change. McIntyre asked that only new information regarding sites A, B, C, and D be introduced.

Staff pointed out possible sites on a map for members of the audience, and gave the number of acres and the number of mobile home sites possible for each site.

Jack Caldwell, Attorney for some homeowners in the Sunset area, was upset that the notice of the zone change was received by the citizens in the area so late. Mr. Caldwell suggested that there might be other ways of satisfying the density requirements instead of mobile home/manufactured housing subdivisions. He urged the Council to continue discussion and not make a decision that evening to allow further testimony and to allow him to do more research into the matter.

Mike Butts explained L.C.D.C. requirements, and explained that the City would also put certain restrictions on mobile homes, that would decrease the impact on nearby residential areas.

Jack Hammond explained the evolution of mobile home requirements that came about because of strong lobbying.

McIntyre once again explained the LCDC deadline of December 31, 1983, and the

notification process that was required and what actually took place.

Mr. Kenneth Grammer of 4196 Riverview Drive expressed his concern that mobile homes would depreciate the value of his property.

Mr. Thomas Gascoine of 4212 Riverview Drive asked if citizens would be allowed a public hearing before a mobile home subdivision was developed.

Mayor McIntyre explained that mobile home subdivisions would be a conditional use and would require a public hearing, but if the developer met all criteria the Planning Commission might not be able to deny the subdivision.

Mr. Spenser Vale, representing Jerry Jennings, spoke in favor of mobile homes being allowed in the 7th Avenue sand pit.

Mr. Ralph Phillips of Riverview Drive asked that the Council designate only site "D" or site "B" and not both "D & B" for mobile homes sites.

Mr. Ken Fink, a member of the Stafford/Tualatin Valley C.P.O., expressed concern with mobile homes in parcel "A", and asked that his organization be notified of future zone changes on the outlining areas of West Linn.

Mr. David Livingston of Swiftshore Subdivision spoke of areas near site "A" being a possible wildlife habitat and quoted a letter from the Audubon Society. (letter was entered into evidence as "C" on public hearing of November 3, 1983)

Dan Flanagan, Ribera Lane, (outside the city limits) also made reference to Mike Haukes study (Audubon Society) and urged the Council against choosing site "A" for mobile homes.

Hammond addressed the City's liability if they allowed a mobile home subdivision in a flood plain zone.

Mrs. Kirby Stevland, 4238 Springrock Circle, spoke against site "B" being chosen for mobile home sites, and asked who would be expected to pay for the sewer that would need to go in.

Buol answered that the developer would have to install the sewer.

Mr. Tom Gioni, 4246 Springrock Circle, spoke regarding the negative traffic impact in a high density subdivision and what effect he felt it would have on the area. He urged the Council to choose area "D" over "B" if one had to be chosen.

Bob Stowell pointed out that traffic wasn't really an issue, since any development in the area would increase traffic flow in the area.

The Council took a five minute break.

Mr. Jon Klebaum, 4210 Imperial Drive, asked for a written report from the Task Force on how they chose sites A-B&C, out of the eighteen possible sites they were given. Klebaum also asked Council to request an extension from LCDC.

Stevens explained that they were given certain criteria to measure each parcel, and parcels A, B, and C were chosen by process of elimination.

McIntyre explained that there would be no further extensions granted by LCDC. The plan must be submitted now.

Mr. Tom Dick, 4000 Sussex Street, spoke against mobile homes in parcel "B" and asked for an explanation of where the sewers would go.

Mike Butts explained where the sewer line would have to go.

Mr. Dennis Wilhelm, 4206 Riverview Drive, spoke against sites B and D for mobile home sites.

Mrs. Tanya Ingram, 965 SE 7th Avenue, spoke against site "A" being chosen for mobile home sites.

Mr. Clyde Ale of Summit Street, and Mr. Dave French of Imperial Drive, also spoke against sites B, C, and D.

Tom and Sandra Gascoine, 4212 Riverview, complimented the Council on their efforts to date and asked them to consider only choosing site B or D and not sticking the Sunset area with both.

An unidentified female (Janet ?) asked the Council to choose one site or the other ("B" or "D") but not both.



Mr. Dan Wisher, 4198 Riverview Drive, opposed sites B and D for mobile home sites.

Hammond explained that any person or group could appeal the Council's decision at LCDC's acknowledgement hearing.

Mr. Paul Wolf, 1013 Snidow Drive spoke against site "A" for mobile homes, addressing black top problems that could arise in low land areas, and the possibility that they would be disturbing a wildlife habitat.

Mr. Smith, a resident of Springrock Circle also spoke against mobile homes.

Hearing no further testimony the public hearing was closed by a motion from Lairson, seconded by Stowell.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin.

Nays: None.

Lairson spoke in favor of the idea of spreading the mobile home zoning throughout the city instead of placing it in one zone. She got mixed comments from the Council.

Both Jack Hammond and Mariel Ames addressed what LCDC requires in the way of mobile home zoning, restrictions that could be placed on mobile homes such as conditional use, size, specific roofing, siding, etc., and what other jurisdictions have done about mobile homes in their community.

Council took a two minute break.

Phillips made a motion to amend the criterial documents relating to mobile homes by requiring shingle roofs (composition, wood, or ceramic) wooden siding, eaves, at least 1,200 Sq. Ft. in size, and construction similar in appearance to the surrounding houses. Lairson seconded the motion.

Ayes: Phillips, Stevens, Lairson, and DeJardin.

Nays: Stowell

After discussion Lairson made a motion that would allow mobile homes on parcels of five acres or greater, all in one zone, MR-5, in subdivisions, and by conditional use. DeJardin seconded the motion.

Lairson amended her original motion to state that mobile homes would be allowed on any MR-5 lot as a conditional use. DeJardin seconded the amendment. The Council then voted on the amendment.

Ayes: Lairson and Stowell

Nays: Phillips, Stevens, and DeJardin.

After discussion, the Council voted on the main motion.

Ayes: Lairson, Stowell, DeJardin, and Phillips

Nays: Stevens

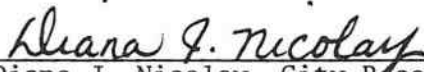
Lairson then made a motion that Parcel A and B be zoned MR-5, parcel D be zoned LR-7.5, parcel C be zoned LR-10, and Jolie Point be zoned LR-7.5. Stowell seconded the motion.

Ayes: Stowell, Lairson, Phillips, DeJardin.

Nays: Stevens

The Council then asked that the newly adopted motions be presented to them in the form of an ordinance to adopt the Comprehensive Plan and Development Codes, on December 14, 1983.

The meeting adjourned at 12:00 midnight.

  
Diana J. Nicolay, City Recorder

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Regular Meeting

December 14, 1983

Members present were: Phillips, Stowell, Lairson, DeJardin, Hart, Stevens, and Mayor McIntyre.

Staff present were: Mike Butts, City Planner, John Buol, City Administrator, Diana Nicolay City Recorder, and Janet Williams, Assistant to the Administrator. Also present was Jack Hammond, City Attorney.

The meeting was called to order at 8:00 PM by the Mayor.

#1) Mayor McIntyre opened the meeting at 8:00 PM, and lead the flag salute.

#2) Lairson made a motion to approve the minutes of the November 21, 1983 City Council meeting, with the following addition: Stowell voted no on the last motion of item number two. DeJardin seconded the motion.



Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

- #3) Mayor McIntyre opened the public hearing on the street vacation request from Brian Steenson. There were no abstentions from the Council, and no challenges from the audience.

Buol gave the staff report recommending approval of the vacation.

Applicant, Brian Steenson, 595 S. Marylhurst Drive, was present to make his request.

Val West wanted to find out who would be responsible for developing the missing length of road. (The east piece of property)

Buol explained that there was an agreement that the property is to be developed when the area is developed.

Brian Steenson explained that the Ericksons are not a part to the agreement.

After lengthy discussion, and hearing no further testimony, DeJardin made a motion to close the public hearing. Stevens seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

It was agreed that staff will research development plans for the vacated area.

DeJardin made a motion to approve the street vacation and have staff obtain answers to Council's questions regarding development of the area. Phillips seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

- #4) Ordinance No. 1127 amending the Code and Zoning Map of West Linn by changing the zoning designation from County FU (Future Urbanizable) to City R-10 (Single Family Residential) on Tax Lot 100, Assessor's Map 2-1E-26A, was considered.

Mayor McIntyre read proposed Ordinance No. 1127 by title.

DeJardin made a motion to adopt Ordinance No. 1127 effective December 15, 1983. Lairson seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, DeJardin  
Nays: None.

McIntyre then read Ordinance No. 1127 a second time by title.

DeJardin made a motion to adopt Ordinance No. 1127, effective December 15, 1983. Lairson seconded the motion. A poll of the Council showed:

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

Councillor Stevens then asked that before the adoption of Ordinance No. 1128, and as a safeguard to the public, before any developer or further zoning privileges or specific requests in the 7th Avenue sand pit (more commonly known as Pynn's Pit) are considered, that a complete and thorough geological test be done of the area.

Hart suggested that the Council further discuss the possible necessity of a soil study at the 2nd Council meeting in January.

The Council then considered Ordinance No. 1128, adopting the West Linn Comprehensive Plan.

Butts pointed out his memo suggesting several minor policy changes. (Exhibit B)

There was some discussion. DeJardin made a motion to approve Butt's memo of December 8, 1983 (Exhibit B) designating suggested changes. Hart seconded the motion.

Ayes: Stowell, Phillips, Stevens, Hart, Lairson, and DeJardin.  
Nays: None.

McIntyre then read proposed Ordinance No. 1128, adopting the Comprehensive Plan, by title. Lairson made a motion to adopt Ordinance No. 1128, effective December 15, 1983. Phillips seconded the motion.

Ayes: Stowell, Phillips, Stevens, Hart, Lairson, and DeJardin  
Nays: None.

McIntyre then read Ordinance No. 1128 a second time by title. Lairson made a motion to adopt Ordinance No. 1128, effective December 15, 1983. DeJardin seconded the motion. A poll of the Council showed:

Ayes: Stowell, Phillips, Stevens, Hart, Lairson, and DeJardin  
Nays: None.

The Council then considered proposed Ordinance No. 1129, adopting the Community Development Codes.

Butts presented his memo dated December 6, 1983, with recommended amendments. (Exhibit A) There were questions of clarification. Phillips was opposed to the removal of item four of the memo. After lengthy discussion, Phillips made a motion to leave the mobile home standards criteria as there are. Stevens seconded.

Hammond pointed out that Lake Oswego used the same language and it was rejected by the Housing Division of LCDC.

Ayes: Lairson, Phillips, DeJardin, and Stevens  
Nays: Stowell, and Hart.

Mayor McIntyre read Ordinance No. 1129 by title. DeJardin made a motion to adopt Ordinance No. 1129 effective December 15, 1983. Lairson seconded the motion.

Ayes: Phillips, Stowell, Lairson, DeJardin, Hart, and Stevens  
Nays: None.

McIntyre read Ordinance No. 1129 a second time by title.

Lairson made a motion to adopt Ordinance No. 1129 effective December 15, 1983. DeJardin seconded the motion. A poll of the Council showed:

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

- #5) Mike Stevens volunteered to be the Council's representative on the Traffic Safety Commission.

Lairson made a motion to nominate Stevens. Phillips seconded the motion.

Ayes: Phillips, Stowell, Lairson, DeJardin, Hart, and Stevens.  
Nays: None.

- #6) Open Period:

- (a) Larry Rutledge, 1783 S.W. Ostman, and volunteer from Fire Company No. 1, presented the newly purchased Jaws of Life tool to the City Council. Mayor McIntyre thanked Mr. Rutledge and the other volunteers for their work on a successful campaign. Rutledge said that the campaign would continue in an effort to buy additional equipment that could be used with the tool.

- #7) Appointments:

It was mentioned that Joe Koffend was interested in being reappointed to the Library Board. DeJardin made a motion to hold up on making reappointments, and advertise for the vacancies. Stevens seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, DeJardin, and Hart.  
Nays: None.

It was decided that appointments would be made at the second meeting in January.

- #8) Proposal for management compensation.

Janet Williams presented a management compensation package for consideration by the Council.

Mayor McIntyre was opposed to adding three days of vacation time, because we already have trouble getting staff to use up their time.

Other councillors suggested that the time-off be called administrative leave.

After some discussion, Hart made a motion to approve everything in the package with the exception of item number five. (Contribution to Deferred Compensation) Hearing no second, DeJardin made a motion to accept the management compensation package as proposed by Janet, changing number six to three days "Administrative Leave". Phillips seconded the motion.

Stowell amended DeJardin's motion by changing number four of  $1\frac{1}{2}$  times the salary, instead of a straight \$50,000 of life; seconded the motion. The Council then voted on the amendment.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and I  
Nays: None.

The Council then voted on the amended motion. (See Exhibit  
Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin  
Nays: Hart

Janet Williams then informed the Council that the Municipal Judge was health insurance coverage, and the City Attorney wants to increase his. The Council decided to discuss these requests at the first meeting in January.

#9) Request for car allowance for City Administrator.

John Buol presented his request stating that he had been using his own vehicle since July 1, 1983.

After some discussion, DeJardin made a motion to establish an automobile allowance of \$250.00 per month for the City Administrator. Stevens seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

#10) Consent Agenda:

Mayor McIntyre reviewed the consent agenda.

- (a) Resolution No. 83-038, amending the personnel resolution relating to time limitations for certain benefits.
- (b) Approval of a Five Year Long-Range Revenue and Expenditure Projection.
- (c) Resolution No. 83-039 approving the annexation of the Steenson property.
- (d) Approval of a \$4,200 statement from Coopers and Lybrand for audit ending June 30, 1983.
- (e) Release \$7,000 to K & F Development on Hidden Springs Road Improvements and Allignment.
- (f) Award bid for Bolton Pump Station Improvements to A.C. Schommer and Sons Inc. in the amount of \$31,270.00.
- (g) Approval to pay \$8,905.28 to Murray Smith and Associates for work on the Bond Issue (May, 1983) projects for the month of November, 1983.
- (h) Resolution No. 83-040, revising land use fees and filing deadlines.

DeJardin made a motion to approve consent agenda items "A" through "H". Phillips seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin  
Nays: None.

#11) Administrative Reports:

- (a) Buol thanked the Council on behalf of the management team for approval of the compensation package.
- (b) Buol gave the Council information from Ken Worcester regarding Federal Funding for property acquisition.
- (c) Buol explained that Congress had renewed Federal Revenue Sharing, but states are not required to hold Federal Revenue Sharing Use hearings. Congress also implemented a bill regarding Handicapped access, which cities must be in compliance with by October 17, 1986.
- (d) Buol explained that Developer Neil Nedeleski was denied an extraterritorial water extension by the West Linn City Council on July of 1982. The City of West Linn now has a policy on extraterritorial water extensions, and Mr. Nedeleski is now back asking for re-consideration of his request for water.

Jack Hammond explained that he had contacted Cliff Sanders, the past City Administrator, who told him that he had made a previous verbal commitment to Mr. Nedeleski for water.

Mr. Nedeleski was present to make his request and answer questions.

DeJardin made a motion to approve the request for extraterritorial water extension. Phillips seconded the motion.

Ayes: Phillips, Lairson, and DeJardin

Nays: Stowell, Hart, and Stevens

Mayor McIntyre voted "YES"

- (e) Janet Williams presented the Council with a request by the South Park Unitarian Fellowship to rent the McLean House on Sundays for their church services. The group proposed a \$200 a month fee for the use. The use would be between 9:30 and 12:30 AM, but not during summer months. Friends of McLean House had no objections. Staff recommended granting the use if the request was for one year only and had to be renewed each year.

Hart made a motion to deny the request. Stowell seconded the motion.

Ayes: Hart, Stowell

Nays: DeJardin, Phillips, Lairson, and Stevens

Lairson then made a motion to grant the use for the year 1984 only. Phillips seconded the motion.

Ayes: Phillips, Stevens, Lairson, and DeJardin

Nays: Hart and Stevens

- #13) Payment of the bills for the month of November, 1983.

Stevens made a motion to approve payment of the bills for the month of November, 1983, in the amount of \$247,513.85.

DeJardin seconded the motion.

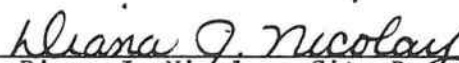
Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.

Nays: None.

At 10:22 PM the Council went into Executive Session to discuss current and pending litigation.

Council came out of Executive Session at 10:35 PM and back into regular session.

The regular meeting was adjourned at 10:35 PM.

  
Diana J. Nicolay, City Recorder

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Members present were Bob Stowell, Ted Phillips, Mike Stevens (Mike arrived at 8:15 PM) Kathy Lairson, Joe Hart, Tom DeJardin. Also present was Mayor Larry McIntyre.

Staff present was John A. Buol, City Administrator, City Recorder Diana J. Nicolay, City Planner Mike Butts, and City Attorney Jack Hammond.

- #1) Mayor McIntyre opened the meeting at 8:00 PM. McIntyre lead the flag salute.
- #2) DeJardin made a motion to approve the minutes from the December 14, 1983 regular Council meeting. Phillips seconded the motion.

Ayes: Stowell, Phillips, Lairson, Hart, and DeJardin.  
Nays: None.

- #3) Coopers and Lybrand representative Mr. Bill Barker, Audit Manager, presented the 1982/83 Fiscal Year audit. Mr. Barker said that the management letter was not written because it would duplicate the 1981/82 Management Letter.

- #4) (a) Ordinance No. 1126, vacating a portion of Arena Lane, was considered next. Mayor McIntyre read Ordinance No. 1126 by title. Phillips made a motion to adopt Ordinance No. 1126 effective January 12, 1984. DeJardin seconded the motion.

Ayes: Stowell, Phillips, Hart, Lairson, and DeJardin.  
Nays: None.

Mayor McIntyre read Ordinance No. 1126 a second time by title. Lairson made a motion to adopt Ordinance No. 1126. DeJardin seconded the motion. A poll of the Council showed:

Ayes: Stowell, Phillips, Lairson, Hart, and DeJardin.  
Nays: None.

- (b) Ordinance No. 1130, appointment standards and meeting times for the Design Review Board was considered.

Mayor McIntyre read Ordinance No. 1130 by title. Hart made a motion to adopt Ordinance No. 1130 effective January 12, 1984. DeJardin seconded the motion.

Ayes: Stowell, Phillips, Lairson, Hart, DeJardin.  
Nays: None.

Mayor McIntyre read Ordinance No. 1130 a second time by title. Hart made a motion to adopt Ordinance No. 1130. Lairson seconded the motion. A poll of the Council showed:

Ayes: Stowell, Phillips, Lairson, Hart, and DeJardin  
Nays: None.

- (c) Buol explained a minor change in proposed Ordinance No. 1131, West Linn Sanitary Service Franchise. McIntyre read Ordinance No. 1131 by title. Hart made a motion to adopt Ordinance No. 1131 with two changes, effective January 12, 1984. Stowell seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

Mayor McIntyre read Ordinance No. 1131 a second time by title. Hart made a motion to adopt Ordinance No. 1131 effective January 12, 1984. Lairson seconded the motion. A poll of the Council showed:

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

#5) Open Period:

- (a) Charles Awalt pointed out that the Design Review public hearing now required by the Development Code will be a burden to individuals in the historic area who want to add a simple garage (etc.). Awalt suggested that Design Review still be required, but the public hearing be waived for projects under a certain amount. Council asked staff to put together the proposed change, and Council will consider the changes at the next meeting. Changes cannot be made to the Code until May, 1984.
- (b) Mike Skee, 1684 Dollar, presented his suggestion for a second time. Skee made his original suggestion in March of 1983, to form a community resource development committee. Skee also suggested that the City

develop softball teams representing each Council person and hold a round robin softball tournament leading up to the West Linn Fair. (HART LEFT THE MEETING)

#6) A letter from the Municipal Judge regarding compensation was considered next.

Buol explained that the request was for medical benefits for the fiscal year 1984/85. After some discussion, Phillips made a motion to have the City pay 50% of family medical coverage for the Municipal Judge. DeJardin seconded the motion.

Ayes: Phillips and DeJardin

Nays: Stowell, Lairson, Stevens

Lairson then made a motion to increase the salary of the Municipal Judge by 5%, as of July 1. Stowell seconded the motion.

Ayes: Lairson, Stowell, Stevens

Nays: Phillips and DeJardin.

#7) The letter from the City Attorney was removed from the agenda.

#8) Consent Agenda:

Mayor McIntyre reviewed the consent agenda.

(a) Approval to pay a statement from Ames Associates in the amount of \$12,981.00 for work on the Comprehensive Plan.

(b) Bid recap and recommendation to award bid for work on Portland Avenue Transmission Main, to J.L. Arndt Construction Company for their bid of \$622,132.57.

(c) Request to remove Dorsey Bus Company from the agenda, which was continued until the December 28, 1983 Council meeting. At the June 22, 1983 Council meeting, Dorsey Bus Companies request for waiver of requirements for street improvements was continued for six months. This continuation was to allow for time to draft and adopt a revised street improvement ordinance. That ordinance has been adopted and the continuation should be dropped.

(d) Item "D" of the Consent Agenda, appointments to the Cable TV Advisory Board, was handled separately.

DeJardin made a motion to approve Consent Agenda items "A" through "C". Phillips seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.

Nays: None.

#8(d) DeJardin made a motion to appoint Gary Eppelsheimer to the Cable TV Advisory Board, and reappoint Bruce Rylander to the Cable TV Advisory Board. Phillips seconded the motion.

Ayes: Stowell, Phillips, Stevens,

Lairson, and DeJardin.

Nays: None.

#9) Administrative Reports:

(a) Buol asked for approval to pay two invoices from Murray Smith and Associates.

(1) \$3,251.48 for water system improvements.

(2) \$324.24 for construction contract administration - Autumn Vw. Ct.

DeJardin made a motion to approve the two statements from Murray Smith and Associates for payment. Stowell seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin.

Nays: None.

(b) Buol asked for Council's permission to renew Liquor Licenses for:

(1) Clydes Tavern in Willamette area

(2) West Linn Thriftway

(3) Cantonesia in Willamette area

DeJardin expressed a conflict of interest on #2, West Linn Thriftway, so Phillips made a motion to renew liquor licenses for Clydes Tavern and the Cantonesia Restaurant. Stevens seconded the motion.

Ayes: Stowell, Phillips, Stevens,

Lairson, and DeJardin.

Nays: None.

Lairson then made a motion to renew the Liquor License for West Linn Thriftway. Phillips seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson  
Nays: None.

- (c) Buol announced vacancies on the following Boards and Commissions.
- (1) Park Board
  - (2) Design Review
  - (3) Planning Commission
  - (4) Library Board
- (d) Buol told the Council that he had been in communication with Robin Lindquist, Chairman of the Transportation Committee, who told him that left turn lane channelization will be done at McKillican and Hood St, and Highway 43. The cost will be \$240,000. Clackamas County will pay \$170,000, West Linn will pay \$24,000 and the State of Oregon will pay \$30,000. The City's money will come from System Development Funds. Buol said that Pimlico and Walling Way will be included in the State Highway Department's six year plan.

#10) Other:

- (a) Phillips asked staff to look into the Park and Ride situation in the Hidden Springs and Robinwood area.
- (b) McIntyre publically thanked the City employees who worked through their Christmas Holidays because of bad weather.

McIntyre suggested a City logo contest to be held in conjunction with the fair.

McIntyre supported neighborhood watch programs, and asked Council members to promote them in their own areas.

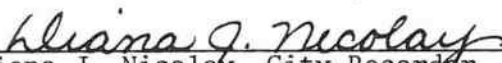
McIntyre proposed that in 1984 Council look at the studies that have been prepared and make an honest effort to implement them.

McIntyre spoke in favor of moving meetings to different areas of West Linn, and asked Council members to make an effort to get out in the public and talk to neighborhood groups.

- #11) DeJardin made a motion to pay the bills for the month of December, 1983, in the amount of \$409,037.99. Lairson seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin.  
Nays: None.

The meeting was adjourned at 9:45 PM.

  
Diana J. Nicolay, City Recorder

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Council members present were Stowell, Phillips, Lairson, Hart, and DeJardin.

Staff members present were Buol, Williams, Nicolay, Enderlin, and Castleman.

Also present was DeAnn Darling.

Mayor McIntyre opened the meeting at 8:02 PM.

- #1) McIntyre lead the flag salute.
- #2) Phillips made a motion to approve the minutes from the January 11, 1984 City Council meeting, after noting that Joe Hart did not vote after item five, because Hart left the meeting. DeJardin seconded the motion.

Ayes: Stowell, Phillips, Lairson, Hart, and DeJardin  
Nays: None.

- #3) Letter from Lamont King regarding nuisance ordinance.

Mr. Lamont King was present to point out areas of the current nuisance ordinance that he feels are vague, and need to be clarified. King suggested a committee be formed to review the current ordinance and make the necessary changes.

Mr. Raymond Nodurft, 3708 S. Mapleton Drive, read a letter to the Council regarding the history of an ongoing nuisance problem at 3680 S. Mapleton Drive (Exhibit A). Nodurft asked for answers to five questions listed in the letter.

Marie Horvath, President of the Greater Robinwood Neighborhood Association, told the Council that the neighborhood has been polled regarding the Lamont King nuisance problem, and she felt that the neighbors who had been complaining had moved away, and there was no further complaint. She felt that a change in the nuisance ordinance would cause an infringement of rights on citizens, and asked that the existing ordinance be defined more clearly without making it more confining.

After some discussion there was a consensus of the Council that the nuisance ordinance should be reviewed at a worksession to be held at Sunset Firehall on Thursday, February 16, 1984, at 7:30 PM. Diana Nicolay is to confirm the date and publish notification.

- #4) Discussion regarding a soil study on property along Borland Road was tabled until Councillman Stevens could be present to participate.

- #5) Open Period:

(a) Russ Lawrence showed the Council an old permit he ran across that regulated piddleing in West Linn. (It was a misprint, should have read PEDDLING)

- #6) Fire Chief Russ Castleman presented a request for the formation of a Fire Protection/Emergency Medical Services Task Force. Council was interested in the proposal, and asked Castleman to form the Task Force. Castleman was to let the City Recorder know the names of those people he already had to serve on the committee, and she was to contact the four neighborhood groups, the three newspapers, and the Business Group for four lay citizens to also serve on the Task Force.

Police Chief Enderlin was to prepare a separate proposal for the evaluation of the Police Department.

It was decided that the Task Force would report back to the Council by the 13th day of June, 1984.

- #7) Report on Design Review process in new Development Codes.

Mike Butts had submitted a report dated January 1, 1984..Mr. Butts was not in attendance at the meeting.

After some discussion, the Council decided to ask the Planning Commission and the Design Review Board to meet and discuss the contents of Mr. Butt's letter, and jointly make a recommendation to the Council.

- #8) Appointments:

- (a) Planning Commission - one vacancy  
(b) Design Review Board - two vacancies  
(c) Park Board - one vacancy  
(d) Library Board - one vacancy

The only appointment made was to the Park Board. Hart made a motion to appoint

Andy Rocchia to the West Linn Park Board. Lairson seconded the motion.

Ayes: Stowell, Phillips, Lairson, Hart, and DeJardin

Nays: None.

Hart made a motion to reappoint Mr. Joe Koffend to the Library Board. The motion died for a lack of second.

Council then decided to interview the candidates for the Planning Commission, Design Review, and the Library Board, on Wednesday, February 8, 1984, beginning at 6:15 PM. The interviews were to be ten minutes each. The City Recorder was asked to set up the appointments.

#9) Consent Agenda:

Mayor McIntyre reviewed the consent agenda items.

(a) Liquor License Renewals for:

- (1) Plaid Pantry No. 16
- (2) Morrow's Serv-U
- (3) Willamette Sentry

- (b) Set a public hearing date of February 22, 1984, for the requested annexation of the Carl H. Witt property at 4020 Ridge Lane.

DeJardin made a motion to approve consent agenda items A(1)(2)(3) and B. Hart seconded the motion.

Ayes: Stowell, Phillips, Lairson, Hart, and DeJardin

Nays: None.

#10) Administrative Reports:

- (a) Buol pointed out that citizen input would be taken by LCDC on the Comprehensive Plan until March 9, 1984.

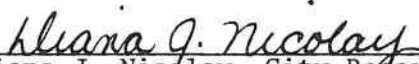
- (b) Buol mentioned Gladstone's request to buy water from the South Fork Water Board, and also mentioned a tour of the South Fork Filter Plant and Intake, to be held on Saturday, the 28th of January. Anyone is welcome.

#11) Other:

- (a) Stowell asked if a water drainage problem on Hwy. 43 between Jolly Pointe and Mark Lane could be corrected. Buol explained that the State Highway Department was aware of the problem, but does not have the funds to correct the problem.

- (b) Stowell mentioned that the bus service by Tri-Met, in West Linn, would be improving due to changes in their routes and time schedules.

Hearing no further new business, the meeting was adjourned at 9:40 PM.

  
Diana J. Nicolay, City Recorder

February 8, 1984

Regular Council Meeting

Members present were: Bob Stowell, Ted Phillips, Mike Stevens, Kathy Lairson, Tom DeJardin, and Mayor Larry McIntyre.

Absent was: Joe Hart.

Staff present were: John A. Buol, City Administrator  
Diana J. Nicolay, City Recorder  
Russ Castleman, Fire Chief  
Al Steininger, Public Works Director  
Jack Hammond, City Attorney

The meeting was opened by Mayor McIntyre at 8:05PM.

#1) McIntyre lead the flag salute.

#2) Minutes of the January 25, 1984 City Council meeting were approved by a motion from DeJardin, seconded by Stowell.

Ayes: Stowell, Phillips, Stevens, Lairson, DeJardin.

Nays: None.

- #3) Discussion on policy on Extra-Territorial Extensions of City water and sanitary sewer services.

Al Steininger reviewed the existing water extension policy, and explained that currently City residents are funding improvements to correct deficiencies in urban services, and to provide for growth of the City. Extending services outside the City creates further demand on services while those users do not fully support development of those services.

Steininger recommended the Council authorize a resolution which prohibits extension of services to parcels situated outside the City, with an exception for parcels where severe health hazards exist and cannot be immediately annexed.

Buol supported the recommendation.

Phillips made a motion to authorize the City Attorney to prepare a resolution prohibiting extension of services to parcels situated outside the City, with an exception for parcels where severe health hazards exist and cannot be immediately annexed. DeJardin seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin

Nays: None.

- #4) Appointments:

- A. Ted Phillips made a motion to appoint the following people to the Fire Protection/EMS Task Force:
- |              |                 |
|--------------|-----------------|
| Jim Klum     | Dick Knoefel    |
| Ed Zick      | Jim Shishido    |
| Jim Kiesel   | Mike Skee       |
| Ron Winkle   | Bruce Weintraub |
| Robert Theis | Jan Johnson     |
|              | Marie Horvath   |

Stevens seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin

Nays: None.

- B. Lairson made a motion to appoint Tim Conser to a four year term of office on the Planning Commission; Lynn Theis to a two year term on the Design Review Board; reappoint John Schenk to a second two year term on the Design Review Board; and appoint Arleta Harrison to a four year term on the Library Board. Stevens seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin

Nays: None.

- #5) Open Period - Presentations from the floor of non-agenda items.

- A. Barbara Hartfeil, Chairman of the Traffic Safety Commission asked the Council for recommendations for goals for the Commission. The Council will comprise a list. Hartfeil was also told to contact the neighborhood associations and West Linn Business Group for their input.
- B. Marie Horvath, President of the Greater Robinwood Neighborhood Association, presented the Council with copies of two court orders to use during their review of the nuisance ordinance (February 16, 1984)

City Attorney Hammond will review the court orders.

- #6) A. Resolution No. 84-01, establishing a fee of \$10.00 for NSF checks was adopted on a motion by Stevens, seconded by Phillips.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin

Nays: None.

- B. Authorize signing of Quitclaim Deed vacating an easement in Willamette Vw. Estates, Lot 2 Block 5.
- C. Award bid for gasoline and fuel oil products for the period March 1, 1984 through February 28, 1985 to low bidders:

Bretthauer Oil Company - Diesel Fuel	Furnace Diesel
.799 plus State Tax	.838 plus State Tax
Carson Oil Company - Regular Gasoline	Unleaded Gasoline
.7595 plus State Tax	.7995 plus State Tax



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DeJardin made a motion to approve consent agenda items 6(a) and 6(b). Lairson seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

#### #7) Administrative Reports:

- A. Buol mentioned that the March 28th 1984 City Council meeting would be held at Willamette School.
- B. Buol asked the Council for their approval to renew the Liquor License for Southland Corporation (7-11 on Pacific Hwy.). Buol stated that the Police Department had no problem with the renewal.

DeJardin made a motion to recommend approval of Southland Corporation's Liquor License. Stevens seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

- C. Buol asked for approval to pay \$70,857.22 to J.L. Arndt Construction Company for progress payment number one on the Portland Avenue Transmission Main, \$10,990.87 to Murray Smith and Associates for monthly engineering services on water system improvements, and \$1,154.46 to Murray Smith and Associates for services on main replacement program and Autumn Vw. Ct. storm sewer.

DeJardin made a motion to approve payment of \$70,857.22 to J.L. Arndt Co., \$10,990.87 to Murray Smith and Associates, and \$1,154.46 to Murray Smith. Phillips seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

#### #8) Other:

McIntyre mentioned a letter he had received from the West Linn Business Group asking for ideas for the next project the Group should tackle. McIntyre suggested an Economic Development Committee.

After some discussion it was decided that the Council would get together a list of ideas for the business group.

McIntyre commended West Linn High School for receiving a nomination for "excellence in education" honors.

Lairson mentioned that the "Olympics of the Mind" would be held at Bolton Grade School on March 1, 1984.

- #9) DeJardin made a motion to approve the bills for the month of January, 1984, in the amount of \$236,501.74. Phillips seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

The meeting was adjourned at 9:45 P.M.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

February 22, 1984

Regular City Council Meeting

Members present: Bob Stowell, Kathy Lairson, Mike Stevens, Joe Hart, Tom DeJardin (DeJardin arrived at 8:08 PM) and Mayor Larry McIntyre. Ted Phillips was absent.

Staff present: John A. Buol City Administrator  
Diana J. Nicolay, City Recorder  
Mike Butts, City Planner

Mayor McIntyre opened the public meeting at 8:04 P.M.

- #1) McIntyre lead the flag salute.

- #2) Stevens made a motion to approve the minutes of the February 8, 1984 City Council meeting as written. Stowell seconded the motion.

Ayes: Stowell, Stevens, Lairson, Hart, and DeJardin  
Nays: None.

- #3) The public hearing was opened on a requested annexation for Mr. Carl H. Witt, 4020 Ridge Lane.

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City Planner, Mike Butts, explained that there were .428 acres involved, and staff recommends approval.

Mr. Carl Witt was present to answer questions. Mr. Bob Koffler, 3080 Rosemont Rd. spoke against the annexation because he wasn't ready to annex, and he was afraid this annexation would speed up annexation of the rest of the area surrounding him. He asked if Mr. Witt could use a pump instead.

Mr. Craig Liddell, Ridge Lane, next door to Mr. Witt, asked how this annexation would affect his neighbors. Staff answered that each neighbor would have to decide to annex except in the case of a triple-majority annexation. Butts explained a triple-majority annexation.

Hearing no further testimony for or against, Hart made a motion to close the public hearing. DeJardin seconded the motion.

Ayes: Stowell, Stevens, Lairson, Hart, and DeJardin.

Nays: None.

Lairson then made a motion to adopt Resolution No. 84-05, recommending annexation of the Witt property to the Boundary Commission. Stowell seconded the motion.

Ayes: Stowell, Stevens, Lairson, Hart, and DeJardin

Nays: None.

- #4) The Council next discussed proposed changes to Resolution No. 83-040, Land Use Fees and Filing Deadlines.

Mike Butts explained to the Council that the fees addressed in Resolution No. 84-04 were not included in Resolution No. 83-040. They are fees that are not presently charged.

Hart made a motion to approve Resolution No. 84-04 with the following changes to section two:

Variance	Class I	\$100.00
Lot Line Adjustment		\$100.00
Minor Partition		\$100.00
Major Partition		\$200.00

Lairson seconded the motion for purposes of discussion.

After some discussion Hart withdrew his motion, and Lairson withdrew her second.

Hart then made a motion to adopt Resolution #84-04, revising land use application processing fees. Lairson seconded the motion.

Ayes: Stowell, Lairson, Hart, and DeJardin

Nays: None.

- #5) Open Period:

- (a) Harvey Hains, 4084 Cedar Oak Drive, representing the West Linn VFW-3506, spoke in favor of a reader board sign.

- #6) Council objectives for Traffic Safety Commission.

McIntyre reviewed Al Steininger's memo with suggested objectives, and asked Council for any other objectives they have to add. Mayor McIntyre added two objectives. A summary of those objectives follows:

1. Review of future transportation routes(overall transportation plan for City)
2. Participation in the Child Seat Program
3. Initiate dialogue and joint meetings with the Clackamas County Traffic Safety Commission.
4. Continued emphasis on Highway 43 Improvements.
5. Review of routing and stop/ride locations for Mass Transit
6. Participation in the development of the Capital Improvement Program
7. Pursuance of Grants for roadway improvements.
8. Teach neighborhood associations and other West Linn Groups the proper way to bring about changes.
9. Work with the school district.

There was a consensus of the Council to forward these nine objectives to the

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Traffic Safety Commission, but not limit the Commission to these objectives. Council asked for a report on progress from the Commission in 60 days or quarterly. Barbara Hartfeil, Chairman of the Traffic Safety Commission, was present and agreed to report back to Council.

#7) Consent Agenda:

McIntyre reviewed the consent agenda items:

- (a) Schedule public hearing on March 28, 1984, for annexation of Wustrack property.
- (b) Resolution No. 84-02, establishing policy regarding extraterritorial extensions.
- (c) Resolution No. 84-03, setting a date of March 28, for a public hearing on a vacation of a portion of Maple Street.
- (d) Renewal of Liquor Licenses for:
  - 1. Round Table Pizza
  - 2. A and L Market
  - 3. Zupans Supermarket

Stevens made a motion to approve Consent Agenda items A through D including A and L Market and Zupan Supermarket. DeJardin seconded the motion.

Ayes: Stowell, Stevens, Lairson, Hart, and DeJardin  
Nays: None.

#8) Administrative Reports:

Buol told the Council about the progress being made on an agreement for Hwy. 43, McKillican and Hood Streets.

#9) Other:

Stevens recommended that the Fire Department and Library use cable channel eleven (11) to recruit volunteers.

DeJardin told the Council that the Boy Scouts would lead the flag salute at the March 28, 1984 Council Meeting to be held at Willamette Grade School.

McIntyre reviewed a letter from the Mayor of Tigard asking whether West Linn supports D.E.Q.'s ban on burning. After some discussion the Council decided to respond by saying that the City supported the ban, however until there is a viable alternative to burning, they will allow backyard burning to continue. They are working on steps to alleviate the problem in other ways. McIntyre will write a letter to Mayor Bishop.

The Council went into executive session regarding, current and pending litigation, at 9:00 P.M.

The Council then came out of executive session at 10:30 P.M. and went back into regular session to adjourn.

Diana J. Nicolay  
Diana J. Nicolay, City Recorder

March 14, 1984

Regular Council Mtg.

Council members present were Kathy Lairson, Tom DeJardin, Bob Stowell, Joe Hart, Mike Stevens, Ted Phillips and Larry McIntyre.

Staff present were John Buol, Diana Nicolay, Jack Hammond, Russ Castleman, and Janet Williams who arrived at 8:30 PM.

#1) Mayor McIntyre opened the regular meeting at 8:00 PM. McIntyre lead the flag salute.

#2) The minutes from the September 22nd City Council meeting were approved by a motion from DeJardin, seconded by Stowell.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None

#3) Bob Ellis, Clackamas Community College Representative, and resident of West Linn,

asked for the Council's endorsement of Clackamas Community College's request for an additional \$1.39 per 1,000 for a three year period of time. The money<sup>11</sup> is earmarked for building maintenance and instructional equipment (computers etc.) The Council did not take action on this request.

- #4) Fire Chief, Russ Castleman, presented Councillor Mike Stevens with a Certificate placing Stevens on the Fire Department Honor Roll. Stevens served as a volunteer firefighter for ten years.

Castleman also placed Harold Winkle on the Fire Department's Honor Roll for his fifty years of volunteer service. Mr. Winkle was not present to accept his award.

- #5) Proposed Ordinances:

Proposed Ordinance No. 1132, was explained by John Buol. The ordinance amends Chapter 15.04 of the Municipal Code relating to standards applicable to buildings and construction. The Ordinance designates the use of the 1982 Uniform Building Code and the 1979 Uniform Plumbing Code with amendments.

McIntyre read proposed Ordinance 1132 by title. Hart made a motion to adopt Ordinance No. 1132 effective March 15, 1984. Lairson seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin  
Nays: None.

Proposed Ordinance No. 1132 was read a second time by title. Lairson made a motion to adopt Ordinance #1132 effective March 15, 1984. Hart seconded the motion. A poll of the Council showed:

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None

Proposed Ordinance No. 1133 was explained by Buol. Ordinance No. 1133 amends Chapter 13.04 of the Municipal Code by revising and updating sewer service charge schedules established by the Tri-City Service District.

McIntyre read proposed Ordinance No. 1133 by title. Lairson made a motion to adopt Ordinance No. 1133 effective March 15th, 1984. DeJardin seconded the motion.

McIntyre read the ordinance a second time by title. DeJardin made a motion to adopt Ordinance No. 1133 effective March 15, 1984.

A poll of the Council showed:

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

Ordinance No. 1134 was explained by John Buol. Ordinance No. 1134 amends chapter 13.12 of the Municipal Code by revising water rates for low income residents.

McIntyre read proposed Ordinance No. 1134 by title. DeJardin made a motion to adopt Ordinance No. 1134 effective March 15, 1984. Steven seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

McIntyre read Ordinance No. 1134 a second time by title. Phillips made a motion to adopt Ordinance No. 1134 effective March 15, 1984. Stowell seconded the motion.

A poll of the Council showed:

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin  
Nays: None.

- #6) Open Period:

A. Mike Skee, 1684 Dollar, spoke for the Willamette Neighborhood Group regarding the 7th Avenue project. The neighborhood group feels that the project is "to grand of scale". The merchants want more discussion with Steininger and the County.

Mr. Bob Schell, owner of Clydes Tavern in Willamette, complained that his parking would be reduced to half the number he has now. He now has

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forty and will end up with fifteen.

Ben Fritchie was also present regarding this issue, but did not have anything to add.

Mike Stevens (Councillor) spoke on behalf of Andrew L. White of A & L Market who was unable to attend the meeting. He reported that there was 100% dissatisfaction with the plans for 7th Avenue as proposed. The merchants are in favor of leaving out the dividers because their parking will be cut in half. Mike Stevens asked the Council to set up a meeting between the Merchants, the City's staff, and the County.

Janet Williams pointed out that the specifications for the project are already out, and the bid opening is scheduled for March 22, 1984. If the project was stopped, the City would probably be expected to pay engineering costs already incurred.

Some citizens were concerned about the fact that only two blocks would be improved by this project.

Buol said that the City was already making plans to finish the rest of the job.

It was decided that there would be a meeting at 7:30 P.M. at Willamette Firehall on Tuesday the 20th of March. The residents, the City staff, and the County would be asked to attend.

#7) Proposed Resolution No. 84-07 regarding a tax base election was considered next.

Buol explained that the resolution would set an election date of May 15, 1984 for a proposed tax base of \$1,879,053.00.

Mike Patrick, member of the West Linn Budget Committee, (19155 Kapteyns St.) asked the Council for support of the Budget Committee's recommendation to go for a \$1,879,053.00 tax base in May.

Mike Skee also spoke in support of the May Tax Base Election.

Lairson then made a motion to adopt Resolution No. 84-07, calling for a \$1,879,053.00 tax base election in May, 1984. Hart seconded the motion.

Lairson supported the tax base proposal because she felt it would place the City on a firmer financial base, and prevent the City from operating in a crisis management mode.

Stowell thanked the Budget Committee for their recommendation, but said that many factors were influencing his vote.

Phillips spoke against the proposed tax base election, saying that "raising taxes is not what the people want."

Stevens said he felt the tax base proposal was "piecemeal" and not the way to go.

Hart spoke in favor of the Budget Committee's decision to go for a new tax base. He approved of the shift to capital improvements.

DeJardin supported the new tax base. Mayor McIntyre spoke against the proposed tax base election in May. McIntyre was afraid that the proposal would only deal with one year. No dedication of funds was planned for the second year. He was afraid that the City would end up growing into the additional money and capital improvements would not be financed in the second year. McIntyre spoke in favor of serial levies for specific capital improvements.

The vote showed:

Ayes: Lairson, Hart, and DeJardin

Nays: Stowell, Stevens, and Phillips

Mayor McIntyre cast the deciding vote. McIntyre voted "No".

Phillips then suggested that the Budget Committee look at the City's needs, prioritize them, and make recommendations to the Council.

After some discussion it was decided by the Council that a committee should be formed to review the City's needed capital improvements. Stevens suggested that the committee be comprised of the following:

Department Heads, Council Members, Neighborhood Groups, Business Group, Friends of McLean House, Friends of the Library.

Mike Skee suggested that we advertise for participants on the Committee.

DeJardin would like to see people who can influence others on the committee.

Buol suggested that the Council meet with the Department Heads before they form a committee.

Council decided to come up with a recommendation for the next meeting.

#8) Proposal for Council/Department Head Training Session.

Buol explained that Dr. Bill Kutz from Clackamas Community College had proposed a 3.5 to 4 hour training session for the City Council and Department Heads, that would cost the City \$165.00. Buol asked the Council to set a date.

It was decided that the City Council / Department Heads training session would be held on Saturday April 7, 1984 at 9:00 A.M. at City Hall.

#9) Consent Agenda:

McIntyre reviewed consent agenda items "A" through "D".

A. Resolution No. 84-06 reappropriating and reallocating funds.

B. Progress payment number 2 J.L. Arndt and Company \$150,069.91.

C. Renewal of Liquor License for Mark's Tavern.

#10) Administrator's Reports:

John Buol pointed out that the March 28th Council meeting would be held at Willamette Grade School, and the May 23, 1984 City Council meeting will be held at Cedaroak Grade School.

Janet Williams invited the Council members to attend the Cable TV Open House, March 29th 1984.

#11) Stowell asked why water was discolored in Robinwood area. Buol answered that a large water line had broken in the area and was being repaired.

Lairson asked why West Linn was not listed in the Highway Department's Six Year Plan. Buol didn't know why, but he did know that they were already moving on the Hwy. 43, McKillican, and Hood Street project.

Hart asked if SAIF benefits were raised for volunteer firefighters. Buol answered yes, some time ago.

McIntyre pointed out that this was "National Surveyor's Week", and read a letter, signed by him, for prospective members of the Tri-City Chamber of Commerce.

#12) DeJardin made a motion to approve payment of the bills for the month of February, 1984, in the amount of \$312,786.30.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin

Nays: None.

The Council went into Executive Session at 9:25 P.M., concerning current and pending litigation, and the employment of a public officer.

The Council came out of Executive Session at 9:50 P.M. and went back into regular session to adjourn.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

March 28, 1984  
Willamette Grade School Cafeteria

Regular Meeting

Members present: Stowell, Phillips, Stevens, Mayor McIntyre, Kathy Lairson, Joe Hart, and Tom DeJardin.

Staff present: Buol, Nicolay, Butts, and Steininger.

Mayor McIntyre opened the regular meeting at 8:00 P.M..

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14 #1) McIntyre lead the flag salute.

- #2) DeJardin made a motion to approve the minutes from the March 14, 1984 regular City Council meeting. Stowell seconded the motion.

Ayes: Stowell, Phillips Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

- #3) Public Hearing - Maple Street vacation request - Bill McIntosh

Al Steininger gave the staff report explaining that the vacation was for a portion of Maple Street. Staff recommended granting the vacation.

McIntyre read Ordinance No. 1135, vacating a portion of Maple Street, effective March 29, 1984. Stowell seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart and DeJardin  
Nays: None.

Mayor McIntyre then read Ordinance No. 1135 a second time by title.

DeJardin made a motion to adopt Ordinance No. 1135 effective March 29, 1984. Phillips seconded the motion. A poll of the Council showed:

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

- #4) Public Hearing - Annexation request Karl and Diane Wustrack.

Mike Butts, Planning Director, gave the staff report recommending approval of the annexation request. Butts pointed out that a water pump would be required on the property, but the applicant would bear the expenses for the pump and its maintenance.

Hearing no testimony for or against the annexation request, DeJardin made a motion to close the public hearing. Hart seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

DeJardin then made a motion to have the City Attorney prepare a resolution recommending the Wustrack annexation to the Boundary Commission. Hart seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

- #5) Sign Code Revisions - West Linn Business Group

Jill Thorn and Steve Housal of the West Linn Business Group presented proposed sign code revisions to the Council. Housal pointed out that Mike Butts had attended all of the meetings.

The Council accepted the revisions and referred them to the Planning Commission for their review and recommendation.

- #6) Open Period:

Gale Knapp, 2715 SE 7th Avenue, asked the Council to approve a new sign he had designed for his restaurant on 7th in the Willamette area. He was against having to go through Design Review and pay \$75.00 for approval of the sign. Council told Mr. Knapp to present his proposed sign to Mike Butts in the Development Services Department.

- #7) Design Review Fees in Historic District.

Mike Butts reminded the Council that Charles Awalt had come to the Council asking that the fees be reduced for approval of small remodeling projects. He was opposed to a \$300.00 fee for a \$500.00 remodel. The new proposal was to reduce the fee to \$50.00 or 50% of the building permit and plan review fee.

DeAnn Troutman, 1790 SE 5th, also spoke against the present \$300.00 fee saying that it was too high. Hearing no further testimony, Hart made a motion to authorize the City Attorney to prepare a resolution amending Resolution No. 83-040. DeJardin seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

- #8) Proposed Intergovernmental Agreement with Lake Oswego, West Linn, and South Fork Water Board for emergency water intertie.

John Buol explained the agreement. Buol recommended that Council authorize the signing of the agreement. Buol explained that this agreement clears us with the Environmental Protection Agency, because after it is constructed we can close down the old mountain line.

Hart made a motion to authorize the Mayor and City Recorder to sign the agreement. Lairson seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin  
Nays: None.

- #9) Proposed Ordinance No. 1136 to receive State revenues, was then discussed.

Mayor McIntyre read Ordinance No. 1136 in full.

Lairson made a motion to adopt Resolution No. 1136 effective March 29, 1984.

Stevens seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

McIntyre read the Ordinance a second time by title. Lairson made a motion to adopt Ordinance No. 1136 effective March 29, 1984. Stevens seconded the motion.

A poll of the Council showed:

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

- #10) Consent Agenda: McIntyre reviewed the consent agenda.

- (a) Letter of resignation from Budget Committee Member Patrick - Leaving one vacancy to be filled by Joe Hart.
- (b) Letter of Resignation from Park Board Member Mills, leaving three vacancies to be filled.
- (c) Statement from K and R Plumbing (Autumn View Ct. Storm Sewer Improvements) (\$4,058.10)

DeJardin made a motion to approve consent agenda items A through C. Hart seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart, and DeJardin.  
Nays: None.

- #11) Administrative Reports:

Buol asked for approval to renew the liquor license for Kirkpatrick's restaurant.

DeJardin claimed a conflict of interest and abstained from the discussion and vote.

Stevens made a motion to approve the renewal of Kirkpatrick Restaurant's Liquor License. Phillips seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, Hart.  
Nays: None.

Buol reminded the Council that there was a Department Head/City Council workshop to be held on Saturday, April 7th, 1984 at 9:00 A.M...Bill Kutz will facilitate the workshop.

Mayor McIntyre announced that everyone was invited to the Liberty Communications Video Fair Thursday evening.

DeJardin spoke in support of the three cities working together on video productions.

Adjourned at 8:50 P.M.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

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Members present: Stowell, Phillips, Stevens, Mayor McIntyre, Lairson, and Hart.

Staff present: Buol, Williams, Paterson, Nicolay, Enderlin, Castleman, Butts, Steininger, and Barnes.

The meeting was opened at 9:00 A.M. by Mayor McIntyre.

- #1) Proposed Resolution No. 84-10 was considered first. Resolution No. 84-10 would recommend the annexation of the Wustrack property to the Boundary Commission. Buol explained that the Council had authorized the City Attorney to prepare a resolution, at their March 28, 1984 meeting.

Lairson made a motion to adopt Resolution No. 84-10, recommending annexation to the Boundary Commission effective April 7, 1984. Phillips seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and Hart.

Nays: None.

- #2) Proposed Resolution No. 84-11 was then considered. Buol explained that the Intergovernmental Agreement between Lake Oswego, West Linn, and the South Fork Water Board for an emergency water intertie, which was already authorized by the Council at their March 28, 1984 meeting, requires a resolution authorizing the Mayor and City Recorder to sign.

Stevens made a motion to adopt Resolution No. 84-11, authorizing the Mayor and City Recorder to sign an intergovernmental agreement between Lake Oswego, West Linn, and the South Fork Water Board for an emergency water intertie. Lairson seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and Hart

Nays: None.

The Special Meeting was adjourned at 9:10 A.M.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

April 11, 1984

Regular Council Meeting

7:30 P.M. Council met with a representative from Clackamas County Department of Human Resources regarding Adult Foster Homes.

Council present: Bob Stowell, Ted Phillips, Mike Stevens, Kathy Lairson, and Tom DeJardin. Joe Hart was absent.

Staff present was John A. Buol, Janet D. Williams, and Diana J. Nicolay.

Mayor McIntyre opened the meeting at 8:00 P.M.

- #1) McIntyre lead the flag salute. #2) Minutes were approved as distributed, on a motion from DeJardin, seconded by Stevens - Unanimous  
#3) Proposed Resolution No. 84-07, agreement for proposed improvements to Hwy. 43, McKillican, and Hood Streets.

Buol explained the history of getting this job approved by the State. The job will be funded by Clackamas County, West Linn, and the State Highway Department. The total cost of the project will be \$240,000.00. Bids will go out in approximately December of 1984, and the project will be completed in 1985. West Linn's portion of the project will cost \$27,000.00.

DeJardin expressed a possible conflict of interest. After some discussion Lairson made a motion to adopt Resolution No. 84-07, authorizing the Mayor and City Recorder to execute the agreement. Stowell seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson.

Nays: None.

- #4) Open Period - Presentations from the floor of non-agenda items.

- (a) Mike Skee, resident of Willamette area, asked if it would be possible to have the newsletter go out every month to every citizen in the City. Skee also requested that the Willamette newsletter go out with the water bills.

Buol explained that it would be almost impossible to segregate the water bills from the Willamette area to add the Willamette newsletter.

- (b) Jill Thorn, President of the West Linn Business Group told the Council that they were moving ahead with their logo contest. Thorn handed out rules of the contest and asked for the Council's help in spreading the word and enthusiasm. 17
- (c) Mark Deller, from Portland General Electric, spoke to the Council regarding Bonneville Power Administration's plans to increase charges to their customers. Deller asked the Council to consider passing a resolution to ensure that the increase goes through the proper hearing process. Council was asked to look into the matter and put it on the next City Council agenda.

- #5) Letter of resignation from Dr. Beverly Wittkopp - Solid Waste and Recycling Committee.

The Council accepted Dr. Wittkopp's resignation and recommendation that Judy Morton be appointed to fill her position.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin.  
Nays: None.

The Council asked that a thank you letter be written to Dr. Wittkopp.

- #6) Next, the Council appointed Kathy Lairson, Bob Stowell, and Ted Phillips to the committee to review and recommend Data Processing Study proposals. The committee will also consist of three staff members, Wayne Paterson, Al Steininger, and Russ Castleman. The committee will get together next week and screen the proposals, then set up interviews.
- #7) Consent agenda: Mayor McIntyre reviewed the items found on the Consent Agenda.
- (a) Set May 9, 1984 as public hearing date for amendments to the Comprehensive Plan and Development Codes.
  - (b) Progress payment number three to J. L. Arndt Construction Company for work on the Portland Avenue Transmission Main. (\$163,822.91)
  - (c) Statement from Murray, Smith and Associates for \$17,922.44.
  - (d) Resolution No. 84-08 revising the fee schedule for Design Review to a minimum of \$50.00 and a maximum of \$300.00.
  - (e) Agreement with the League of Oregon Cities.

DeJardin made a motion to approve consent agenda items "A" through "E". Stowell seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin  
Nays: None.

- #8) Administrative Reports:

- (a) John Buol reported that the certified population of West Linn as of March, 1984 is 12,420.
- (b) Buol asked for permission to give \$50.00 to the Traffic Safety Commission for their Child Car Seat program. Council gave their consent to give the Commission \$50.00 for two car seats.

- #9) Other -

- (a) Mike Stevens read his letter of thanks to the two police officers (Noonchester and Hill) who helped him and his wife locate their missing child. Stevens said that they acted in a very professional manner and located the child.
- (b) Kathy Lairson and John Buckley (Traffic Safety Commission member) asked staff to look into the foot race to be fun in West Linn and Lake Oswego. Buol agreed to have staff (Steininger and Enderlin) contact Lake Oswego and find out more about the rules and regulations of the race.
- (c) Lairson also asked Council and staff for their comments on defining the roles of Council, Staff, and City Administration.
- (d) Tom DeJardin made a motion to have the City Attorney, City Administrator, Fire Chief, and Police Chief review the feasibility of enforcements in the Adult Foster Homes proposed. Recommendations should be on the agenda of the second meeting in May.

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- 18 10. DeJardin made a motion to approve payment of the bills for the month of March, 1984, in the amount of \$457,353.30. Phillips seconded the motion.

Ayes: Stowell, Phillips, Stevens, Lairson, and DeJardin  
Nays: None

The Council went into Executive Session regarding labor negotiations at 8:48 P.M.

The Council came out of Executive Session at 9:20 P.M. and back into regular session then adjourned.

Diana J. Nicolay  
Diana J. Nicolay, City Recorder

April 25, 1984

Regular Meeting

Members Present: Stowell, Phillips, Lairson, Hart, DeJardin, and Mayor McIntyre.  
Absent was Mike Stevens.

Staff Present: Buol, Nicolay, Hammond.

#1) Mayor McIntyre opened the meeting at 8:00 P.M. McIntyre lead the flag salute.

#2) DeJardin made a motion to approve the minutes of the April 11, 1984 City Council meeting. Phillips seconded the motion.

Ayes: Stowell, Phillips, Lairson, Hart, and DeJardin.  
Nays: None

#3. Proposed Resolution No. 84-12 calling upon the administrator of Bonneville Power Administration to either withdraw or modify his proposal to raise residential and rural electric customers up to as much as 38% and deny these rate payers the full benefits of the power exchange provisions promised under the Northwest Electric Power Planning and Conservation Act of 1980.

Ted Phillips explained the resolution.

Phillips made a motion to adopt Resolution No. 84-12. Stowell seconded the motion.

Ayes: Stowell, Phillips, Lairson, Hart, and DeJardin  
Nays: None

#4) Proposed Ordinance No. 1136, making provision for segregation of assessments and adopting fees.

Mayor McIntyre read proposed Ordinance No. 1136 by title. Hart made a motion to adopt Ordinance No. 1136 effective April 26, 1984. DeJardin seconded the motion

Ayes: Stowell, Phillips, Lairson, Hart, and DeJardin  
Nays: None

Mayor McIntyre read Ordinance No. 1136 a second time by title. Hart made a motion to adopt Ordinance No. 1136 effective April 26, 1984. Lairson seconded the motion.

Ayes: Stowell, Phillips, Lairson, Hart, and DeJardin  
Nays: None.

#5) Open Period..Presentations from the floor of non-agenda items. None.

#6) Consent Agenda

Mayor McIntyre explained that item "A" would be handled separately because of a conflict of interest on the part of one Councillor.

Item "B" was removed from the agenda.

McIntyre reviewed items C and D.

C- Two appointments to the Park and Recreation Board. Bill Davis and Fred A

D- \$500.00 statement from H.G.E. for work on 7th Avenue Storm Drainage Project.

(Clackamas County already paid this bill, so check must be made out to Clackamas County)

DeJardin made a motion to approve consent agenda items C and D. Phillips seconded the motion.

Ayes: Stowell, Phillips, Lairson, Hart, and DeJardin  
 Nays: None.

The Council then handled item "A" of the consent agenda. Kathy Lairson claimed a conflict of interest.

A - Proposed Resolution No. 84-13 setting a public hearing date of May 23, 1984 for a street vacation on Grand Street.

Hart made a motion to adopt Resolution No. 84-13. DeJardin seconded the motion.

Ayes: Stowell, Phillips, Hart, and DeJardin  
 Nays: None

#### #7) Administrative Reports:

John Buol asked for the Council's authorization to sign two quit claim deeds.  
 1) Bridgeview Estates  
 2) Tamarisk Subdivision

Hart made a motion to authorize the Mayor and City Recorder to sign the two quit claim deeds. DeJardin seconded the motion.

Ayes: Stowell, Phillips, Lairson, Hart, and DeJardin  
 Nays: None

Buol asked Council for permission to hire additional help for the Development Services Department.

DeJardin made a motion to accept the proposal of adding one Assistant Planner and one Clerk Typist for a six month period of time.

Lairson seconded the motion.

Ayes: Stowell, Phillips, Lairson, Hart, and DeJardin  
 Nays: None.

#### #8) Other

Bob Stowell presented a sign which read "We Recycle - Curbside on Wednesday". Stowell told the Council that they would be seeing signs like those around town.

Ted Phillips inquired about the nuisance ordinance, and was told that the next meeting is to be held on May 9th.

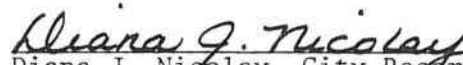
Larry McIntyre read a proclamation proclaiming May as "Older Citizens Month". Phillips made a motion to authorize the signing of the proclamation. DeJardin seconded the motion.

Ayes: Stowell, Phillips, Lairson, Hart, and DeJardin  
 Nays: None.

McIntyre announced that Tom DeJardin was running un-opposed for the Metro Board. DeJardin's resignation was accepted effective August 15, 1984.

At 8:30 P.M. the Council went into Executive Session regarding pending and current litigation.

Council went back into Regular Session at 8:55 P.M. and adjourned.

  
 Diana J. Nicolay, City Recorder

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May 9, 1984

Members Present: Stowell, Phillips, Lairson, and Hart  
 Members Absent: DeJardin and Stevens

Staff Present: John A. Buol, Diana J. Nicolay, Mike Butts (City Planner) and Jack Hammond (City Attorney)

Mayor McIntyre opened the regular meeting at 8:00 P.M. McIntyre lead the flag salute.

#2) The minutes of the April 25, 1984 regular meeting were approved by a motion from Phillips, seconded by Stowell.

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20 Ayes: Stowell, Phillips, Lairson, and Hart.  
Nays: None.

#3) Public Hearing - Sign Code, Development Codes, and Comprehensive Plan Amendments.

McIntyre announced that we would start out with the Sign Code Amendments first. The public hearing was opened.

McIntyre asked if any member of the Council wished to abstain from action on this subject. None. McIntyre then asked if any member of the audience challenged any member of the Council from acting on this matter. None.

Mike Butts, City Planner, explained that the West Linn Business Group had spent many long hours going over the Sign Code. Butts reviewed the changes proposed by the Business Group.

1. New purpose statement.
2. Creation of a "Multiple Tenant Commercial or Industrial Development" category which allows additional sign area.
3. Changeable copy signs only in "Commercial or Industrial Centers"
4. Administrative approval of certain signs under specified conditions.
5. Temporary off-premis subdivision and real estate signs.
6. Elimination of the requirement for sign to have dark background.

and the amendments proposed by staff:

1. Establishment of time limit on sign approvals and provisions for extention.
2. Establishment of approval standards.
3. Elimination of control over signs in windows, except that they shall not be illuminated.
4. Establishment of standards for garage sales.
5. Clarification of application for signs not visible from public street.

Steve Housal, 19080 S. Pacific Hwy., Vice President of the West Linn Business Group, and Chairman of the Sign Code Committee, spoke regarding the people who made up the Sign Code Committee. The committee consisted of realestate people, developers, representatives from shopping centers, office professionals, retail business persons, and representatives from the sign manufacturing industry. Mike Butts, the West Linn Planning Director, has attended most of the meetings to answer questions and make suggestions. Letters and questionnaires were sent to neighborhood and community groups.

Members of the group unanimously agreed upon the changes that have been suggested.

Robert T. Mountain, 1381 N.E. Buck Street, Member of West Linn Business Group, supported changes proposed by both the business group and staff. Mountain asked that all signs have street numbers on them.

Keith Appleman, 2011 Willamette Vw. Ct., professional in the sign industry who worked with the Business Group on the amendments to the sign ordinance spoke in favor of changeable copy signs. He felt that the current sign code is very restrictive on color copy. Driving by a shopping center everything blends together and it is a big disadvantage to the smaller shops in the center. Colors that are used by a national firm cannot be used. West Linn, in the industry is known as probably the most restrictive. Mr. Appleman asked that more color be allowed in signs and that readerboard signs be approved for use.

Stowell asked Appleman what major advantage of having changeable copy signs versus an addresser board at campus industrial site. Appleman answered that each business has the advantage of stimulating his own business. He couldn't give any advantage of changeable copy signs at an industrial complex, other than if it is a large complex with alot of individual tenants that are relying on walk-in business, then it would be the same as in a shopping center.

Hart asked Appleman if his comments regarding the effectiveness of signs were his own opinion or the opinion of the sign industry. Appleman answered that it was his own personal opinion.

Carol DeJardin, Co-Owner of West Linn Thriftway, 5639 Hood Street, spoke supporting the sign code amendments. DeJardin mentioned a focal group that West Linn Thriftway stores have annually to discover the main reasons that people chose the stores where they shop. DeJardin said that at the focal group held last September it was discovered that one of the main reasons for stopping at a particular shopping center was lighting and the other was signing. More precisely changeable copy signs. Readerboards would put us at a more competitive advantage and would be tastefully done.

Hart asked Ms. DeJardin if this consumer opinion poll was only directed toward grocery stores. DeJardin answered "yes".

Jill Thorn, President of the West Linn Business Group and resident of West Linn, spoke in favor of the proposed changes including changeable copy signs. Thorn spoke regarding the chicken roast last year. Phillips asked if Thorn saw any reason why the readerboards should be electronic so the changes could be keyboarded. Thorn stated that the cost of having a manual readerboard is about half of what an electronic readerboard would be. Stowell asked if the Business Group would have any problem with electronic readerboards, if they were required. Thorn answered that she did not feel that would be a problem.

Mary Walsh, Friends of the Library President, spoke against the readerboards. She thinks that nothing looks worse than plastic readerboards.

Don Holland, Wilderness Drive, objected to changeable signs because they are not aesthetically pleasing. Mr. Holland is happy with the existing sign code.

Marie Horvath, President of the Robinwood Neighborhood Group, presented the Council with copies of a letter from the Robinwood Neighborhood Group saying that they reviewed the proposed changes and support the amendments except for the proposed changeable signs, and individual directories for every business. They also questioned what was meant on page 31 by demand for a "non-white background". The Group was also opposed to blinking and flashing neon signs.

Mike Skee, 1684 S.W. Dollar, designed signs in art school in 1958. Skee thinks there is a constitutional question in restricting white backgrounds. He found out while he was on the Design Review Committee that national firms were willing to change their sign colors. Skee said we could control the light level in signing by using a light meter.

Jane Ohlemann, 3501 S.W. Turner Road, spoke in favor of the proposed changes to the sign ordinance as prepared by the Business Group. Ms. Ohlemann had personal experience with signs that blend into the background and was opposed to signs that could not be seen. Signs should catch the eye of the passers-by.

Charles Awalt, Willamette area resident, spoke in favor of colored signs, but against bright lights.

Al Homrighaus, Coast to Coast store in Milltown Mall, spoke in favor of changeable copy signs.

Gale Knapp, 1894 S.E. 7th Avenue, also spoke in favor of the changeable copy signs and the proposed amendments to the sign ordinance. Knapp also thought that the charge for sign approval should be lowered.

Al Steininger, City Engineer and Public Works Director, spoke regarding the Traffic Safety Commission's comments regarding the proposed sign ordinance.

1. Concern about height of non-on-the-wall signs - 25' is excessive.
2. Changeable signs may be too numerous.
3. Blinking signs definition needed.
4. Are directories necessary on the main sign at the street?
5. Multiple signs on one corner accumulate.

Val West, Robinwood Shopping Center, spoke against a listing of businesses in his center and spoke in favor of changeable copy signs instead.

Gale Knapp, Willamette resident and business person, spoke in favor of changeable copy signs.

Robert T. Mountain, spoke in favor of changeable copy signs.

Hart made a motion to close the public hearing on the Sign Code only. The motion died for lack of a second.

Phillips then made a motion to hold the public hearing on the sign code open for additional input on lighting, electronic message display, and continue the public hearing on May 23. Stowell seconded the motion.

Phillips then added to the motion to hold a public hearing on the sign ordinance open so we can have a couple of modifications and investigations done by our staff. Particularly I would like the point that Mr. Skee brought up on illumination levels, I would like to have our staff look at that on this halo effect of lighting. I think it was a good point that was brought up and I would like to have some data on that to see if that could be incorporated into these signs. I'd like to see the staff look at taking these electronic switching and public message displays, I talk about public message displays, I'm talking about moveable lights and running around, and get that out of this, I'd like to have that looked about deleting and getting the words right and I'd like frankly to have a little time to look at my notes on the other comments so that we can bring it back on the meeting of May 23rd, continue it for two weeks." Stowell seconded the motion.

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Ayes: Stowell, Phillips, and Lairson.  
Nays: Hart.

Mayor McIntyre asked Mike Butts to send each of the neighborhood groups a copy of the proposed sign ordinance.

At 9:15 the Mayor called for a three minute break. The Council reconvened at 9:20 P.M.

McIntyre then opened the public hearing on the Comprehensive Plan and Development Code amendments.

McIntyre announced that the Council would deal only with the portions that were publically addressed in the press. McIntyre read the public notice. All other land use questions could be handled in September.

Mike Butts, City Planner, reviewed the minor staff changes proposed for the Development Codes and Comprehensive Plan, and goal conflicts from L.C.D.C. on goals 2/5/10, and 15, as listed in their Acknowledgement of Compliance dated April 26, 27, 1984, labeled Exhibit 1.

Butts also presented Council with proposed amendments as recommended by the West Linn Planning Commission, dated April 23, 1984. (Recommended changes are attached to Butt's memo of April 25, 1984 entitled "Proposed Amendments to Comply with Statewide Planning Goals").

Mr. Bill Cox, part of the staff of Ridell International or Western Pacific Construction Materials Company, who are owners of Cedar Island, was concerned about the rezoning of his property. Cox pointed out the size and height of the island and said that LC thought the island was upland. Control over this island is completely in the hands of the State of Oregon, and their permit system. The way the Plan reads now they would have to come to the City for a conditional use permit to do aggregate mining. Mr. Cox asked that the City change their code so that Ridell could go through one hearing process with the State instead of going through the City and the State with two separate hearings.

After some discussion, Jack Hammond changed the wording of page five of the Planning Commission's recommendations, number "7" to read:

"Aggregate extraction except aggregate extraction on submersible land subject to valid permits from the U.S. Army Corp of Engineers, and the Oregon State Land Board."

Hammond also changed page 5 item "D" to read:

"Aggregate extraction uses shall also be subject to the provisions of ORS 541.605."

David Ransier, 1170 Swift Shore Cr., presented the Council with a packet of research material that he had prepared. He was before the Council to point out that he felt that the amendments before the Council do not meet Goal 5 to conserve open space and protect natural and scenic resources. And also he feels there is real potential for flood damage along the river properties.

Proposed amendments do not meet Goal 5.

1. Pynn's island is being zoned R-20 (residential) and thus is not protected from residential development. The Comprehensive Plan listed six conditions that would have to exist for there to be residential development on this island. Ransier showed how each item could be attained, and thus how residential development could be allowed.
2. The proposed amendments do not protect the properties along the Tualatin River from potential flood. Too many loop holes in the Plan to really protect the wetlands area.

Ransier suggested that the property be zoned "open space".

Hart asked staff if there is a possibility of a separate zoning for this property that would protect the island better than R-20, or is there a possibility of zoning one island different than the others.

Hammond answered that we can't remove any vestige of a beneficial use. If it was designated open space it would preclude any possibility of any other type of use, and we would be facing inverse condemnation.

Lengthy discussion followed:



Betty Wolf, 1013 Snidow Drive, asked if there were any possibility of Mr. Pynn having his taxes elevated on that island so that it would be feasible for him to donate it to the City or put it in a natural conservancy to get a tax break. Wolf also asked what type of zoning the island has now. The Mayor answered that there is currently no zoning designation on the island. L.C.D.C. requires that the property be zoned.

Hammond pointed out that the City could always come in later and condemn the island as open space if something went wrong.

Mayor McIntyre then asked if there was any other discussion on any of the Comprehensive Plan amendments.

Gary Madson, Planning Commission member, stated that the Planning Commission was in favor of keeping the notification at 300 feet.

Hart made a motion to close the public hearing on the amendments to the Comprehensive Plan. Stowell seconded the motion.

Ayes: Stowell, Phillips, Lairson, and Hart.

Nays: None.

Hart made a motion to amend page five of the proposed amendments to read "7. Aggregate extraction except aggregate extraction on submersible land subject to valid permits from the U.S. Army Corp of Engineers, and the Oregon State Land Board. D. Aggregate extraction uses should also be subject to the provisions of ORS 541.605." Lairson seconded the motion.

Ayes: Stowell, Phillips, Lairson, and Hart.

Nays: None.

Phillips made a motion that the proposed amendments comply with the Statewide Planning Goals as outlined in submittals of April 25, May 7, and May 9, excluding those that deal with the sign ordinance, be approved as amended this evening. (In clarification - Phillips added that in the May 7th outline it will include only items that were also approved by the Planning Commission - pages 16 and 17). Stowell seconded the motion.

Ayes: Stowell, Phillips, Lairson, and Hart

Nays: None.

Jack Hammond then read proposed Ordinance No. 1137 amending Ordinance No. 1128 and Ordinance No. 1129 by revising certain provisions of the West Linn Comprehensive Plan and Development Codes, in its entirety.

Lairson made a motion to adopt Ordinance No. 1137, effective May 10, 1984. Phillips seconded the motion.

Ayes: Stowell, Phillips, Lairson, and Hart.

Nays: None.

Hammond then read the Ordinance a second time by title.

Lairson made a motion to adopt Ordinance No. 1137, effective May 10, 1984. Stowell seconded the motion. A poll of the Council showed:

Ayes: Stowell, Phillips, Lairson, and Hart

Nays: None.

Lairson asked Mike Butts to put a review of the Tualatin River setback on the agenda for September, 1984.

The Council then considered Resolution No. 84-15 amending the processing fees for land use applications.

Phillips made a motion that Resolution No. 84-15 be approved. Hart seconded the motion. (Phillips added page 4 "revoked and modified" be deleted from the text.) Hart seconded the addition.

Ayes: Stowell, Phillips, Lairson, and Hart

Nays: None.

#4) Public Hearing - 1984/85 Fiscal Year Budget, Federal and State Revenue Sharing.

There were no challenges from the audience against Councillors acting on this matter. No abstentions from the Council.

John Buol reviewed the changes suggested in his May 3, 1984 memo. Staff asked for approval of the recommended changes. After hearing no further comments or testimony, Hart made a motion to close the public hearing. Phillips seconded the motion.

Ayes: Stowell, Phillips, Lairson, and Hart

Nays: None.

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- 24 Lairson made a motion to accept the recommendations as outlined in Buol's May 3, 1984 memo, and authorize the City Attorney to prepare a levying ordinance.

Phillips seconded the motion.

Ayes: Stowell, Phillips, Lairson, and Hart  
Nays: None.

- #5) Report and recommendation on Water Audit Program - Murray Smith and Associates.

Murray Smith and Associates reported that a water audit has been completed and Phil Smith reviewed the nine locations where leaks need to be repaired. Leaks found by the study are being repaired by the Public Works Department. Specific water mains are scheduled for replacement in the near future along with improvements to certain water facilities.

Council asked staff for a report within 60 days regarding implementing the needed improvements.

- #6) Open Period

1. Charles Awalt spoke regarding the package submitted by Dick Simantel regarding the fact that presently alleys are considered to be city streets and as a result when you have an alley behind a property it is considered double frontage requiring a full 15 or 20 foot setback off the alley, if you want to build a garage. The Planning Commission, in March, felt that the definition of an alley should be changed away from being a street. Awalt asked that the Council drop the fees for a public hearing for garages.

Council asked that Mike Butts prepare a staff report.

2. Jim Rommel, Wilderness Drive, responded to an offer the City made him on the lawsuit in litigation between him and the City of West Linn. Council told Mr. Rommel that because the situation was in litigation the matter could not be discussed.

(Transcript of this portion was given to City Attorney)

3. Mr. Pat Donahue, Nixon Street, complained about a stagnet pool of water south of the Cedaroak Boat Ramp that is a public health hazard. Donahue requested restoration to the original configuration. Council asked the City Engineer to look at the problem and get back to Mr. Donahue.

- #7) Proposed improvements to 10th Street:

Steininger reviewed the proposed changes to 10th Street in the Willamette area, and stated that the cost would be approximately \$50,000. Buol added that the cost would be covered by funds from the System Development Fund. Council felt that it was important that the Willamette Neighborhood have a chance to make their comments on the improvements.

Phillips made a motion to go ahead with the property improvements and have the City Engineer meet with the Willamette Neighborhood Association at their next meeting to tell them what we are doing. Hart seconded the motion.

Ayes: Stowell, Phillips, Lairson, and Hart  
Nays: None.

- #8) Lairson made a motion to appoint Ellen Martin to the Cable TV Advisory Board. Stowell seconded the motion.

Ayes: Stowell, Phillips, Lairson and Hart.  
Nays: None.

Diana Nicolay was asked to write thank you letters to the members who were leaving the Board.

- #9) Recommendation from management team on Data Processing Study.

Buol announced that the management team had selected Price Waterhouse as the best qualified company to do the study, at a price of \$6,500.

Lairson made a motion to adopt Resolution No. 84-16 authorizing the Mayor and City Recorder to sign an agreement between the City of West Linn and Price Waterhouse for the performance of a data processing study for the City of West Linn. Phillips seconded the motion.

Ayes: Stowell, Phillips, Lairson, and Hart  
Nays: None.

## #10) Consent Agenda

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- (a) Resolution No. 84-17 delegating responsibility on quitclaim deeds to the City Administrator
- (b) Clackamas County's request to hold band concerts in Hammerele Park were granted.
- (c) Bid for one-ton cab and chassis was awarded to Dee Thomason Ford in the amount of \$15,147.00.
- (d) Statements totalling \$10,245.67 were authorized for payment to Murray Smith and Associates. Council also authorized payment of \$99,065.93 to J.L. Arndt Construction Company for work on the Portland Avenue Transmission Main, \$17,671.93 to J.L. Arndt Construction Company for work on main replacement program, and \$13,699.00 to A.C. Schommer and Sons, Inc., for Bolton Pump Station modifications.
- (e) A public hearing date of June 13, 1984 was set for the Sittned Investment Company annexation and zone change request.
- (f) Item "F" was handled separately.

Phillips made a motion to approve consent agenda items A through E. Stowell seconded the motion.

Ayes: Stowell, Phillips, Lairson, and Hart  
Nays: None.

## #11) Administrator's Reports:

- (a) Buol announced that the May 23, 1984 regular City Council meeting would be held at Cedaroak School.
- (b) Buol announced that we would be receiving a grant from the State of Oregon through Oregon Outdoor Recreation for the rehabilitation of two West Linn Tennis Courts. \$6,400 would rehabilitate Hammerele and Sunset courts.
- (c) Buol asked to set Liberty Cable's public hearing on June 13, 1984. Liberty is asking for a rate increase.

Hart made a motion to set a June 13, 1984 public hearing date. Stowell seconded the motion.

Ayes: Stowell, Phillips, Lairson, and Hart.  
Nays: None.

## #12) Other:

Lairson asked when Benski Park would be completed. Buol answered that the park needs seeding, weather has been bad and the Public Works Department has been unable to work. Buol added that the dedication would be held around the first or second week in July if all goes as planned.

Diana J. Nicolay  
Diana J. Nicolay, City Recorder

May 23, 1984  
Cedaroak Grade School

Regular Council Meeting

Members Present: Tom DeJardin, Kathy Lairson, Ted Phillips, Bob Stowell, and Mayor Larry McIntyre.

Staff Present: John A. Buol, City Administrator Janet D. Williams, Deputy Recorder  
Jack Hammond, City Attorney Mike Butts, City Planner

The meeting was opened by Mayor McIntyre.

#1) McIntyre lead the flag salute.

#2) The approval of the minutes from the May 9th City Council meeting were continued to the next meeting because they have not yet been distributed.

#3) Continued public hearing on the Sign Code.

Mike Butts reviewed the staff recommendation as outlined in his May 17, 1984 memo, which included proposed amendments to the draft Sign Code of February 24, 1984.

Mr. Steve Housal from the West Linn Business Group who is Chairman of the sub-committee on the Sign Code presented the Business Group's recommendation. They

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26 requested that 200 square feet be allowed for changeable signs and that 40% of this area be allowed for changeable copy. Mr. Housel listed several community organizations that would be interested in advertizing civic events on changeable signs. He also read three letters from community organizations supportive of these signs.

Dea Cox, Superintendent of the West Linn School District, testified in favor of changeable copy signs. West Linn High School currently has a reader board sign and the staff believes it is a very effective means of notifying the public of school events.

Bob Thorn, a businessman and resident of West Linn, asked the City Council to support the amendments to the Sign Code because of the strong public support and it increases the liveability of West Linn by keeping people involved and informed.

William Minor testified in favor of reader board signs.

Barbara Hartfeil, Chairperson of the West Linn Traffic Safety Commission was concerned over the "clustering" of signs and asked the Council to consider this at some point. She was particularly concerned about campaign and realestate signs.

Robert Mountain requested that the Council grandfather in the High School reader board sign. He also complimented the City Council on cooperating with the business community on the revision of the Sign Code.

DeJardin made a motion to close the public hearing. The motion was seconded by Lairson.

Ayes: Stowell, Phillips, Lairson, and DeJardin

Nays: None.

After a brief discussion, Phillips made a motion to adopt the proposed Sign Code as amended by the staff memorandum of May 16, 1984 with the following changes: The maximum size for a changeable copy sign be a total of 150 square feet and that changeable copy be limited to 35% of this total area. The motion was seconded by DeJardin.

Stowell moved to amend the motion by 1) adding the words "residential and business" between the word "City's" and "environment" of Section 52.010, Purpose, and 2) striking the words "and improve the effectiveness of signs in identifying and advertising business of Section 52.010, Purpose. The motion was seconded by Lairson.

Ayes: Stowell, Phillips, Lairson, and DeJardin

Nays: None.

The vote in the amended motion was then:

Ayes: Stowell, Phillips, Lairson, and DeJardin

Nays: None.

#4) Public Hearing on street vacation - Grand Street.

Kathy Lairson stated she would abstain from this issue due to a conflict of interest.

John Buol gave a staff report recommending the vacation of the street with the City maintaining adequate easements for sewer and storm sewer improvements.

Don Austin spoke in favor of the vacation which would allow property owners to improve and maintain the area.

Bill Lairson asked for a clarification of the location and width of the easement. City Attorney Jack Hammond stated that this would be included in the ordinance when it was prepared.

DeJardin moved to close the public hearing. Seconded by Phillips.

Ayes: Stowell, Phillips, Lairson, and DeJardin

Nays: None.

#5) Staff requested that the discussion on proposed foster home regulations be continued to the June 27, 1984 meeting. No formal action taken by the City Council.

#6) Open Period - No items.

#7) Proposal on park and recreation program.

John Buol gave a staff report regarding a proposal to operate a recreation program in Willamette and Hammerle Parks this summer. Mr. Buol stated this is permissible under the City's zoning regulations and added that the two individuals operating the program would be required to obtain a City business license and furnish liability insurance. Mr. Buol provided the City Council with a recommendation from the Park and Recreation Advisory Board asking the Council to deny the request because of specific concerns of the Board. Mr. Buol also suggested that staff develop a policy regarding profit-making

groups operating these types of programs in City parks.

Kathy Lairson gave a brief explanation on how this proposal was developed.

Jill Thorn testified that good day-care is needed in West Linn.

Bill Lairson, Chairman of Friends of West Linn Parks testified that the proposed program will require no obligations for the City staff and that the two individuals who proposed the program will provide the necessary liability insurance.

Ted Phillips moved that the proposal be approved and that Bill Lairson, the Parks and Recreation Board, the two individuals operating the program and City staff meet to discuss the proposal and establish guidelines on how the program should operate. DeJardin seconded the motion.

Ayes: Stowell, Phillips, Lairson, and DeJardin

Nays: None.

#### #8) Advisory Board Resignations:

John Buol gave a brief staff report stating that Angela Stoffregen from the Solid Waste and Recycling Committee and John Hopkins from the Traffic Safety Commission have resigned from their positions. Staff also recommended that Monty Schuster be removed from the Traffic Safety Commission because he has not attended the last four meetings and cannot be contacted by phone or mail.

The Council approved the resignations and dismissal and requested the staff to advertise the vacancies.

#### #9) Administrator's Reports:

Proposed Ordinance #1138 was read in full by Jack Hammond. DeJardin made a motion to adopt Ordinance No. 1138, regarding approval of Hidden Springs Ranch No. 8, applying the zoning designation of R-10/R-2.1 PUD to Hidden Springs Ranch No. 8, approving an amendment to the preliminary development plan and program for Hidden Springs Ranch No. 8, and approving the tentative subdivision plan for Hidden Springs Ranch No. 8, Phase II (Excluding Tracts A, B, and C), effective May 24, 1984. Stowell seconded the motion.

Ayes: Stowell, Phillips, Lairson, DeJardin

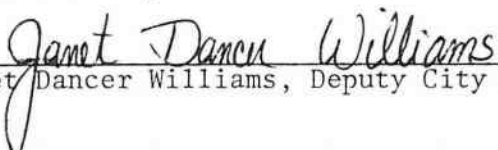
Nays: None

Mayor McIntyre read Ordinance No. 1138 a second time by title. DeJardin made a motion to adopt Ordinance No. 1138, regarding approval of Hidden Springs Ranch No., applying the zoning designation of R-10/R-2.1 PUD to Hidden Springs Ranch No. 8, approving an amendment to the preliminary development plan and program for Hidden Springs Ranch No. 8, and approving the tentative subdivision plan for Hidden Springs Ranch No. 8, Phase II (Excluding Tracts A, B, and C), effective May 24, 1981. Phillips seconded the motion. A roll call vote showed:

Ayes: Stowell, Phillips, Lairson, and DeJardin

Nays: None.

The regular meeting adjourned at approximately 10:00 P.M.

  
Janet Dancer Williams, Deputy City Recorder

Regular Meeting

June 13, 1984

Members present: Ted Phillips, Bob Stowell, Tom DeJardin, Kathy Lairson, and Mayor Larry McIntyre. (Kathy Lairson arrived at 8:25PM)

Members absent: Mike Stevens, and Joe Hart

Staff present: John A. Buol, City Administrator  
Janet D. Williams, Assistant to the Administrator  
Diana J. Nicolay, City Recorder  
Mike Butts, City Planner  
Art Enderlin, Police Chief  
Jack Hammond, City Attorney

McIntyre opened the regular Council meeting at 8:03 PM.

#1) McIntyre lead the flag salute.

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- #2) The minutes of the May 9th and May 23rd meetings were approved as written by a motion from DeJardin, seconded by Phillips.

Ayes: Stowell, Phillips and DeJardin

Nays: None

McIntyre pointed out that West Linn was chosen one of the twelve safest places in the United States, to live. Art Enderlin, Chief of Police, was presented a plaque from the Tri-City Chamber of Commerce. Enderlin, in accepting the plaque said that "most of the credit goes to those guys out in the street..they are the ones who cover the City twenty-four hours a day.

McIntyre then acknowledged all of the Planning Commission members who worked on the Comprehensive Plan that was acknowledged on May 31, 1984 by LCDC. Each Planning Commission member, past and present, was presented a certificate of appreciation. Those awarded were, Ralph Olson, Gary Madson, Diane Wustrack, Tim Hoard, Shirley Weiss, Diane Furgeson, Larry Kellerman, and Tim Conser. Tim Conser, Larry Kellerman, and Diane Furgeson were unable to attend. McIntyre pointed out that their long hours of work were all done on a volunteer basis.

- #3) Public Hearing - Liberty Cable TV - Request for basic service rate increase.

McIntyre asked if any Council member wished to abstain from action on this matter. None. McIntyre then asked if anyone in the audience challenged any member on the Council from acting on this matter. None.

Janet Williams forwarded a recommendation from the Cable TV Board to postpone the rate increase. Williams pointed out that staff concerns are:

1. Servicability - what density is required before service is offered?
2. Staff wants a copy of a detailed complaint log from Liberty.
3. When will additional access channel be available? (Education channel, etc.)

Dave Reynolds, Liberty Cable representative, told the Council that Liberty has recently made several new programs available to the public, and has never increase their rates. Reynolds asked for a rate increase equal to what is charged in two-thirds of Liberty's area. Reynolds addressed some of the concerns.

1. Regarding picture quality - Especially in the Willamette area, Liberty is installing new power supplies next month.
2. Liberty will have to look into the uncabled areas.
3. Regarding more access channels - Reynolds suggested that West Linn fill up the channels that they have now before adding anymore channels.

Kathy Lairson arrived at 8:25 PM.

Reynolds pointed out that Liberty has done a study and made changes to better accomodate phone calls. Their goal is to make sure that only one out of ten calls gets a busy signal.

Reynolds said that Liberty would provide the City with a more detailed complaint log.

McIntyre asked for testimony in opposition to the rate increase.

Mike Skee, 1684 S.W. Dollar, presented Exhibit "A" to the Council. Petitions with 300 signatures against giving Liberty a rate increase. Skee himself was in favor of making Liberty provide better service and quality pictures prior to allowing a rate increase. Skee had contacted City of Portland regarding their requirements of Liberty. Skee presented those requirements to the Council - Exhibit "B".

Bob Thorn, Chairman of the Cable TV Advisory Board, 2380 Valley Vw. Drive, was concerned about signal strength.

Mr. Westmoreland, 1600 SW Charman Drive, was against allowing a rate increase until public relations were improved.

Ron Webber, 997 7th Avenue, spoke against the rate increase pointing out phone problems. "Liberty is not in touch with its customers. They don't even take the information necessary to fill out a complaint log. Liberty doesn't know what is going on."

Webber asked for two things prior to a rate increase.

1. He feels there should be a blanket credit whenever possible for outages.

2. Until the problems are solved and West Linn is receiving good service, don't grant an increase. 29

Val West, Robinwood resident, asked Council to consider making cable service installation a requirement with the other utilities in the development stages.

Hearing no further testimony DeJardin made a motion to close the public hearing. Stowell seconded the motion.

Ayes: Stowell, Phillips, Lairson, and DeJardin

Nays: None

McIntyre made some comments.

1. Policy for granting increase is needed.
2. Roll Cable TV Advisory Board should be playing.
3. Should we delay the hearing for more input from the Cable Advisory Board?
4. Should the names on the petition be contacted?

Hammond pointed out that there is a time limitation of 90 days from the calling of the public hearing on May 9th. Hammond also stated that the franchise could enforce staff's requests or Portland's conditions. Hammond suggested that staff speak to Portland to find out how many interpretational conditions were imposed.

After some discussion, Phillips made a motion to refer the issue to staff and the Cable TV Advisory Board to report to the Council at the July 11th Council meeting on the following concerns:

1. Areas not being serviced.
2. Signal strength problems.
3. Service complaints.
4. Communication problems between the City, Liberty Cable, and the public.
5. Progression of other public access channels. (Educational etc.)
6. Establish criteria for rate increases. DeJardin seconded the motion.

Ayes: Stowell, Phillips, Lairson and DeJardin

Nays: None

Council then took a five minute break. During the break Dave Reynolds (Liberty) asked the Recorder to send him a copy of the petition presented by Skee. (Sent 6/20/84)

- #4) Public Hearing - Sittned Investment and Imperial Development Annexation and Rezone.

McIntyre asked if any member of the Council wished to abstain from action on this issue. None. McIntyre then asked if anyone in the audience objected to anyone on the Council acting on this matter. None.

Mike Butts gave a brief of the new method of consolidation of proceedings, and a description of the area north of I-205 and East of Salamo Road. He said that the City can provide sewer and water, but the sewer will need to be pumped. Staff recommended approval of the annexation and rezone. Butts also presented a letter from the State of Oregon supporting the annexation.

Mr. Mick Wallace, 4201 Riverview Drive, spoke for the applicant, in favor of the annexation and rezone. Wallace pointed out that the annexation would link up Imperial Drive to Salamo Road. He also pointed out that utilities are available at both ends. He said they would cooperate with the City on future easements for a water tower location.

Hearing no further testimony, either for or against the requested annexation and rezone, Lairson made a motion to close the public hearing. DeJardin seconded the motion.

Ayes: Stowell, Phillips, Lairson, and DeJardin

Nays: None

DeJardin then made a motion to approve the area for annexation and have the City Attorney prepare a resolution for the Boundary Commission, recommending the annexation and stressing the Planning Departments findings and conclusions. Lairson seconded the motion.

Ayes: Stowell, Phillips, Lairson, and DeJardin

Nays: None

- #5) Recommendation from the Tri-City Service District Technical Advisory Committee regarding sewer connection charges.

The City of Oregon City made a proposal to the Oregon City Economic Development Committee.

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to reduce Tri-City Sewer Connection charges, change equivalency ratings for restaurants, and allow for ten year financing on any sewer connection charge that is over \$5,000.

The Oregon City Economic Development Committee referred the proposal to the Tri-City Technical Advisory Committee. Buol explained that the Technical Advisory Committee consists of the three city's managers.

1. It was concluded that prior water use studies for the sewer user classification of restaurants indicates that the equivalent dwelling unit (EDU) determination should be based on eight permanent seats per EDU, rather than the present six permanent seats per EDU.
2. That the current sewer connection charge of \$1,200 per EDU should remain in effect through June 30, 1985, rather than be escalated to \$1,300 on July 1, 1984 as provided for in the present rate structure ordinance.
3. That the Tri-City Service District should agree to establish an installment payment program for the district-imposed sewer connection charge. The program should provide for a 10 year installment payment period for sewer connection charge fees that exceed \$5,000. The District may require a mortgage on the property for the amount of the connection charges. The cities would agree to an arrangement for terminating water and sewer service to properties that fail to make mortgage payments to the Tri-City Service District in a timely manner as provided for in the installment payment contract.

The Technical Advisory Committee stated that if the money to pay the \$25 million bond payments was not collected, the money would have to be collected in taxes.

Buol recommended that the Council adopt the Technical Advisory Committee's recommendation.

Jerry Grisham, 14162 S. Spangler Road, Oregon City, presented the proposal for Oregon City. Mr. Grisham presented two Exhibits (1 and 2).

1. The Business and Government Liason Committee of the Oregon Tri-City Chamber of Commerce supports the lowering of sewer connection fees to make the Tri-City area more competitive in the Economic Development Race for more local jobs.
2. The Board of Directors of the Tri-City Chamber of Commerce voted to support the request of the Oregon City Economic Development Commission to lower sewer connection fees by 40% for an eighteen month period in an effort to directly encourage businesses to locate in the Tri-City area, providing jobs for residents.

Phillips made a motion to approve the recommendation of the Tri-City Technical Advisory Committee. DeJardin seconded the motion.

Ayes: Stowell, Phillips, Lairson, and DeJardin  
Nays: None.

#### #6) Open Period

- (a) Sheri Brandenburg, West Linn resident, was present to answer any questions the Council might have regarding the recreation program proposed at the May 23rd Council meeting.

Buol added that staff recommends the proposal be accepted with a 5% reimbursement fee to the City. Buol will ask JBL and K if insurance can be purchased by the project operators, naming the City.

Lairson made a motion to accept the 5% reimbursement fee as recommended by the Parks Department. Phillips seconded the motion.

Ayes: Stowell, Phillips, Lairson, and DeJardin  
Nays: None.

- #7) (a) Proposed Ordinance No. 1139, regulating adult businesses in West Linn was considered.

Hammond explained that the Ordinance establishes regulations for adult businesses but doesn't prohibit them.

Police Chief Arthur Enderlin spoke in support of the proposed ordinance. May McIntyre read the ordinance by title.

DeJardin made a motion to adopt Ordinance #1139 effective June 14, 1984. Lairson seconded the motion.

Ayes: Stowell, Phillips, Lairson, and DeJardin  
Nays: None

McIntyre read the Ordinance a second time by title, and Lairson made a motion to adopt Ordinance No. 1139, effective June 14, 1984. DeJardin seconded the motion. 31

A poll of the Council showed:

Ayes: Stowell, Phillips, Lairson, and DeJardin

Nays: None.

Ordinance No. 1140, regarding Liquor License Review was then considered. Hammond pointed out that West Linn needs to adopt "accept and reject" processes for OLCC permits. This Ordinance also increases the fee for application and renewal to \$100 for new application, \$75 for change of ownership, and \$35 for renewal.

Tom DeJardin declared a conflict of interest and continued to participate in the discussion and vote.

Mayor McIntyre then read Ordinance No. 1140 by title. Stowell made a motion to adopt Ordinance No. 1140 effective June 14, 1984 and Lairson seconded his motion.

Ayes: Stowell, Phillips, Lairson, and DeJardin

Nays: None

Mayor McIntyre read Ordinance No. 1140 a second time by title. Lairson made a motion to adopt resolution No. 1140 effective June 14, 1984. Stowell seconded the motion. A poll of the Council showed:

Ayes: Stowell, Phillips, Lairson, and DeJardin

Nays: None.

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) Consent Agenda

Mayor McIntyre reviewed the consent agenda items:

1. Acceptance of Hidden Springs Ranch No. 6B Subdivision Improvements.
2. Signing of Agreement for tennis court renovation through Land and Water Conservation Fund.
3. Resolution No. 84-19 making appropriations and levying taxes for the 1984/85 Fiscal Year.
4. Resolution No. 84-20 authorizing issuance of a revocable permit.
5. Resolution No. 84-21 setting public hearing for street vacation - McIsaac - 7/11/84
6. Resolution No. 84-18 certifying that City provides certain services in order to receive State Shared Revenues.
7. Liquor Licenses for Morrow's Market (new ownership) and West Linn Fire Department (temporary - West Linn Fair)
8. Statements from Murray Smith and Associates totalling \$15,376.90.  
Statement for progress payment #3 and #5 to J.L. Arndt Construction Company totalling \$77,590.33.  
Statement to Clackamas County for the 7th Avenue Project in the amount of \$96,891.93.

#9) Administrator's Reports

- (a) Buol announced that the clerk who pays the bills is home ill and the bills for the month of May will need to be paid at the next regular meeting.
- (b) Buol asked for authorization to sign the contract with the Police Union. (last years contract)

DeJardin made a motion to authorize the signing of last years Police Union contract. Stowell seconded the motion.

Ayes: Stowell, Phillips, Lairson, and DeJardin

Nays: None.

#10) Other:

- (a) Lairson said that a school board member had contacted her regarding the need for the West Linn Traffic Safety Commission to look at the City and County transportation on Salamo Road. She claims that the road is narrow and has sharp curves.

Mayor McIntyre thought the City Council should have an entry in the West Linn Fair



32 The Council went in to Executive Session regarding pending and current litigation and labor negotiations at 11:15 PM and came out of Executive Session at 12:30.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

## Regular Council Meeting

June 27, 1984

Members present: Ted Phillips, Kathy Lairson, Joe Hart, Tom DeJardin, and Mayor Larry McIntyre.

Staff present: John A. Buol, City Administrator; Diana J. Nicolay, City Recorder; and Jack Hammond, City Attorney. Also present was Russ Castleman, Fire Chief.

McIntyre opened the regular meeting at 8:03 PM.

- #1) Mayor McIntyre lead the flag salute.
- #2) Minutes from the June 13, 1984 City Council meeting were approved as written by a motion from DeJardin, seconded by Phillips. Unanimous.
- #3) Report and recommendation from Fire Protection/EMS Task Force. (Emergency Medical Services)

Fire Chief Russ Castleman acknowledged the members of the EMS Task Force for their 15 weeks of hard work on the report and recommendations. Members of the Task Force were: Jim Klum, Captain Portland Fire Bureau; Ed Zick, Fire Chief Happy Valley Fire District; Jim Kiesel, Portland Air Base; Ron Winkle, Tualatin Fire District; Robert Theis, Penwalt Chemicals; Dick Knoefel, West Linn Resident; Jim Shishido, West Linn Business Group; Mike Skee, West Linn Resident; Bruce Weintraub, West Linn Resident; Jan Johnson, West Linn Business Group; Marie Horvath, West Linn Resident; Ron Kellmer, Deputy Fire Chief West Linn; Mike Patrick, Assistant Volunteer Chief West Linn.

Dick Knoefel, Chairman of the Task Force, reviewed the contents of the report, its goals, objectives, and recommendations, and pointed out that every decision made was the lowest acceptable risk.

Hart made a motion to accept the report and recommendations from the EMS Task Force and have staff make recommendations for funding and set a date for a Budget Committee meeting to prepare for the September ballot. Lairson seconded the motion.

Ayes: Hart, Lairson, Phillips, and DeJardin  
Nays: None.

- #4) (a) Proposed Ordinance No. 1141, Sittned Annexation and Rezone recommendation to the Boundary Commission.

Mayor McIntyre read the ordinance a first time by title. DeJardin made a motion to adopt Ordinance No. 1141, effective June 28, 1984. Lairson seconded the motion.

Ayes: Hart, Phillips, Lairson, and DeJardin  
Nays: None.

Mayor McIntyre then read the ordinance a second time by title. Lairson made a motion to adopt Ordinance No. 1141 effective June 28, 1984. DeJardin seconded the motion. Roll call vote showed:

Ayes: Hart, Phillips, Lairson, and DeJardin  
Nays: None

- (b) Proposed Ordinance No. 1142, Amending the Sign Code. McIntyre read the ordinance by title. DeJardin made a motion to adopt Ordinance No. 1142, effective June 28, 1984. Phillips seconded the motion.

Hart spoke against changeable copy signs, and questioned the definition of non-white backgrounds on signs.

Ayes: Phillips, Lairson, and DeJardin  
Nays: Hart

Because the vote was not unanimous, Ordinance No. 1142 will be read again at the meeting of July 11, 1984.

- (c) Proposed Ordinance No. 1143, Relating to consumption of alcoholic beverages in City parks.

Mayor McIntyre read Ordinance No. 1143 by title. Phillips made a motion to adopt Ordinance No. 1143 effective June 28, 1984. Hart seconded the motion. **33**

Ayes: Hart, Phillips, Lairson, and DeJardin  
Nays: None

Mayor McIntyre then read the Ordinance a second time by title. Phillips made a motion to adopt Ordinance No. 1143, effective June 28, 1984. DeJardin seconded the motion. A roll call vote showed:

Ayes: Hart, Phillips, Lairson, and DeJardin  
Nays: None.

#4) (d) Proposed Ordinance No. 1144, vacating Grand Street.

Councillor Kathy Lairson claimed a conflict of interest and proceeded to vote.

Mayor McIntyre read Ordinance No. 1144 (vacating a portion of Grand Street) by title. DeJardin made a motion to adopt Ordinance No. 1144, effective June 28, 1984. Hart seconded the motion.

Ayes: Hart, Phillips, Lairson, and DeJardin  
Nays: None.

Mayor McIntyre then read the Ordinance a second time by title. DeJardin made a motion to adopt Ordinance No. 1144, effective June 28, 1984. Phillips seconded the motion. A poll of the Council showed:

Ayes: Hart, Phillips, Lairson, and DeJardin  
Nays: None

#5) Open Period - None

#6) Consent Agenda: Mayor McIntyre reviewed the items on the consent agenda. Item 6-D-1 was pulled off the consent agenda to be handled separately.

(a) Resolution No. 84-22, reallocating and reappropriating funds in the 1983-84 F.Y.

(b) Request for show of homes - Portland Metropolitan Home Builders Association.  
1. Street closure  
2. Temporary water and sewer hook-up  
3. Temporary Liquor License

(c) Request to waive sewer connection charge for Historical Society Building.

(d) Request from McLean House to hold special events in the house:

1. (withdrawn from consent agenda)
2. Salmon Bake - Sunday, September 9, 1984  
Holiday Bazaar - Friday and Saturday, November 9 & 10  
Art Show - Sunday, September 9, 1984 and Saturday, September 8, 1984.

Phillips made a motion to approve consent agenda items A-B-C-D(2). (Minus D(1))  
DeJardin seconded the motion.

Ayes: Hart, Phillips, Lairson, and DeJardin  
Nays: None.

Consent Agenda item #6 D(1) was then handled. Hart pointed out that he was opposed to allowing church services in public facilities. McIntyre added that he would also be opposed to the proposition.

DeJardin made a motion to approve South Park Unitarian Churches request to use the McLean House on Sundays beginning in September, 1984, and continuing through May, 1985. (The church group will pay \$200 a month to the Friends of McLean House.)  
Lairson seconded the motion.

Ayes: Lairson, Phillips, DeJardin  
Nays: Hart

7) Administrator's Reports:

(a) Buol pointed out that Jeff Landers wished to speak to the Council, but was not acknowledged during the open period. Landers asked the Council if the City had any ordinance against door-to-door solicitation. Hammond answered that there were ordinances against going door-to-door selling goods, but no ordinances against religious groups going from door-to-door.

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- 34 (b) Buol asked for approval for the City Administrator and Mayor to sign last years AFSCME Union Agreement. Only changes - cap of \$165 on health insurance and a 5% raise for employees. (1984/85 Fiscal Year Agreement)  
Hart made a motion to authorize the City Administrator and Mayor to sign last years AFSCME Union Agreement. DeJardin seconded the motion.

Ayes: Hart, Phillips, Lairson, and DeJardin  
Nays: None.

#8) Other:

- (a) Tom DeJardin brought up the letter dated June 12, 1984, from Barbara Hartfeil Chairman of the West Linn Traffic Safety Commission, to the Oregon State Highway Division.

Staff was asked to hold a meeting with the Traffic Safety Commission to let them know that the Council was very unhappy with the letter appearing on City letterhead. Council did not feel that Barbara Hartfeil should be making commitments on the part of the West Linn Police Department, especially since the letter was carbon copied to so many other people. Council also felt that the Commission was not a decision making body, they were to operate in an advisory capacity. The staff was to meet with the Commission on the following Tuesday.

- (b) Lairson reminded anyone in the Sunset Neighborhood that was interested that the float committee was working on the float for the West Linn Fair.  
(c) McIntyre read the resignation letter received from Council member Mike Stevens, Ward I, Willamette Area. Stevens is resigning from the Council due to his work which takes him out of town for long periods of time. Stevens resignation will be effective July 1, 1984.

DeJardin reluctantly made a motion to accept Steven's resignation effective July 1, 1984. Phillips seconded the motion.

Ayes: Hart, Phillips, Lairson, and DeJardin  
Nays: None.

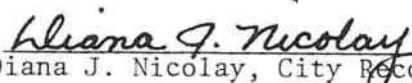
It was decided that the City would advertise for applicants to fill his position. Applications will be taken until July 9th and interviews will be held on the evening of July 11th. A decision will be made by the Council on July 11.

- (d) McIntyre announced that he would be working for the March of Dimes on Channel 6. Anyone who wished to contribute should give him their phone number.

#9) Payment of the Bills for the month of May, 1984.

DeJardin made a motion to approve the bills in the amount of \$330,980.07, for the month of May, 1984. Phillips seconded the motion. A roll call vote showed:

Ayes: Hart, Phillips, Lairson, and DeJardin  
Nays: None.

  
Diana J. Nicolay, City Recorder

Council members present were: Bob Stowell, Ted Phillips, Mayor Larry McIntyre, Joe Hart, Kathy Lairson, and Tom DeJardin.

(Tim Hoard joined the Council at 8:15 PM after he was sworn in by the City Recorder)

Staff present were: John A. Buol, Diana J. Nicolay, Al Steininger, and Janet Williams, who left after item four was discussed. Jack Hammond, City Attorney, was also present.

- #1) Mayor McIntyre opened the regular meeting at 8:00 P.M. McIntyre lead the flag salute.  
#2) DeJardin made a motion to approve the minutes from the June 27, 1984 City Council meeting, as written. Phillips seconded the motion.

Ayes: Stowell, Phillips, Hart, Lairson, and DeJardin.  
Nays: None.

- #3) Lairson made a motion to appoint Tim Hoard to fill the Council vacancy in Ward I. DeJardin seconded the motion.

Ayes: Stowell, Phillips, Lairson, and DeJardin

Nays: Hart

Tim Hoard was then sworn in by Diana Nicolay and took his place with the Council.

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- #4) Continued discussion on request for increase in cable basic service rate - Liberty Cable Television.

Janet Williams presented the Council with the Cable Advisory Board's recommendation to grant the rate increase contingent upon their recommendations dated July 6, 1984, and their criteria for evaluating a rate increase. Williams pointed out that the conditions had been reviewed by Liberty Cable and they were acceptable.

Dave Reynolds, Liberty representative, told the Council that Liberty had contacted 117 people who had signed the petition which was turned over to the Council at the June 13, 1984 meeting. He said that of the 117 people 113 said that they had no current problem with Liberty Cable.

Hart made a motion to grant Liberty Cable their rate increase with the inclusion of the Cable TV Advisory Board's conditions as listed in their 7-6-84 recommendation, effective August 1, 1984. Lairson seconded the motion.

Ayes: Stowell, Phillips, Hoard, Hart, Lairson, and DeJardin

Nays: None.

- #5) Public Hearing - McIsaac Street Vacation - Shannon Lane - Staff report recommended vacation.

The public hearing was opened by the Mayor, who asked if anyone on the Council wished to abstain from action. None. He then asked if any member of the audience wished to challenge any member of the Council from taking action. None.

Mayor McIntyre asked for proponents of the requested vacation. There were none. He then asked for opponents of the proposal. Hearing none, Hart made a motion to close the public hearing.

Hart then made a motion to have the City Attorney prepare the necessary ordinance approving the street vacation. Stowell seconded the motion.

Ayes: Stowell, Phillips, Hoard, Lairson, Hart, and DeJardin

Nays: None.

- #6) Open Period

Mr. Brian Daum, 18304 Shady Hollow Way, spoke regarding the Kindercare facility that was recently approved by the Planning Commission. The facility will be located on Lazy River near Highway 43. Mr. Daum told the Council that the neighborhood was not aware of the impact a large childcare facility would have on their neighborhood. He claimed that the notice that was mailed to neighbors was misleading, so many neighbors did not attend the public hearing with the Planning Commission, because they did not know the size of the facility. Daum presented the Council with a petition signed by twenty-four neighbors who opposed the facility. Daum asked for any possible appeal methods that may have been overlooked. Daum was told that because no testimony was heard at the Planning Commission meeting against the facility, and because more than two weeks had passed since the decision, there was no appeal method available. The decision stands. Daum asked that the City contact Kindercare to let them know that citizens were upset about the proposed facility. The Council asked the neighborhood association to write their own letter to the Kindercare people and ask Kindercare to explain their plans to the neighborhood. Marie Horvath, President of the Robinwood Neighborhood Association, agreed to draft the letter.

Mrs. Katherine Kerr, 3917 S. Fairview Way, also spoke against the magnitude of the proposed facility.

Council was asked to make public notification in the future more specific as to the impact a proposed change may have on the public.

Lairson asked that the fourteen day appeal period be looked at in October, for possible lengthening.

Barbara Hartfeil asked that the City prepare an educational process to make the public aware of appeal procedures.

- #7) Mayor McIntyre read Ordinance No. 1142, adopting the Sign Code, in its entirety. The ordinance had one negative vote at the last Council meeting so it was necessary to have a second reading and vote at this evenings meeting.

Lairson made a motion to adopt Ordinance No. 1142, adopting the Sign Code. Phillips seconded the motion. A poll of the Council showed:

Ayes: Stowell, Phillips, Lairson, Hoard, and DeJardin

Nays: Hart

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## #8) Proposed agreement - Enhanced 911

Mr. Ed Lindquist presented the agreement to the Council. Lindquist was chairman of the County committee who had been working on this 911 agreement for the past two years. The program they are proposing is the Enhanced 911.

Kathy Lairson pointed out that she had a conflict of interest since her husband works for Pacific Northwest Bell. Lairson decided to go ahead and vote.

Hart made a motion to adopt Resolution 84-24 authorizing the City to sign the Enhanced 911 agreement. DeJardin seconded the motion.

Ayes: Stowell, Phillips, Hoard, Lairson, Hart, and DeJardin

Nays: None.

## #9) Consent Agenda

Mayor McIntyre reviewed the consent agenda:

- (a) Request for revokable permit for boat dock
- (b) Ratification of labor agreement - Police Officers 1984/85
- (c) Request for street banners, closing street - West Linn Fair
- (d) Proposed Resolution No. 84-23 waiving bidding procedure - 10th St. Project
- (e) Statements from Murray Smith and Associates and J.L. Arndt Const. Co.

Item No. 2, the request for a revokable permit for a boat dock was removed from the consent agenda for separate consideration.

DeJardin made a motion to approve consent agenda items b,c,d,and e. Hart seconded the motion.

Ayes: Stowell, Phillips, Hoard, Lairson, Hart, and DeJardin

Nays: None.

Item "a" was then discussed. Staff recommended that the request be denied because the applicant has no river frontage. The City could have some liability if they allowed a boat dock. The City also has to consider the other property owners along the river.

Hart made a motion to deny the request for a revokable permit and requested that staff investigate the possible removal of the other boat docks along that portion of the river. Staff was directed to take a look at the other docks. Lairson seconded the motion.

Ayes: Stowell, Phillips, Hoard, Lairson, Hart, and DeJardin.

Nays: None.

## #10) Administrators Reports:

Buol mentioned to the Council that a new Council representative to the Traffic Safety Commission would be needed since Mike Stevens had resigned from the Council.

Hart made a motion to nominate Ted Phillips as Council representative to the Traffic Safety Commission. Hoard seconded the motion.

Ayes: Stowell, Hoard, Lairson, Hart, and DeJardin

Nays: None.

## #11) Phillips asked staff to push for a telephone in Willamette Park.

Lairson asked if the City was still working on the re-addressing system for the City, to get them in alignment with the metropolitan grid. Buol told the Council that we are very short staffed at City Hall at this time and the re-addressing system is a large project that requires alot of work.

Tim Hoard reminded the Council that there was now a vacancy on that the Planning Commission and the meeting coming up on Monday is going to be a big meeting. Hoard was afraid that they wouldn't have a quorum without him, so he suggested appointing someone to fill his position very quickly.

## #12) Stowell made a motion to approve the bills for the month of June, 1984 in the amount of \$508,454.35. Phillips seconded the motion.

Ayes: Stowell, Phillips, Hoard, Lairson, Hart, and DeJardin

Nays: None.

The Council went into Executive Session regarding current and pending litigation, at 10:15 PM and returned to regular session at 10:45PM

At that time, Phillips made a motion to appoint Mike Skee to the Planning Commission to fill the vacancy created by Tim Hoard. DeJardin seconded the motion. 37

Ayes: Stowell, Phillips, Hoard, Lairson, Hart, and DeJardin  
Nays: None.

The meeting was adjourned at 10:50 PM.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

Regular Council Meeting

July 25, 1984

Members present were: Joe Hart, Ted Phillips, Bob Stowell, Tim Hoard, Kathy Lairson, Tom DeJardin, and Mayor Larry McIntyre.

Staff present were: John Buol, City Administrator  
Diana Nicolay, City Recorder  
Mike Butts, City Planner  
Jack Hammond, City Attorney

- #1) Mayor McIntyre lead the flag salute.
- #2) DeJardin made a motion to approve the minutes from the July 11, 1984 City Council meeting. Stowell seconded the motion.
- Ayes: Hart, Phillips, Stowell, Hoard, Lairson, and DeJardin  
Nays: None
- #3) Mike Butts and Karen Jolly were awarded with "Employee of the Month" awards for the month of June, 1984. Mike Butts was present to accept his award, and was asked to give Karen her award. Butts and Jolly were nominated for employee of the month for their work on the Comprehensive Plan.
- #4) Public Hearing - Annexation request of Beust and Bruch - South Bland Circle

Mayor McIntyre opened the public hearing. McIntyre asked if any member of the Council wished to abstain. None. McIntyre then asked if any member of the audience wished to challenge any member of the Council from acting on this matter. None.

Mike Butts, Planning Director, gave the staff report recommending approval of the annexation request, but staff also recommended annexing the adjoining two pieces of property. Staff noted that the adjoining property owners had not been contacted regarding their feelings, so staff was recommending that the annexation request be continued to the next Council meeting to allow staff to get in touch with the other parties. Butts said that sewer would not be immediately available, and water will require pumping at this time. Expenses for pumping will be paid by the property owner.

Berti Bender, Realtor, also requested that the annexation request be continued to a future meeting so that adjoining property owners could be contacted.

Joe Hart made a motion to continue the public hearing until August 8, 1984 City Council meeting so that adjoining property owners could be contacted. Phillips seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

- #5) Ordinance No. 1145, vacating a portion of an unknown right-of-way east of Shannon Lane, was considered next.

Mayor McIntyre read Ordinance No. 1145 by title. Phillips made a motion to adopt Ordinance No. 1145, effective July 26, 1984. Hart seconded the motion.

Mayor McIntyre then read the ordinance a second time by title. Phillips made a motion to adopt Ordinance No. 1145 effective July 26, 1984. Stowell seconded the motion. A poll of the Council showed the following:

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

- #6) Open Period

Jill Thorn, President of the West Linn Business Group announced the winners of the West Linn Logo Contest. Enid Johannis of West Linn took first place. There were twenty-eight entries. Entries will be shown at the West Linn Fair, and were also shown at the West Linn Thriftway street dance last weekend.

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# 38 #7) Proposed Resolution No. 84-25, setting a date for election was discussed next.

Mayor McIntyre explained that the Budget Committee had voted to put a \$700,000 Bond Issue in front of the voters for apparatus and equipment for the Fire Department, and acquisition of property in Hidden Springs Ranch No. 8 for a future Fire Station site. This resolution would set an election date.

DeJardin made a motion to adopt Resolution No. 84-25, setting a September 1, 1984 election date for a \$700,000 Bond Issue for the Fire Department's needs. Lairson seconded the motion.

The City Attorney gave a report to the City Council that he has been advised by the Bonding Attorneys that the City should proceed with the sale of the Bonds before the November 6th election because of the proposed Measure 2, 1½% Property Tax Limitation. The Attorney reported that there are differences in bonding attorneys opinions, and since U.S. National Bank is one of the largest purchasers of bonds, and has stated that they will not purchase bonds after the November 6 election (if the 1½% is approved by the citizens of Oregon) the City should proceed with the sale of bonds. The attorney gave a tentative schedule of proceedings for selling bonds.

After discussion the vote showed:

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

## #8) Consent Agenda

- (a) Liquor License Application - Cheerios Restaurant (formerly Kirkpatrick's)
- (b) Request for Boat Race - Willamette Park - August 25, 26, 1984 - Portland Outboard Racing Association.
- (c) Request to serve keg beer - Mary S. Young State Park - International Tile and Supply Company, Portland

Mayor McIntyre reviewed the consent agenda. Item (b) was removed, to be handled separately.

Hart made a motion to approve consent agenda items (a) and (c). Phillips seconded the motion.

Ayes: Hart, Phillips, Stowell, Hoard, Lairson and DeJardin  
Nays: None.

Item 8(b) was then discussed. Some members of the Council needed clarification of where the campers were planning to spend the night. Hoard announced that the Willamette Neighborhood Association was having a picnic that Saturday evening and he wanted to be sure that the boaters were not going to be in the way. It was decided that the Portland Outboard Racing Association would have approximately eight recreational vehicles that would be spending the night, and they would stay in the arena area of the park. Hart made a motion to approve consent agenda item 8(b). Lairson seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

## #9) Administrative Reports

Buol announced that we have an applicant for the Traffic Safety Commission position that is vacant, Mr. Donald Burton, 2202 S.W. Michael Drive. DeJardin made a motion to appoint Mr. Burton to the Traffic Safety Commission to fill a term ending December 31, 1985. Hoard seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None

## #10) Other

- (a) Hart asked if liability insurance for the City had been obtained. Buol answered yes.
- (b) Phillips complimented the West Linn Business Group for their work on the logo contest.
- (c) Hoard complimented Renee Bagley on being named Miss Oregon, 1984. Hoard asked that the City recognize Ms. Bagley in some way. Council authorized the City Attorney to prepare Resolution No. 84-26, declaring Renee Bagley Day, July 28, 1984. (Barbara Bass polled the Council for adoption of Res. No. 84-26 on 7/27/84 by telephone. All voted yes, for adoption.)

Hoard asked staff to contact vendors for Willamette Park during the Boat Races to be held on August 25 and 26, 1984.

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- (d) Lairson said that the West Linn Street Dance held last weekend at the West Linn Thriftway was very nice.

Lairson made a motion to approve the sending out of the Solid Waste letter, disagreeing with the Oregonians opinion on the ban on burning. Stowell seconded the motion.

Ayes: Hart, Hoard, Phillips, Lairson, Stowell, and DeJardin

Nays: None.

- (e) Stowell asked Buol questions regarding the improvement of Cedar Island - dredging needed - dock needed.

Buol said that the Port of Portland would probably dredge the area next time they go through on one of their projects in the area. Buol also added that the City of West Linn can't get any federal money at this time for improvements. West Linn has received federal money for most of its other docks.

- (f) DeJardin said that if he had known that the City of West Linn was going to get safer, smarter, and better looking after he offered his resignation, he would have resigned sooner. DeJardin was referring to West Linn's award in Family Circle Magazine for being one of the twelve safest cities to live in, in the United States; the awards West Linn recently received for the quality of education in its schools; and the fact that the new Miss Oregon is from West Linn. (Renee Bagley)
- (g) Mayor McIntyre asked if the City was planning a dedication for the 7th Avenue Improvements in Willamette. Buol told the Mayor that the County would be holding a dedication after the project was completed.

The meeting was adjourned at 9:30 PM.

Diana J. Nicolay  
Diana J. Nicolay City Recorder

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August 8, 1984

Regular Council Meeting

Council members present: Ted Phillips, Tim Hoard, Mayor Larry McIntyre, Kathy Lairson, and Tom DeJardin.

Council members absent: Bob Stowell, Joe Hart

Staff present: John A. Buol, Diana J. Nicolay, Russ Castleman, DeAnn Darling (City Attorney) and Mike Butts

The meeting was opened by Mayor McIntyre at 8:00 PM

- "1) McIntyre lead the flag salute.
- #2) DeJardin made a motion to approve the minutes from the July 25, 1984 City Council meeting, as written. Phillips seconded the motion.

Ayes: Phillips, Hoard, Lairson, and DeJardin

Nays: None

- #3) Public Hearing continuation - Buest & Bruch Annexation Request - S. Bland Cr.

Alicia Walgren, Bland Cr. wanted to know if decisions to annex islands, created by annexation requests, in the future would be handled the same way that this annexation was being handled. Would City always try to annex islands rather than leave them out of the City.

McIntyre, Butts, and Buol answered that each annexation request would be handled separately.

Butts identified the property that was to be annexed. Development Services had made an effort to contact the property owners that were unaware that they were being annexed. Tax Lot No. 1100 had no objection to being annexed. Tax Lots 901, 900, and 503 were unable to contact.

Butts said that staff continued to recommend that all parcels be included in the annexation.

Hearing no further testimony, Phillips made a motion to close the public hearing. Lairson seconded the motion.

Ayes: Phillips, Hoard, Lairson, and DeJardin

Nays: None.



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Hoard pointed out that he had received complaints regarding the water pressure in that area. He wondered if the City had a process for making sure that new owners are aware of the water pressure problem, and the fact that they will need to pump their water, at least temporarily. Buol said that it was a good question. He was unaware of the problem, but Mike Butts was aware of the problem. He said that plans should show that a pump will be installed to handle the water until the Hidden Springs Water Tower is built. The pump must be supplied by the owner.

Phillips expressed concern regarding incorporating Tax Lots 503, 900, & 901 without being able to contact the owners. (Attempts have been made to contact these owners, but there has been no response.)

Lairson made a motion to authorize the City Attorney to prepare a resolution recommending the annexation of Tax Lots 700, 701, 800, 900, 901, 503, 1001, 1000, and 1100 and the right-of-way areas. DeJardin seconded the motion and asked Lairson to add the conditions listed in the July 23 and July 19, 1984 staff reports and recommendations. Lairson included them in her motion and DeJardin seconded the addition.

Ayes: Phillips, Hoard, Lairson, and DeJardin

Nays: None.

#4) Open Period:

- (a) Mrs. James Bernert, 12th Street, West Linn, near Willamette Park, complained about the recent paving job done on 12th Street in front of her house and property. She claimed that the job was done poorly causing a drop-off along the sides of the street and making the street more hazardous. She was also upset that neighbors had not been notified that the project would be undertaken. Mrs. Bernert also wanted her berm replaced, along her driveway. Mr. Donald Michael, resident of 12th Street, also claimed that the work was not well done, and that it was a waste of money.

Buol said he knew that we had a bad spot in that road which was repaired, but the purpose of the repair was not to resurface the road, but to repair it. The repair was intended to last about five years. Buol agreed that the contractor should have contacted the citizens in the area prior to starting his work. Buol also said that the City was planning to replace Mrs. Bernert's berm.

Mayor McIntyre pointed out that City has two alternatives:

1. Complete the entire project, resurface, curbs, sidewalks, drainage, etc. or
2. modify the current improvements so that they are acceptable.

It was decided that the Traffic Safety Commission should be asked to take a look at the traffic situation in the area and come back to Council with a recommendation. Should the street be one-way? Is the street safe?

Staff was directed to look at the alternatives and come back to the Council with their recommendation.

Hoard asked that something be done immediately, so that we don't create further problem. It was decided that the Public Works Director would look at the area tomorrow, and the public should be notified when the Traffic Safety Commission meets on the issue. Council would like a response by September 12, 1984.

- (b) Jill Thorn, President of the West Linn Business Group, asked the City Council to formally adopt the City of West Linn Logo, "City of hills, trees, and rivers".

DeJardin made a motion to accept the logo as the City's official logo. Hoard seconded the motion.

Ayes: Phillips, Hoard, Lairson, and DeJardin

Nays: None.

#5) Consent Agenda:

Mayor McIntyre reviewed the consent agenda.

- (a) Resolution No. 84-27, authorizing staff to sign Clackamas County 9-1-1 Technical Plan
- (b) Authorization to waive fee for summer recreation program - Brandenburg and Scoggins
- (c) Proposed Intergovernmental Agreement for Community Development Block Grant Program - 3 years.
- (d) Appointment of Richard Buse to the Solid Waste and Recycling Committee.
- (e) Recommendation from Cable TV Advisory Board for purchase of equipment. (Video Editing Equipment)

DeJardin made a motion to approve consent agenda items (a) through (e). Phillips seconded the motion. 41

Ayes: Phillips, Hoard, Lairson, and DeJardin  
Nays: None.

#6) Administrative Reports:

- (a) Buol asked the Council members if they would be interested in a tour of the new Tri-City Service District's new sewer plant. Buol was instructed to set up the tour on some Saturday.
- (b) Buol asked Council for permission to extend the City's surveying services for an additional six months. Council authorized the City Attorney to prepare a new ordinance allowing the City Engineer to provide surveying services, and have the ordinance ready for the September 12 meeting.
- (c) Buol requested authorization to sign a "Permit of Entry" for Tri-City for the construction of the Bolton Pumping Station. The group wants to start leveling the ground and putting in footings.

DeJardin made a motion to authorize the City Administrator to sign the "Permit of Entry". Phillips and Hoard seconded the motion.

Ayes: Phillips, Hoard, Lairson, and DeJardin  
Nays: None.

- (d) South Fork Water Board will hold a tour of the water shed and intake area in Estacada on August 28, 1984, at approximately 8:00 A.M. until approximately 5:00 PM. Anyone interested in joining the tour is asked to let us know prior to August 24, so we may plan transportation and food.
- (e) Buol announced that we have received a letter from the State Highway Division denying our request for a cross-over road between the 10th Street Exit on I-205 and the Stafford Road Exit. The letter was from Mr. Robert N. Sanderman.

Council directed Buol to draft a letter to the Governor of Oregon with a copy to Ed Hardt, Regional Director of the Highway Department.

- (f) Buol asked if the Council had any comments regarding the proposed policy for the Traffic Safety Commission. There were no comments at this time. Council needs more time to review the policy.
- (g) Lairson made a motion to accept the resignation of Tom DeJardin from the City Council and added to the motion that Mr. DeJardin be appointed to fill the position for the remainder of the year. Phillips seconded the motion.

Ayes: Phillips, Hoard, Lairson  
Nays: None.

- #8) DeJardin made a motion to approve the payment of the bills for the month of June, 1984 in the amount of \$304,641.03. Phillips seconded the motion.

A poll of the Council showed:

Ayes: Phillips, Hoard, Lairson, and DeJardin  
Nays: None.

#9) Other:

Phillips asked how we were coming on the telephone for Willamette Boat Ramp. Buol explained that Williams is working on the issue. PNB does not want to install a phone because of the cost and risk of vandalism. Williams is now investigating the possibility of installing an emergency direct line telephone to the police.

Hoard told the Council that he received a compliment from Mr. Milton Davis regarding the citizens work with Liberty Cable. His cable service is much better since the City got involved.

Lairson and DeJardin complimented the West Linn Fair and the W.L. Fair Parade committees for their work.

The meeting was adjourned at 9:15 PM.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

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42 Members present: Joe Hart, Ted Phillips, Tim Hoard, Bob Stowell, and Tom DeJardin. Mayor Larry McIntyre was also present.

Absent was: Kathy Lairson

Staff present: John A. Buol, Diana J. Nicolay, and DeAnn Darling (City Attorney's Office) Michael Butts.

- #1) The meeting was opened at 8:06 PM by Mayor McIntyre. McIntyre then lead the flag salute.
- #2) The minutes were approved by a motion from DeJardin, seconded by Stowell. Hoard pointed out that the compliment received from Mr. Milton Davis was for the West Linn staff rather than the Council, as written in the minutes. The Recorder will change the minutes. The vote showed:
- Ayes: Hart, Phillips, Hoard, Stowell, and DeJardin.  
Nays: None.
- #3) The employee of the month award was given to Ken Worcester, Crew Chief, for his work on grants. Ken was commended for his work, especially since he is not a management employee, and grant writing is normally a function of management employees. Ken was successful in obtaining \$23,000 in grant money from the State for our parks. Ken was awarded a compensatory day-off.
- #9c) Consent Agenda item 9C was handled next. Proposed Intergovernmental Agreement with the Metropolitan Service District.

Mr. Dennis Mulvihill, Waste Reduction Mgr. for the Solid Waste Department of Metropolitan Service District presented a proposed agreement between the Metropolitan Service District and the City of West Linn for providing support and services in the implementation of the City's curbside recycling program.

The grant that the City will receive is in the amount of \$18,003.00.

Tom DeJardin, newly elected member of the Metro Board, and current member of the West Linn City Council, pointed out that the eyes of the Country will be on Oregon, and most particularly on West Linn because of our committment to the recycling program.

Jerry Herrmann, Clackamas Community College's Environmental Learning Center, and member of the Clackamas County Recycling Committee, presented West Linn with a plaque complimenting West Linn's contribution to the recycling program. The award was for West Linn attention and participation during Clackamas County's Awarness Week, September 26 through October 31, 1983.

Hart made a motion to authorize the Mayor to sign the agreement between Metropolitan Service District and the City of West Linn. DeJardin seconded the motion.

Ayes: Hart, Phillips, Hoard, Stowell and DeJardin  
Nays: None

- #4) Public Hearing - Proposed amendments to the Comprehensive Plan and Community Development Codes.

Mayor McIntyre opened the public hearing explaining that there were only three times during the year that the City could amend their Comprehensive Plan and Development Codes, January, May, and September. McIntyre asked if anyone on the Council wished to abstain from action on the issues. None. McIntyre then asked if any member of the audience wished to challenge any member on the Council from acting on the issues. None.

Al Homrighaus, owner of the Coast to Coast store at the Milltown Mall, asked that an addition to the Sign Code be made to allow temporary promotional signs to be closer to the street because of the exposure problem the Milltown Mall stores have. The current code states that temporary promotional signs can not be any further than ten feet from the building.

Thomasena Gabriel, Gionet Development, presented a request to change the Development Code so that the Low Density Residential Zone R-7.5 would allow as conditional use, housing for more than five elderly persons.

Hart then made a motion to continue the public hearing to October 24, 1984, to allow them to take under advisement the issues brought before the City tonight.

- #5) Price Waterhouse presented the Council with their Phase I Data Processing Study. Mr. Rick Pay, Manager at Price Waterhouse made the presentation, with the help of Merilee from his office.



Pay reviewed the purpose of the study, to assess current information resources against City requirements, and determine the level of improvement necessary. The Study outlines goals and directions for the City; defines department informational needs; reviews current software and hardware configuration; evaluates current configuration against department needs; identifies improvement areas; and identifies alternative solutions.

Merilee identified the alternatives that Price Waterhouse came up with.

No change

2. Keep current central system. Add stand alone microcomputers.
3. Acquire new centralized system remote terminals in departments.
4. Acquire microcomputer network for the City.

Pay then suggested that the City follow this action plan;

1. Form DP Steering Committee
2. Establish application software and hardware priorities.
3. Acquire new software and hardware
4. Phase implementation

Hoard pointed out that he would need more information in order to make any decisions. He was disappointed that the study was not more informative at this point. Hoard was assured that Phase II would be more informative.

DeJardin made a motion to accept the Data Processing Study as prepared by Price Waterhouse. Phillips seconded the motion.

Ayes: Hart, Phillips, Hoard, Stowell, and DeJardin.

Nays: None

There was a consensus of the Council that the City proceed with Phase Two of the study and come back to the Council.

- #6) Mr. Donald Michael, 1220 12th Street, West Linn, asked the City for a schedule for repairing the paving problem on 12th Street. Buol told Mr. Michael that the City Engineer was planning to have his crew pull back the sand and put gravel along the shoulder of the road.

Buol said this would be done immediately. Mr. Michael was not pleased with the method of correcting the paving job.

Mr. Troy Nolin asked who had taken a traffic count along 12th Street, and why was it only there for one day. Buol will look into the matter.

#### #7) Proposed Ordinances:

Ordinance No. 1146, revising the Tri-City Service District's sewer connection fees and revising the classification of restaurants, was read by title by Mayor McIntyre. Phillips then made a motion to adopt Ordinance No. 1146 effective September 14, 1984. Hoard seconded the motion.

Ayes: Hart, Phillips, Hoard, Stowell, and DeJardin

Nays: None

Mayor McIntyre then read Ordinance No. 1146 a second time by title. DeJardin made a motion to adopt Ordinance No. 1146, effective September 14, 1984. A poll of the Council showed:

Ayes: Hart, Phillips, Hoard, Stowell and DeJardin

Nays: None.

Ordinance No. 1147, establishing the position of City Surveyor, was then read by title by Mayor McIntyre. Phillips made a motion to adopt Ordinance No. 1147, effective September 13, 1984. Hart seconded the motion.

Ayes: Hart, Phillips, Hoard, Stowell and DeJardin

Nays: None.

Mayor McIntyre then read Ordinance No. 1147 a second time by title. Phillips made a motion to adopt Ordinance No. 1147, effective September 13, 1984. Hart seconded the motion.

Ayes: Hart, Phillips, Hoard, Stowell and DeJardin

Nays: None.

- #8) Appointment to the Budget Committee. Hart made a motion to appoint John Merina to the Budget Committee for a three year term. Phillips seconded the motion. Hart said there were many good applicants to choose from for the committee and the decision was difficult.

Diana Nicolay will contact Mr. Merina, and will also contact Larry Rutledge and John Miller to see if they wish to continue with their position on the Budget Committee, since their terms are up in December.

Diana announced that Tony Evans was resigning from the committee also, and would need a replacement.

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## #9) Consent Agenda:

- A. Resolution No. 84-28, regarding the Buest and Bruch Annexation.
- B. Award Bids - Cedar Oak Drive/Kenthorpe Way Storm Sewer project - Colt Construction Company - \$75,119.00
- C. (Handled earlier in the evening)
- D. Renewal Agreement - K & B Recycling Inc.
- E. Request to serve keg beer in Mary S. Young State Park - Lake Oswego Review.

DeJardin made a motion to approve consent agenda items A through E except D. Stowell seconded the motion.

Ayes: Hart, Phillips, Hoard, Stowell, DeJardin

Nays: None.

## #10) Administrative Reports:

- A. Staff recommended that the Council accept the \$49,835.00 bid from Portland Road and Driveway for street resurfacing. DeJardin made a motion to accept the low bid of \$49,835.00 from Portland Road and Driveway. Hoard seconded the motion.

Ayes: Hart, Phillips, Hoard, Stowell, and DeJardin

Nays: None

- B. Buol asked the Council if they wished to contribute \$3,500 to a study to identify duplication of services between the cities and the county. Council decided that they would wait to see how the same study came out after Washington County finishes their study.
  - C. Buol asked the Council if he should schedule a new policy for the Traffic Safety Commission on a future agenda. Council asked that Buol put it on the next agenda.
  - D. Buol reviewed a letter from Ed Hardt to Barbara Hartfeil, Traffic Safety Commission Chairman, stating that after a study of the Highway 43 and Pimlico Drive area the State has decided that a traffic signal is not warranted, but a left turn lane may be warranted.
  - E. Council set up a worksession to discuss a new public facilities plan which was developed by the Planning Director, Mike Butts. The worksession is scheduled for Wednesday, September 19, 1984, at 7:30PM in the Council Chamber.
  - F. Buol asked Council to sign a letter of intent with consultants from AG Edwards who will sell our bonds if the Bond Issue election scheduled for September 18, passes. Buol also asked for permission to send Hammond, Buol, and the representative from AG Edwards to New York in October to sell bonds. DeJardin made a motion to accept the letter of intent and to authorize the trip to New York in October for City Attorney Hammond, City Administrator Buol, and AG Edwards Representative Jim Joseph, if the bond election passes. Phillips seconded the motion.
- Ayes: Hart, Phillips, Hoard, Stowell, and DeJardin
- Nays: None
- G. Buol announced that the next regular council meeting would be held at Sunset Elementary School in the gym on September 26, 1984.

## #11) Hart moved to have staff call an attorney to represent the City in the City Council public hearing on Yoder's item. (Comprehensive Plan public hearing continued to October 24, 1984. Stowell seconded the motion.

Ayes: Hart, Phillips, Hoard, Stowell, and DeJardin

Nays: None.

Hoard made a motion to put the street renaming project on the next agenda. Hart seconded the motion.

Ayes: Hart, Phillips, Hoard, Stowell, and DeJardin

Nays: None.

Hoard suggested that we establish a community relations officer. Hoard also recognized several City employees for different accomplishments.

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1. John Buol and Russ Castleman for attending the Willamette Neighborhood Association' meeting.
2. Diana Nicolay for handling of grass complaint in Willamette area.
3. Police Department responses.
4. Public Works Director, Al Steininger, for arrows in front of Knapp's.

Stowell asked when the lights would be installed at Arbor and Maria Ct., Cedaroak Drive and Cedaroak Boat Ramp. John Buol will look in to this matter.

Mayor McIntyre read a letter from Kathleen P. Bufford, a West Linn resident, complimenting the West Linn Police Department.

The meeting was adjourned at 10:25 PM.

Diana J. Nicolay  
Diana J. Nicolay, City Recorder

Regular Meeting  
Sunset Elementary School Gym

September 26, 1984

Council members present: Tim Hoard, Kathy Lairson, Bob Stowell, Tom DeJardin, and Mayor Larry McIntyre. Ted Phillips arrived at 8:17 PM.

Absent was Joe Hart.

Staff present was John A. Buol, City Administrator; Diana J. Nicolay, City Recorder; Jack Hammond, City Attorney; Michael Butts, City Planner; and Al Steininger, City Public Works Director.

The meeting was opened by Mayor Larry McIntyre at 8:00 PM.

- #1. Mayor McIntyre lead the flag salute.
- #2. DeJardin made a motion to approve the minutes of the September 12, 1984 City Council meeting as written. Stowell seconded the motion.

Ayes: Hoard, Lairson, Stowell, DeJardin.

Nays: None

- #3. Proclamation - YMCA Indian Guide Program.

Mayor McIntyre signed a proclamation supporting the YMCA Indian Guide Program which has brought together hundreds of parent and child pairs to share new experiences, develop mutual trust, and store memories for a lifetime. McIntyre read the proclamation in full.

Diana Nicolay was asked to send the proclamation to the YMCA "People Company" that serves Clackamas County, Clark County, Multnomah County, and Washington County

- #4. Report and Recommendation on 12th Street Improvements.

Al Steinginer explained that his presentation was in response to the overlay that was done on 12th Street. Residents in the area of 12th Street feel that the overlay created hazards; they complained of the abrupt edge created by the paving job.

Steininger explained that his original proposal was not excepted well by the residents, so at a recent Traffic Safety Commission meeting the Commission recommended that the City increase the width of 12th Street by four feet on the east side, and control the edge. The Traffic Safety Commission estimates the cost of the project to be \$4,680.00, and the job could be completed in two to three weeks.

Hoard asked how the project would be funded. He was concerned that it would be an L.I.D. Buol and Steininger assured Mr. Hoard that the improvements would be paid for by the street improvement fund. Hoard wondered if the paving job would go all the way up to the school. Steininger assured Mr. Hoard that it would. Mr. Michaels, a resident of 12th Street, was pleased to hear that the pavement would go to the school.

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DeJardin made a motion to approve staff's recommendation for improvements to 12th Street. Hoard seconded the motion.

Ayes: Hoard, Lairson, Stowell, DeJardin.

Nays: None.

- #5. Proposed Ordinance No. 1148, amending preliminary development plan for a portion of Hidden Springs Ranch No. 8.

An appeal of a decision made by the Planning Commission was received. Hammond explained that amendments were made to the original public notification, and it became necessary to re-notify the public and continue the public hearing until October 10, 1984.

Kathy Lairson made a motion to hold a public hearing on October 10, 1984, and to consider Ordinance NO. 1148 at that time. The motion was seconded by Stowell.

Ayes: Hoard, Lairson, Stowell, and DeJardin

Nays: None.

- #6. Open Period

- a. Marie Horvath, President of the Robinwood Neighborhood Association, announced that candidates night would be held on October 23, 1984, at the High School.

- #7. The Council then considered a proposed policy regarding procedures for the Traffic Safety Commission.

McIntyre explained that the Traffic Safety Commission needs direction from Council. McIntyre added that he did not feel that item eight on the proposed policy was necessary.

A consensus of the Council removed item eight from the policy. Diana Nicolay was asked to retype the policy without item number eight, and distribute the policy.

Ted Phillips arrived at 8:17 PM. Hoard made a motion to adopt the proposed policy regarding procedures for the Traffic Safety Commission, items one through seven, deleting item number eight. Lairson seconded the motion.

Ayes: Hoard, Lairson, Stowell, and DeJardin

Nays: None.

- #8. Discussion on Street Addressing and Renumbering Project.

Buol asked Council if they wished to proceed or abandon the street addressing and renumbering project that was started several years ago.

Michael Butts presented his summary of the file he reviewed, on the project's progress, and presented his proposed work plan to continue with the project.

Butts pointed out that addresses for the Enhanced 9-1-1 system would be put in in January of 1986, and that we should have corrected addresses by that time if we are going to make changes, so that it would not have to be redone.

Hoard was concerned that there could conceivably be a great deal <sup>of</sup> expense to businesses if addresses in West Linn are changed. He would also like to know the impact on other current procedures. Stowell also expressed concern about re-opening the public hearing.

Buol pointed out that with the new Enhanced 9-1-1 system that is being installed, the need for renumbering and readdressing may not be as great as it was a few years ago.

Russ Lawrence, volunteer firefighter, pointed out that fire management zones have been set up already, and would have to be changed. He said that many volunteer hours were needed to set up the zones, and many more would be needed to make changes. He also pointed out that the City has a mapping system that would need to be corrected, and that there would be some expense to the City.

DeJardin suggested that we seek input from staff to define the problem, outline the scope of work, discuss how much is involved in the project, and point out consequences. He asked that staff have input for the October 10, 1984 Council meeting.

Mayor McIntyre asked Butts if staff would be able to handle this project themselves. Butts answered that he felt staff could do the project. Hoard liked the comments received from Mr. Lawrence because they addressed the impact that address changes would have on a particular program. He asked that staff come up with more information like that received from Lawrence, so he could make an intelligent decision.

Council concurred that the item should be continued until the October 10 Council meeting.

#9. Proposed resolutions:

- a. Resolution No. 84-29, appointing First Interstate Bank as Registrar.

Mayor McIntyre asked Hammond why 1st Interstate Bank had been chosen as registrar.

Hammond answered that 1st Interstate Bank had had the 2nd low bid to Oregon 1st Bank and we were advised by our financial advisor that they would be reluctant to accept Oregon 1st because:

1. Oregon 1st is new in the area.
2. Oregon 1st's headquarters is in Boise and the turn around time for selling bonds would be longer.

Russell Lawrence had questions of clarification for Mr. Hammond.

Phillips made a motion to adopt Resolution No. 84-29, appointing First Interstate Bank of Oregon N.A. as registrar and paying agent. DeJardin seconded the motion.

Ayes: Hoard, Lairson, Stowell, DeJardin, and Phillips

Nays: None

- b. Resolution No. 84-30, authorizing the sale of bonds.

A resolution authorizing the issuance of bonds for the purpose of constructing and acquiring fire protection improvements and facilities.

DeJardin made a motion to adopt Resolution No. 84-30, authorizing the issuance of bonds for the purpose of construction and acquisition of fire protection improvements and facilities. Lairson seconded the motion.

Ayes: Hoard, Lairson, Stowell, DeJardin and Phillips

Nays: None.

#10. Abstract of September 18, 1984 Election.

Buol presented the official abstract from the County showing the results of the September 18, 1984 Special Election for Fire Department improvements.

City of West Linn -Measure 51  
Fire Protection Bond Issue

Yes 547

No 490

Overvotes None

Undervotes One

Bob Thorn asked the Council if there was any way the County could number the results the same way that our precincts are numbered, so that everyone could tell what precincts supported the issue and which precincts voted against the issue.

Buol explained that elections are handled almost completely by the County, but he would pass along the comment to the County.

DeJardin made a motion to accept the official abstract and make the results part of the City's official record, and ask staff to contact the County regarding Mr. Thorn's comments. Stowell seconded the motion.

Ayes: Hoard, Lairson, Stowell, DeJardin, and Phillips

Nays: None

#11. Administrative Reports

Buol informed the Council that his trip to New York with A.G. Edwards, regarding the bond sale, had been cancelled because Moody Investment refused to review West Linn's rating. He explained that Hammond would still be in New York and would present the issue while he is there.

#12. Other

Council set a worksession for October 10, 1984 at 7:00 PM to discuss the temporary employees in Development Services.

Lairson expressed her opinion that the Business Group should produce a book entitled "This is West Linn" - an Economic Development Brochure, and neighborhoods should be included.

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48 Lairson asked that the School Board and the Council sit down together and talk as they have done in the past. Council concurred with the suggestion. Buol will set up a date.

Lairson suggested that it would be a good idea to hold a worksession with the Traffic Safety Commission, City Council, and property owners in the area of Hidden Springs Road to look at all the possibilities of connecting the road completely through to Rosemont Road. She wants the group to look at all of the options.

Lairson also mentioned that citizens had been calling her regarding the new Kindercare facility that is being constructed on Highway 43. Citizens are concerned that trees are being removed from the property, and they were supposed to leave the trees, according to Design Review approval. Buol said he would look into the matter. Stowell had also been contacted by citizens regarding this issue.

Lairson also asked that the Christmas party for the needy be continued. Reserve police had organized the affair in the past, but last year no one was able to get the party going. Lairson wishes to see the party continue.

### #13. Payment of the Bills for the months of July and August, 1984.

Phillips made a motion to approved the bills for the month of July and August, 1984, in the amount of \$68,433.36. DeJardin seconded the motion.

Hoard complained that he would like more time to review the bills, instead of being forced to review them while they are having their worksession prior to each regular meeting.

Buol said that they could change the procedure very easily, by simply sending the bills out in the mail, and then the Councillors should contact City Hall if they have any problem with the bills.

Council asked that discussion regarding the manner in which bills are paid be put on a future agenda.

Ayes: Hoard, Lairson, Stowell, DeJardin, and Phillips

Nays: None.

Hearing no further business, the meeting was adjourned at 9:15 PM

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

October 10, 1984

Regular Meeting

Members present: Joe Hart, Ted Phillips, Tim Hoard, Mayor Larry McIntyre, Kathy Lairson, Bob Stowell, and Tom DeJardin.

Staff present: John A. Buol, City Administrator; Diana J. Nicolay, City Recorder, Jack H. Hammond Jr., City Attorney; Al Steininger, Public Works Director; Russ Castleman, Fire Chief.

The meeting was opened by Mayor McIntyre at 8:05 P.M.

#1) McIntyre lead the flag salute.

#2) Minutes from the September 26, 1984 City Council meeting which was held at Sunset Elementry School were approved as distributed by a motion from DeJardin, seconded by Phillips.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin

Nays: None.

#2a) Mayor McIntyre recognized a group of 5th graders and their parents from Sunset Elementry School. Mayor McIntyre asked for questions from the students and parents. One student asked the Council if they hold regular meetings, or just have meetings when they need one. Lairson answered "We hold regular meetings on the second and fourth Wednesdays of each month and special meetings whenever necessary."

McIntyre handed out stickers for attending the meeting and introduced Mrs. Speidel the 5th graders teacher.

#3) Public Hearing - Planning Commission decision on Hidden Springs Ranch No. 8

Mayor McIntyre asked the Council if there were any abstentions. None.

McIntyre then asked the audience if anyone challenged any member of the Council from acting on this matter. None.

#3) Continued.

Mike Butts gave the staff presentation, a brief history. Council adopted Ordinance No. 1138 reaffirming the Planning Commission's approval of Hidden Springs Ranch No. 8. Butts further explained that the Developer, on August 23, 1984, requested that he be allowed to stage development of Hidden Springs Ranch No. 8 Phase II. On September 10, 1984 the Planning heard the developers request, granted the request to stage the development, and clarified Ordinance No. 1138, Section 5, Condition 6, to say:

1. Clarify Ordinance No. 1138, Section 5, Condition 6 to read as follows:

"The entrance of Rosemont Road at Bay Meadows Drive shall be developed as required by Clackamas County, and a Class I bikeway shall be developed along the northeast side of Rosemont Road. Said bikeway to be eight feet in width. Furthermore, the developer shall execute a waiver of remonstrance for future improvements along Rosemont Road, and that this developer not be required to develop Rosemont Road."

2. Approve the developing of the phase plan for Hidden Springs Ranch No. 8 in accordance with the pink lines that are drawn on Exhibit "D" dated August 22, 1984. with the conditions:

- (1) The linear park and Class I bikeway along Rosemont Road south of Bay Meadows Drive be included under the phase constructed adjacent to the linear park;
- (2) The end of Churchill Downs Drive be provided a temporary turnaround under phase two;
- (3) The construction time limit as presented by Exhibit "B" be made a portion of this motion.

3. Clarify Ordinance No. 1138, Section 5, Condition 5 by striking the last three words that say "of phase two".

On September 19, 1984, two City Council members requested a review of the September 10, 1984 Planning Commission decision on Hidden Springs Ranch No. 8. Specifically, the Councillors are questioning the decision to delete the requirement for right-of-way improvements along Rosemont Road.

Hammond pointed out that the Council needed to make an interpretational decision. Hammond also pointed out that only evidence heard by the Planning Commission could be heard by the Council. If the Council can be convinced that there is new testimony that could have an effect on the decision, the matter should be referred back to the Planning Commission. Hammond told the Council that they could reaffirm the Planning Commission's decision, change the Planning Commission's decision, or send the issue back to the Planning Commission. Hammond also pointed out that Exhibit No. 5 in the packet could not be considered as evidence in their decision.

Mr. Rob Ball, Attorney for K & F Development, the developers of Hidden Springs Ranch No. 8, stated that he felt this issue was whether the Planning Commission correctly interpreted its own condition. He felt that there was not any reason to go back to the Planning Commission. Ball stated that the proposal that Rosemont Road be approved by the developer came as a complete surprise to the property owners, and they strongly object to that for primarily two reasons:

1. Unfair - these requirements have never been required in past discussions of HSR.
  - the neighborhood association does not believe that this improvement was required in previous discussions regarding HSR.

K & F Developers do not have an issue with regard to the bikeways, but improvements to half of Rosemont Road came as an extreme financial surprise to them.

2. Illegal -

- (1) This Planning Commission decision did not have to go to the Council. If the Council was going to revise any of the conditions they should have done it when the issue came before them.
- (2) There has never been a condition written that requires the developer to improve Rosemont Road. Nothing in the records proves that the impact of HSR NO. would create a need for half-street improvements along Rosemont Road.
- (3) City of West Linn can not require an improvement to a County road. There is no evidence that the County feels this imposition is necessary. There is no evidence in the record that the County has any plans for improvement of Rosemont Road. There is no evidence that a half-street improvement on Rosemont would not forever remain a half-street improvement on Rosemont. If the County imposes that requirement, we will live with it.

Ball urged that the Planning Commission interpretation of its own condition be upheld.

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50 Stowell asked Ball if he would also say that the City does not have the right to impose requirements on the developer along Highway 43. Ball stated that Highway 43 is in the City, so the City could impose conditions.

Mayor McIntyre asked Mr. Ball what he felt it meant when the requirement was made that Rosemont Road be developed as required by Clackamas County. Ball stated that his clients understood that that required improvements to the entrance of Rosemont. Ball feels that the Planning Commission interpretation should be controlling.

Gary Newbore, 2421 Pimlico Drive, President of the Hidden Springs Ranch Homeowners Association did not feel that the developer should be required to develop Rosemont Road. He did not feel the original intention of the conditions was to make that requirement.

Mike Gosling, Vice Chairman of the Planning Commission, was present at the meeting when Hidden Springs Ranch No. 8 was approved by the Commission and was also present at the meeting when the interpretation was made regarding Rosemont Road. There were three factors taken into account when that decision was made:

1. Extended improvements
2. Timing
3. Costs

It appeared to the Planning Commission that Rosemont Road is in County jurisdiction, and should be developed by County standards, and what the City is requiring is the adjoining part, in lieu of a sidewalk along the edge of development on Rosemont, and the waiver of remonstrance.

Herb Koss, 19711 Suncrest Drive, stated that K & F Development has worked with the City and the Neighborhood Association and has the support of the Neighborhood Association.

Hart asked Koss if the proposed bikepath would be located on K & F property. Koss answered yes.

Val West, Cedaroak Drive, wanted to correct a statement made by Attorney Rob Ball. The State of Oregon does not set requirements for improvements along Highway 43. Those conditions are set by the City.

Hart made a motion to close the public hearing. Stowell seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin.

Nays: None

Hart asked what kind of influence the City would have on recommending improvements to the County. Hammond stated that the City has a coordination agreement with the County, which indicates that anytime there is development outside the City limits, and in the perimeter of the Urban Growth Boundary, that the County Comprehensive Plan primarily controls the development, but they have to interface any actions they take with the City's standards. Hammond said that there was a two-way flow of information.

Butts explained that after the Planning Commission made their decision, the County called West Linn up and asked what our recommendation for improvements was, along Rosemont Rd.

McIntyre asked if we did not respond to the County's request for recommendations, would they come up with a plan of their own? Butts answered yes.

Lairson explained that her reason for appealing the decision was to insure that all developers were treated the same way.

Hart supported the Planning Commission's decision.

DeJardin made a motion to reaffirm the Planning Commission's stand. Hart seconded the motion. DeJardin withdrew his motion and Hart withdrew his second.

Phillips asked if we could pass the decision on to the County.

Hart then made a motion to reaffirm the original condition number 6. DeJardin seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin

Nays: None.

Hart then asked if we wanted to make a recommendation to the County. There was lengthy discussion, and it was decided that the City would not make a recommendation to the County regarding required improvements to Rosemont Road.

The Council then took a two minute break.



The Council reconvened at 10:00 P.M.

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#4) Open Period:

- (1) Craig Allen, Marylhurst Heights, and Volunteer Firefighter spoke to the Council regarding the enhanced 9-1-1 system that is being installed. He pointed out that a large portion of West Linn is on Lake Oswego prefixes and because of that they will not be added to the Enhanced 9-1-1 program in West Linn.

Hammond said that the agreement addressed that problem and those prefixes in the Lake Oswego system will be added to the West Linn system.

Allen told Hammond that the County was not aware of that agreement. Hammond will clarify the matter.

- (2) Russ Lawrence asked if the question regarding Villa Roma Subdivision's pathways which were never completed had ever been addressed. Lawrence was told that the question had been answered, and he could find out more by contacting Mike Butts, City Planner. Butts added that within ninety days they will construct a path adjacent to the High School.

#5) Continued discussion on street addressing and renumbering project.

Fire Chief Castleman presented a revised plan for an easier approach to clearing up address problems in West Linn.

After some discussion DeJardin suggested that we go ahead and have hearings for renumbering, and go along with Castleman's latest memo.

Phillips made a motion to discontinue all consideration of the old renumbering plan to go along with the Portland Grid, and continue with the Police and Fire revised plan. Phillips cancelled the motion.

Lairson made a motion to revise the original renumbering study to include only the four items that were presented by Castleman, and open public hearings on these four items, and consider the rest of that original study dead. Hoard seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin

Nays: None.

#6) Discussion on process of paying monthly bills for the City.

Buol explained that the Council requested the review of the process of paying City bills, at their September 26 meeting. The current process is to place on the agenda at the first meeting of the month the payment of the bills for the prior month. The Council had requested a copy of the bills be present at the worksession before the Council meeting. After a review of the manner in which other cities handle the payment of bills, Buol recommended that the Council not put payment of the bills on the agenda, and also when the staff pays bills twice a month, a check register will be mailed to the Councillors for their review and the Councillors will be asked to contact Mr. Buol within two working days with any questions regarding the bills. After three days, the checks will be disbursed.

Attorney Jack Hammond presented his memorandum supporting John Buol's recommendation, and stating that he found such a procedure would not be in conflict with any existing Charter or Ordinance provisions.

Hoard made a motion to accept John Buol's recommendation effective November 1, 1984. Phillips seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin

Nays: None.

#7) Consent Agenda:

McIntyre reviewed the consent agenda:

- a. Proposed agreement with Clackamas County Jail
- b. Proposed agreement on C.L.A.S.S. Computer System
- c. Request for religious activity at McLean House
- d. Transfer funds for 7th Avenue Landscaping
- e. Proposed agreement with State of Oregon Highway Division

Hart removed item "c" from the agenda, to be handled separately.

Hoard removed item "d" from the agenda, to be handled separately.

Lairson made a motion to approve the consent agenda items a, b, and e. Hoard seconded the motion.

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52 On item 7c Hart wanted the Council to know that as he had previously stated he is still opposed to allowing religious activities at the McLean House. McIntyre agreed with Hart.

DeJardin made a motion to approve item 7c of the consent agenda. Phillips seconded the motion.

Ayes: Phillips, Lairson, Stowell, and DeJardin  
Nays: Hart  
Abstention: Hoard

On item 7d Hoard asked Buol for clarification of why the project could not proceed sooner. Buol explained that the trees could not be planted any earlier.

Hoard made a motion to approve item 7d of the consent agenda. DeJardin seconded the motion.

Ayes: Phillips, Lairson, Stowell, DeJardin, Hart, and Hoard  
Nays: None.

#### #8) Administrative Reports:

- a. Resolution No. 84-31 will be considered at the second meeting in November, 1984. Resolution No. 84-31 pertains to developing a facilities plan for the City of West Linn.
- b. Buol asked for approval of Resolution No. 84-32, recommending the annexation of the Beust and Bruch property into the City of West Linn, to the Portland Boundary Commission.

Resolution No. 84-28 was originally adopted to recommend the annexation to the Boundary Commission, but in processing the annexation request for the properties South of Bland Circle and West of Haskins Road right-of-way, it became apparent that the request and accompanying Resolution No. 84-28 do not meet all of the Boundary Commission's "Triple Majority" criteria. In order to expedite this annexation and thereby provide the Beust household its needed water service, staff recommends Council adopt a new resolution excluding Tax Lot 503, Assessor's Map 21E35B. Excluding this lot would result in a new boundary as illustrated in Exhibit "A" (attached), and satisfy all the Boundary Commission's Triple Majority criteria. A legal description of the proposed boundary is included as Exhibit "B". (attached).

Hoard made a motion to adopt Resolution No. 84-32 recommending the Beust and Bruch annexation to the Portland Boundary Commission. Lairson seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin.  
Nays: None.

- c. Buol announced that there is currently a vacancy on the Park Board. We have received two applications for the position. Hart made a motion to appoint Christy Bayless. DeJardin seconded the motion.  
  
Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.
- d. A date of November 14, 1984 was selected for a public hearing on the request of John C. Hutchison and Michael D. Walsh for review of the Planning Commission decision of September 17, 1984.
- e. Buol told the Council of a water leak problem at West Linn High School. City crews have been working overtime on the problem, and school was out all day today.
- f. Standard and Poors rated the City A+.
- g. Buol announced that bids on bonds would be opened at 10:00 AM on Wednesday October 24, 1984, and that a continued Council meeting would be needed to accept the lowest net rate. (Fire Protection Bonds) Tonights meeting will be continued to October 24, 1984 at 12:00 Noon at West Linn City Hall.

h. The December 26, 1984 Council meeting was cancelled due to the Christmas holiday.

#9) Hoard asked if our police officers could offer assistance to citizens seen leaving the drinking establishments in West Linn, to get them home safely and without having them drive. Buol said he would speak to the Police Chief.

Lairson asked that the vacancy on the Budget Committee be put on the next agenda.

#10) DeJardin made a motion to approve the Direct Checks for the month of August, 1984, in the amount of \$104,364.46, and the bills for the month September, 1984, in the amount of \$555,151.66.

Hoard seconded the motion. A poll of the Council showed to following:

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Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

The Council went into Executive Session at 11:25 PM, regarding negotiation of real property transactions.

The Council came out of Executive Session at 11:35 PM and went back into regular session to continue the October 10, 1984 meeting until October 24, 1984 at 12:00 Noon, at West Linn City Hall.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

October 24, 1984  
Continued meeting from 10-10-84

12:00 Noon  
West Linn City Hall Council Chamber

Mayor McIntyre opened the continued meeting at 12:17 PM.

Members present were Joe Hart, Tim Hoard, Larry McIntyre, and Kathy Lairson.

John A. Buol, City Administrator presented the bid recap from the bid opening on the Fire Protection Bonds, which was held at 10:00 AM that morning.

CITY OF WEST LINN

FIRE IMPROVEMENT BONDS

\$700,000

	<u>Net Rate</u>
* Black and Company	8.74208
First Interstate	9.0260
Kidder Peabody	8.9856
Oregon Bank	8.8737
U.S. National Bank	8.94798

\* Low Bidder

Staff recommended the lowest bid from Black and Company at 8.74208.

Lairson made a motion to award the Fire Improvement Bonds to Black and Company at a rate of 8.74208. Hoard seconded the motion.

Ayes: Hart, Hoard, McIntyre, and Lairson.  
Nays: None.

The meeting was adjourned at 12:25 PM.

*Diana J. Nicolay*  
Diana J. Nicolay  
City Recorder

October 24, 1984

Regular Council Meeting

Members present: Joe Hart, Ted Phillips, Tim Hoard, Mayor Larry McIntyre, Kathy Lairson, Bob Stowell, and Tom DeJardin.

Staff present: John A. Buol, Diana J. Nicolay, and City Attorney Jack Hammond. Also present was Mike Butts, City Planner. Janet Williams, Assistant to the Administrator, arrived at 9:00 PM. Jim Coleman, attorney, was present to act as legal counsel on item 3. Mayor McIntyre lead the flag salute in the absence of the Boy Scouts.

#2) The minutes of the October 10, and October 24 (noon) meetings of the Council were approved with one correction. At the end of item number three, the motion was made by DeJardin and seconded by Hart, withdrawn by DeJardin and the second withdrawn by Hart. DeJardin made the motion to approve the minutes, as corrected, and Phillips seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

#3) Letter requesting review of zone change of Tax Lots 3500 through 3800 zoned R-4.5  
Claire C. Yoder

Mayor McIntyre explained that this item was request from Claire C. Yoder. McIntyre asked Ms. Yoder to state her case.

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54 Ms. Yoder, 1595 S.W. Bland Street, passed out copies of a written memorandum to the Council. Mayor McIntyre labeled the memorandum Exhibit "A". The memorandum was entitled "Request to consider a motion of a legislative change to the implementing ordinance of the Comprehensive Plan; Tax Lots 3500 through 3900 to be rezoned R-10." Her goal was to restore the R-10 designation but she would consider R-7.5. Yoder requested that this subject be reconsidered as a public hearing by the Planning Commission. She was requesting a decision of a legislative nature, rather than a quasi-judicial nature. Her basis for requesting the public hearing was:

1. Numerous applicable Comprehensive Plan policies, old and new Development Code provisions and ordinances
2. Felt she was unable to participate effectively in the November proceedings last year.
3. The Planning Commission never heard the R-4.5 proposal, it was decided at the last few minutes of the Comprehensive Plan hearings, and it was impossible for the public to know that it was even being considered.
4. When she sought the zoning designation, these properties were designated R-10, the map at City Hall did not show the proposed R-4.5 designation. The Planning Commission's recommendation of R-7.5 stood as the only sign of a proposed change from all available text and maps. This existed until June of 1984 when a color coded designation appeared on the maps at City Hall.
5. The public believes that the rezoning progressed unfairly with bias towards the senior partner in the City's law firm.
6. When Mr. Hutchison made his request on November 3, 1983, his proposal was based on an error, and he repeated this to the Planning Commission. Mr Hutchison claimed that the Comprehensive Plan designation for his property was General Commercial. It has never been designated anything other than residential. He also states that he has gotten preliminary approval from Mr. Butts, following the November 3rd hearing. Hutchison should have presented his request earlier and had it go through the Planning Commission process.
7. There may have been a conflict of interest on the part of Jack Hammond, who acted as legal counsel during the Hutchison hearings.
8. Hutchison hired the architect from the Planning Commission for his proposed development.
9. She has a large amount of evidence to support the low density zoning and she wishes to present it to the proper hearing body.

Jim Coleman explained that the Council had to answer two questions: 1) Do they wish to initiate a change? 2) If so, will it be a legislative change or a quasi-judicial change?

Hart said that when they originally hear the request to change the zoning, the be. it of changing the zoning to R-4.5 was to provide a buffer between the commercial area to the south, and a buffer to the residential to east and the park on the north. At the time he felt it was an appropriate zoning and he still feel that it is an appropriate zoning.

Bob Stowell agreed with Joe Hart. Stowell was afraid that if they open the door for reconsideration on this particular piece of property, how many other property owners will be coming in to have their particular property rediscussed. He felt that there were several zone changes done that very few people knew about.

Lairson asked if the Council allows the Comprehensive Plan designation to remain the same, will that prohibit the property owners from going through the process of a zone change? Coleman answered "No, she could initiate the request for change at any time."

Ms. Pat Gilmer, 5794 Robert Moore Street, urged the Council to refer the question back to the Planning Commission for public hearings, to clear up discrepancies.

Mr. Eric Yoder, 1595 Bland Street, stated that the zone change to medium density 4.5 was done after the testimony of only one man. Mr. Hutchison purchased his property in 1981 and could have rezoned it, but chose to wait until the 1983 Comprehensive Plan process. The process used raised the question of a possible conflict of interest. Citizens were not notified either before or after the change. Yoder urged the Council to refer the issue to the Planning Commission for a public hearing.

Mrs. Sherri Clyman, 5742 Portland Avenue, directly acrossed the street from the proposed development, was concerned about a major change taking place in her neighborhood, especially without being involved in it from the beginning. Ms. Clyman also urged the Council to refer the issue to the Planning Commission for a public hearing.



Mr. John Hutchison, 6541 Failing St., one of the owners of the parcels in question. Hutchison explained that the current zone on the property is R-4.5, where a professional office building is a conditional use. There is presently filed a conditional use application, that matter was heard before the Planning Commission, and the request was denied by the Planning Commission, it is on appeal to the City Council, and is scheduled to be heard on November 14, 1984. Also pending, but in abeyance because of the denial of the conditional use, is the Design Review, which all of the drawings and documents have been filed for that. There has been a substantial investment by the owners. Mr. Hutchison feels that they have a vested interest. Mr. Hutchison stated that when the property was purchased by Mr. Walsh and him, it was zoned General Commercial in the Comprehensive Plan. Hutchison stated that he found out that the City Council was considering changing the zoning designation from what he thought was General Commercial to R-7.5 Residential about twenty-four hours before the scheduled public hearing.

Hart asked counsel if he felt that Hammond had a conflict of interest. Attorney Coleman answered that he could not answer that question specifically, but as long as Mr. Hammond did not have a financial interest, or was not financially affected by the decisions that were being made he did not have a conflict of interest according to the Oregon Revised Statutes. He could not answer the question as to whether or not Mr. Hammond and Mr. Hutchison had a legal ethical conflict, because he was not familiar with those provisions as they apply to attorneys. He would have to review the disciplinary rules to make a determination.

Once again, Claire Yoder asked the Council for a Planning Commission public hearing. There was some discussion regarding previous testimony. McIntyre made comments of clarification regarding the Comprehensive Plan process.

Mr. Coleman stated that he did not feel that Mr. Hutchison has a vested interest in the development of that property into a business office building.

Phillips said that he thinks it is fine that items that the public has problems with come back before the Council. He said that is why we have the appeals process. He then made a motion that these five tax lots 3500 to 3900 be submitted back to the Planning Commission for the purpose of a public hearing to review the zoning conditions of that. This should be a quasi-judicial procedure rather than a legislative procedure, because it involves less than five owners. Lairson seconded the motion for discussion.

Lairson was concerned that they were just making a policy decision if they say five.

Stowell expressed a real problem with sending this issue back to the Planning Commission for consideration.

Hart said that during the Comprehensive Plan hearings the Council made several zone change in the same manner, because they were particularly interested in the density question. The Council was acting in the best interest of the City when they enacted those changes.

DeJardin said that he believed that the zoning that the Council applied in this area was reasonable.

Lairson asked counsel if the whole group of property owners could come in at the next window to the Comprehensive Plan and request a change. Counsel answered yes.

Attorney, Jim Coleman asked the maker of the motion to consider making the motion more specific. Coleman asked him to add that the "request" that the zoning be Medium Density R-4.5 is what the Council would like to see reviewed.

Phillips added that more specific detail to his motion, to clarify the motion. Lairson seconded the clarification.

Ayes: Phillips, Lairson, and Hoard

Nays: Hart, Stowell, and DeJardin

Because the vote ended in a tie, the Mayor voted "Aye" and the matter will be referred to the Planning Commission for a public hearing.

The Council took a five minute break at 9:15 PM. Council reconvened at 9:20 PM.

#### #5) Presentation from LCDC (Land Conservation and Development Commission) to the City of West Linn.

Mr. Jim Sitzman, LCDC, presented the City with an acknowledgement certificate suitable for framing. Mr. Sitzman said that this presentation was personally one of his most gratifying because of the times spent together in the past, to get to this point. Sitzman complimented the City staff, the consulting staff, and the Mayor and Council for a job well done. The certificate read as follows:

"The Land Conservation and Development Commission of Oregon, hereby Acknowledges that the Comprehensive Plan and implementing ordinances of the City of West Linn have been found to comply with State Statutes and the State-wide planning goals as of May 31, 1984. Consistent with the Commission's order of acknowledgement"

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- #4) Continued Public Hearing on proposed amendments to the Comprehensive Plan and Community Development Codes.

McIntyre explained that the Council would be considering recommendations from the Planning Commission.

Russ Lawrence, resident of the City of West Linn, questioned one of the items on the proposed list of changes; "allows garages to be built adjacent to alleys to within three feet of the property line." Lawrence thought that if this law was passed the City might run into some problems with it down the road and have to change it. He asked what property line the City was talking about.

Hart explained that this request was made by Willamette residents that were desirous of maintaining their historical area, but also wanted to build garages behind the house on the alleyway.

Lawrence asked "can we then eliminate the front property line?" "Are we talking about the side property lines or the rear property lines?" His reason for asking was for emergency reasons. Lawrence suggested that the law say that you can build it within three feet of the rear of the alley property line and maintain the normal five foot or seven-an-a-half foot setbacks.

After lengthy discussion, the Council did not make any changes to the proposed amendment.

Kathy Lairson asked Mike Butts to clarify item number three and where it came from. Butts explained that item three came from staff.

Hoard asked if "allowing alterations to building setback and height standards for steep lots exceeding 25% slope" would solve the problems that have been plaguing the Planning Commission and developers for so long. Butts answered that this was an attempt to clear up that problem.

Val West had questions of clarification, which were answered by Mike Butts.

Sherry Clyman asked for clarification on the way the Council would be changing 4.5 zoning. It was answered that Convenience sales and personal services would be removed from 4.5.

DeJardin made a motion to close the Public Hearing. Hart seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin

Nays: None

Phillips then made a motion to accept the Planning Commission's recommendations as submitted and adopt them. DeJardin seconded the motion.

Hoard asked the maker of the motion to amend his motion to include the word structure. The maker of the motion was not willing to change his motion to include the word structure instead of garage.

Hoard made a motion to amend the motion on the floor, to change item 41.010 Front Yard Setback Exceptions, sentence four, the word garage to structures. The motion died for lack of second.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin

Nays: None.

Buol explained that the City Attorney would prepare an ordinance that will be brought back before the Council.

- #6) Open Period - Presentations from the floor of non-agenda items.

- (a) Jill Thorn, 2380 Valley Vw. Drive, expressed her neighborhoods concerns regarding the enhanced 9-1-1 system that is being installed, and the fact that the neighborhood had heard that there may be a problem incorporating the two Lake Oswego prefixes in West Linn into the new system. Thorn suggested three alternatives that the Council could consider in handling the problem.

Hammond explained that he was handling the problem, and that the City of West Linn understood that there would not be any problem incorporating the two prefixes into the system, when they originally signed the agreement to install enhanced 9-1-1. Mr. Hammond is dealing with Pacific Northwest Bell now.

- #7) Proposed Community Development Block Grant Applications.

Janet Williams, Assistant to the Administrator asked the Council for approval of three applications for grant money.

7th Avenue Master Plan Improvements, Willamette Commercial Area Pedestrian Amenities, and McLean House Improvements. 57

Williams explained that we have applied for funds for three projects, which if approved would be funded sometime during the time period of July, 1985- June, 1988. This is the only time in which the City may apply for funds.

DeJardin made a motion to approve the three applications for grant money. Stowell seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

- #8) Kathy Lairson made a motion to appoint Mr. Wayne Amondson to the Budget Committee vacancy representing Ward II. Mr. Amondson would serve a two year term. Phillips seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

Diana Nicolay will notify Mr. Amondson of his new appointment.

#9) Consent Agenda:

- (a) Resignation of Mr. Ed Druback, from the Solid Waste and Recycling Committee, was accepted by the Council, and Diana Nicolay was asked to advertise for a new citizen to replace Mr. Druback.

#10) Administrative Reports:

- (a) Buol reported that bids were opened on October 24, 1984 at 10:00 A.M. on the Fire Protection Bonds, and the low bidder was Black and Company at a net rate of 8.74208%. Council had a 12:00 Noon Council meeting earlier that day and accepted the low bid from Black and Company.
- (b) Buol asked for permission from the Council to transfer Library Levy Fund money to repair the roof at the Library. \$13,090 is needed for the repair. Hart made a motion to allow staff to transfer \$13,090 Library Levy Funds to repair the roof. Phillips seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

- (c) Buol explained that bids were received for the City's 1984-85 main replacement program. Low bidder was Jim Smith Excavating of Oregon City, with a bid of \$183,032.26. The bid proposal and bidder has been reviewed by the City's consulting engineers. Buol asked Council to award the contract for the main replacement program to Jim Smith Excavating in the amount of \$183,032.26.

DeJardin made a motion to award the contract for 1984/85 main replacement to Jim Smith Excavating of Oregon City in the amount of \$183,032.26. Phillips seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

- (d) Council set a date of October 29, 1984 for a worksession with the County, the developer and themselves regarding the required improvements to Rosemont Road. The meeting will be held at 7:30 P.M. at West Linn City Hall. Diana Nicolay will advertise the worksession.

- (e) Buol pointed out the need for a debris pick-up program for Fall and Spring, since citizens are no longer allowed to burn. Elderly citizens who are on a fixed income have a difficult time disposing of debris.

It was decided that an immediate program was needed to Fall debris, and a long term program is needed for Spring.

Hoard made a motion to encourage the Solid Waste Committee to explore long term possibilities of solving waste problems and short term problems. Direct staff to develop a program around \$2,000, and with Ernie Klein of West Linn Sanitary. DeJardin seconded the motion. After some discussion the motion was withdrawn.

Lairson then made a motion to direct staff to work with the Solid Waste and Recycling Committee on short range plans to help clean up Fall debris with a program that costs around \$2,000, and come up with a long range plan for Spring, around April or May. Hoard seconded the motion.

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## #11) Other

Tim Hoard asked when the stop signs would be installed on 7th Avenue. Buol said he would look in to the matter.

Kathy Lairson asked staff to look into the paving on Marylhurst Drive. Supposedly the edge of the new pavement is cracking and breaking away. Buol said that the City would be working on the problem.

Bob Stowell thanked John Buol for his perserverance working with Portland General Electric on the light that is being installed at the Cedaroak Boat Ramp.

DeJardin mentioned the paving being done at the Robinwood Shopping Center. Some customers of the Center claimed that access was being denied to some vehicles while the paving was being done. DeJardin was glad to see that the police department placed an officer at the entrance to the Center to direct traffic into the center. DeJardin also asked that in the future effort be taken on this type of job to expedite traffic flow so that traffic is not turned away from a business district.

McIntyre asked staff to write another letter to Governor Atiyeh regarding our request for a crossover road on I-205.

The meeting was adjourned at 11:20 PM.

*Diana J. Nicolay*  
Diana J. Nicolay City Recorder

November 14, 1984

Regular Meeting

Members present were Tim Hoard, Ted Phillips, Tom DeJardin, Bob Stowell, Kathy Lairson, and Mayor Larry McIntyre, and Joe Hart.

Staff present were John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Michael Butts, City Planner, and Deanne Darling, City Attorney.

#1) Mayor McIntyre lead the flag salute.

#2) Mayor McIntyre read a proclamation proclaiming the week of November 12 through November 17, 1984, Recycling Awareness Week.

Mr. Jerry Herrmann, County Recycling Committee, and City of West Linn Recycling and Solid Waste Committee, announced that November 14, 1984 was West Linn Recycling Day. Mr. Herrmann made a presentation to the West Linn Lions Club for the programs they have funded to help the public, using funds received from the recycling of newspapers.

Herrmann also presented Mayor McIntyre with a "Don't feed the Trash Monster" pin and announced that there was a Trash Monster loose in Clackamas County and the City would protect the West Linn City Council.

Herrmann also introduced Linda Westmoreland of Rainbow Recycling, West Linn.

#3) DeJardin made a motion to approve the minutes as distributed. Phillips seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None

#4) Public Hearing - Review of Planning Commission decision of September 17, 1984, Hutchison and Walsh

Each Councillor expressed his or her feelings about their ability to act impartially in the decision that needed to be made. Hart said that his relationship with Mr. Hutchison and Mr. Walsh was of a personal nature only, and that he had seen them off and on, on an irregular basis. Hart felt he would be able to make an impartial decision. Hoard and Phillips felt that they only vaguely knew Mr. Hutchison and Mr. Walsh, and they could make impartial decisions in the matter. Kathy Lairson said she knew both Mr. Hutchison and Mr. Walsh on a strictly personal level, and felt that she would not have any trouble making an impartial decision in the matter. Stowell said that he knew both men on a personal level only, and felt he could be impartial. Tom DeJardin said that both men are customers of his, they have all had a friendship for several years, but Mr. DeJardin was sure that he could make an impartial decision. Mayor McIntyre said his relationship with Mr. Hutchison and Mr. Walsh was strictly of a personal nature, and he had not discussed the Conditional Use and Lot Line Adjustment with either party. McIntyre felt he would have no problem being impartial.



City Administrator introduced Mr. Jim Coleman, who was representing the City of West Linn in the matter.

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Mayor McIntyre asked the audience if anyone challenged any member of the Council from acting on the matter. None. McIntyre then asked if any member of the Council wished to abstain from voting on the matter. None.

The Mayor then explained that only evidence that was previously heard by the Planning Commission would be heard. McIntyre asked that testimony for groups be limited to fifteen minutes and testimony from individuals be limited to five minutes.

Mike Butts explained the proposal. Coleman added that the site plan in the applicant's packet was not presented to the Planning Commission, so should not be considered as evidence in this hearing.

Mr. John Hutchison, 6541 Failing Street, and applicant, reminded the Council that staff had recommended approval of the conditional use with conditions, and the Planning Commission had denied the request. His appeal was based on the seven standards found in Section 6.01070 of the West Linn Community Development Code, adopted December 14, 1983. Hutchison pointed out a typographical error on page eleven regarding how far a building can be from a fire hydrant. The text says 25 feet, and should say 250 feet. Mr. Hutchison explained that his planned office building would be built on a vacant lot, and and older rental home would be removed. He pointed that out because development improvements would be made to the area; curbs, catchbasins, etc. The planned office building is 6,600 square feet of professional office space, and would cost an estimated \$300,000. The building will be two stories and will appear as one from the highway, because the back part of the building will have a daylight basement, and the building will be built on a slope. 38% of the lot will be landscaped. There will be a strong attempt to blend the building with the residences near by. Hutchison asked the City Council to make the best decision for the City of West Linn, pointing out that the building would be situated on the busiest street in West Linn, not a good local for residential building. The building would be a good transition for the area.

Hutchison disagreed with Attorney Coleman that the site plan in his packet was not evidence that went before the Planning Commission. Hutchison maintained that the site plan was submitted with all other documents, but City staff had filed the plan in the Design Review file instead of the Conditional Use file. Hutchison then reviewed the seven standards and conditions for approval of conditional use requests.

Mr. Merritt J. Willson, 5710 Portland Avenue, spoke in favor of the reversing the Planning Commission decision. Ed Druback objected to Mr. Willson's testimony as he did not believe it was part of the original testimony in front of the Planning Commission.

Mr. Ralph Olson, architect, was asked by the Council to address the issue of topography. Olson explained the topography, and added that there was no discussion regarding topography before the Planning Commission.

Ed Druback objected to the use of the map that was pinned on the wall in the Council Chambers. Council allowed the map to remain.

Robert K. Mountain, 1381 Buck Street, was not allowed to speak because he had not testified at the Planning Commission hearing.

Mr. Ed Druback, attorney representing the Yoder and Gilmer families, spoke to Council regarding the nine findings and conclusions prepared by attorney Coleman for the Planning Commission. (It later came out that Mr. Druback only represents the Yoders at this time.)

Pat Gilmer, 5794 Robert Moore, spoke regarding her concern about traffic flow, stating that the streets in the area can not handle additional traffic. She also was concerned that the bike path would be unsafe, and there is no need for more offices in the area.

Sherry Clyman, 5742 Portland Avenue, spoke supporting the Planning Commission's denial. She claimed that the proposed office structure did not fill a community need, that there is already too much office space available in West Linn. Ms. Clyman also referred to the Original Conditional Use Application, and asked if the Council had received a copy of the application. Ms. Nicolay assured Ms. Clyman that the Council had received the original application. Ms. Clyman mentioned errors in the Comprehensive Plan map, and asked the Council to base their decision on facts.

Claire Yoder, 1595 Bland Street, spoke regarding support for the denial by the Planning Commission. Yoder thought the building planned was too large, not needed, not a buffer, traffic would be impacted, and there is a need for a quiet and healthful environment.

Diana Dean, 5825 Perrin Street, stated that she felt there was a need for more rental properties in the area.

John Hutchison responded to the comments from his opponents regarding 1) traffic impact - traffic will not be significantly impacted by the office building. 2) Issue of

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60 need - he explained that he has determined that there is indeed a need, and that is supported by the fact that 60% of the office space is pre-leased.

Hart made a motion to close the public hearing. DeJardin seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

Phillips made a motion to sustain the Planning Commission's findings of fact and decision to deny. Stowell seconded the motion.

Hart said:

1. He did not feel that this would be strip development.
2. Design Review would protect the surrounding residential uses, and he is satisfied that the building planned is suitable for the topography of the lot. (6)
3. Office use as proposed has minimum impact compared to multi-family and does not discourage affordable housing.
4. Neighborhood has always been a mix of uses.
5. He felt that the site was adequate for the proposal.
7. There is a community need-will help the tax base.
8. Adequate public facilities are available to serve the location.
9. Redundant.

Phillips said he did not agree with Hart.

1. This development would cause strip development.
2. Was against the adverse effects of commercial development
3. Affordable housing is needed in 4.5 zones.
4. This development would change the neighborhood.
5. Traffic will be impacted by the development.
6. He would support the Planning Commission's decision to deny.

Lairson also supported the Planning Commission's decision to deny.

Stowell stated that he has a problem with the size of the structure, he would support a better size, but is not opposed to the office planned for the location.

DeJardin supported the reversal of the Planning Commission's decision, saying that it would be a positive step toward economic development, and good for business in West Linn.

The vote then showed:

Ayes: Phillips, Lairson, and Stowell  
Nays: DeJardin, Hart, and Hoard

Because the Council's vote ended in a tie, Mayor McIntyre voted nay.

Hart then made a motion that the Planning Commission's decision be overturned and that the Conditional Use be approved with the findings of fact to be drawn up by Mr. Coleman. DeJardin seconded the motion.

McIntyre explained that he was in favor of reversing the Planning Commission's decision because the Council had adopted a resolution supporting business, and this would be in support of that resolution. A decision to reverse the decision would promote new business in the community.

Ayes: Hart, Hoard, DeJardin  
Nays: Lairson, Stowell, and Phillips

Mayor McIntyre voted Aye.

#5) Proposed Agreement - Rosemont Road.

John Buol explained the history of the discussions on Rosemont Road improvements. The City Council, County, and the developers of Hidden Springs Ranch No. 8, K and F Development, have recently had a meeting to discuss the proposed improvements regarding the construction of the roadway on Rosemont Road adjacent to Hidden Springs Ranch No. 8B. The City Attorney has developed a proposed agreement which reflects the agreement of all parties involved in the construction of Rosemont Road.

Attorney Darling explained the intent of Exhibit "A". Mayor McIntyre added that he feels that this agreement should be a model for the manner in which we will proceed in development of the remainder of Rosemont Road.

There was some discussion regarding the need to have an agreement with the County regarding the development of the remainder of Rosemont Road. The Council wondered whether to have the agreement as part of this agreement, or draw up a separate agree-

Nick Fossess, K and F Development, asked the Council to make their decision as soon as possible.

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DeJardin made a motion to approve Resolution No. 84-34, authorizing the Mayor and City Recorder to sign the agreement on improvements to Rosemont Road. Hoard seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

#6) Recommendation from the Solid Waste and Recycling Committee regarding Yard Debris.

Ed Druback, hired by the City, presented the annual report of the Solid Waste and Recycling Committee. Druback also presented the Committee's Yard Debris Collection recommendation, dated November 8, 1984, and labeled Exhibit "A" by the City Recorder. Druback asked the Council to adopt the actions set forth in the recommendation.

After some discussion, Phillips asked the staff for an accounting of special fees such as West Linn Sanitary and Liberty Cable.

Hart then made a motion to adopt the actions set forth in the recommendation from the Solid Waste and Recycling Committee's memo dated November 8, 1984, for yard debris disposal. Stowell seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

#7) Open Period -

- a. Rob Mountain complimented the Council on the Hutchison/Walsh decision.
- b. Val West talked about a possible conflict of interest, of possible Rit-of-Review, regarding the City's law firm and the developer of Hidden Springs Ranch No. 8, or Sunburst. Deanne Darling stated that she knew of no conflict of interest.

#8) Proposed Ordinances

- a. Ordinance No. 1149 regarding sales of liquor to minors and possession of alcohol was considered first.

Mayor McIntyre read the ordinance by title. DeJardin made a motion to adopt Ordinance No. 1149 effective November 15, 1984. Hoard seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

Mayor McIntyre read Ordinance No. 1149 a second time by title. DeJardin made a motion to adopt Ordinance No. 1149, effective November 15, 1984. A poll of the Council showed:

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin.  
Nays: None.

- b. Ordinance No. 1150, amending the City Code on Comprehensive Plan and Development Codes was then considered.

Mayor McIntyre read the ordinance by title. Phillips made a motion to adopt Ordinance No. 1150, effective November 15, 1984. Hoard seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin.  
Nays: None.

Mayor McIntyre read Ordinance No. 1150 a second time by title. Stowell made a motion to adopt Ordinance No. 1150 effective November 15, 1984. Hoard seconded the motion. A poll of the Council showed:

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

#9) Appointment of members from City Council to joint Council/School Board Committee on needs of the community.

DeJardin made a motion to appoint Kathy Lairson and Larry McIntyre to the joint School Board/City Council Committee on needs of the community. Stowell seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

The next meeting of this group will be scheduled in January, 1985.

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## #10) Consent Agenda

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Mayor McIntyre reviewed the Consent Agenda:

- a. Acceptance of public improvements - Hidden Springs Ranch No. 8, Phase I.
- b. Proposed Resolution No. 84-33 boundaries of Willamette Historic District
- c. Federal Revenue Sharing requirements/grievance procedures for discrimination claims.

DeJardin made a motion to accept the consent agenda items A through C. Hart seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin

Nays: None.

## #11) Administrator's Reports - None

## #12) Other

- a. Lairson asked staff to look into a reported sewage smell coming from the new Child Care Center on Highway 43.

Lairson also suggested that the City of West Linn make application for lottery funds to use for a community brochure.

Lairson reminded the Council and audience that the Library would be having their read-in day Friday.

- b. The Council picked November 26, 1984 as the day to do the City Administrator's annual evaluation. (The following week, the date was changed to December 3, 1984.)

Hearing no further new business, the meeting was adjourned at 11:25 P.M.

Diana J. Nicolay  
Diana J. Nicolay, City Recorder

November 28, 1984

Regular Council Meeting

Council members present: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin

Staff members present: Buol, Nicolay, Butts, Steininger, City Attorney Hammond, and Acting City Attorney Jim Coleman.

- #1) Mayor McIntyre lead the flag salute.
- #2) No presentation was made by the Fire Department.
- #3) DeJardin made a motion to accept as presented the minutes of the November 14, 1984 City Council meeting as submitted. Stowell seconded the motion.  
  
Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.
- #4) Item number 4 was handled after item number 5.
- #5) Proposed findings by the City Council on the Hutchison/Walsh hearing.

DeJardin made a motion that we accept the findings included in order as presented regarding the decision of November 14.. the Hutchison/Walsh Conditional Use. (for the building) Hoard seconded the motion.

Hart asked if our Planning staff's recommendation could be included in this final order. Jim Coleman, Attorney representing the City, answered that the last page of the order states that the application would be subject to the terms of Planning staff recommendations made in a June 28, 1984 report to the Planning Commission with the deletion of conditions two and modification of condition one to provide for the installation of a catch basin, if required by the City Engineer at the location of the present drain tile running under Bland Street.

Stowell said he would not be voting on the way he feels about this particular issue, but what was actually done at the last Council meeting. Stowell also expressed concern about the number of office buildings that are going in along the highway in West Linn.

Lairson also stated that she would be reaffirming Council's decision of two weeks ago.



Phillips stated that he was having a hard time reaffirming something he disagreed with two weeks ago, and still disagrees with today. He felt that the Council's decision tells the Planning Commission that we are going to tell them what we want and they have to do it. 63

DeJardin disagreed with Phillips and stated that through the years the Council has supported the Planning Commission on controversial issues many times.

Phillips expressed interest in enhancing credibility with the public and felt that this decision would work negatively toward that goal.

McIntyre made a letter from Mr. Yoder part of the record by explaining that the letter questioned whether or not Mayor McIntyre should have voted November 14th when the Council came up with a tie vote on this issue. McIntyre also summarized a memorandum on the same subject from Attorney Jim Coleman, which stated that his position is to uphold that which the Council has done in the past. (Mayor votes in case of a tie.)

Ayes: Lairson, Hart, DeJardin, Hoard

Nays: Phillips, Stowell

Joe Hart then excused himself from the remainder of the meeting.

Pat Gilmer, 5794 Robert Moore, stated that she realized that this issue is closed in the eyes of the Council, but she wanted to bring up some objections for the record.

1. Concern for neighborhood and effects this building would have on it.
2. She feels that West Linn citizens rights are threatened by this case. She objected to the way they have been treated and their rights violated.
3. She pointed out code section 99.250 (D), Subsection A3, specific grounds for appeal or review. She claimed they received notice of a petition for review and with it twenty grounds were listed. These grounds were not referred to by the proponents or the Council, however a memorandum was referred to that was submitted by Mr. Hutchison. This was not read into the record, not made available to the citizens, or their attorney prior to the Council meeting.
4. Also, Section 99.250 "Record of Proceeding" states that the minutes and other evidence of the proceedings shall be part of the record, and the basis for deciding a decision or review. These minutes were ignored by Mr. Hutchison in testimony, and new testimony, not recorded, regarding his financial interest in leasing, etc., and his memorandum were basis for Council's decision. The point of the memorandum was to bring up new arguments. They objected to this memorandum in its entirety.
5. The contour map was to be restricted-not considered--removed from the packet, yet they felt their objections were mute. The Council referred to the map. It was admitted without a motion of the Council.
6. Section 99.250 of the Code states all evidence offered and not objected to may be received unless excluded by the approval authority on its own motion. The Code does not allow for inclusion above an objection-only an exclusion.
7. Letters she tried to submit from the neighbors who were unable to attend were excluded without a motion.
8. Mrs. Dean was cut off from her further testimony that was on record, without a motion.
9. Mr. and Mrs. Yoder's enlargement sign plan was excluded again, without objections from applicants or a motion.
10. Mr. DeJardin's comments turned the discussion time into a circus. His flippant remarks, one of which was an attack on the citizens right to participate in hearing as "nothing new and irrelevant to business."
11. Our testimony and evidence was belittled and violated.

- #5) Letter and recommendation from the Department of Transportation, Highway Division, regarding improvements to Pimlico Drive and Highway 43.

John Buol explained that the State investigated the possibility of a signal and turning lane at Pimlico Drive on Highway 43, and discovered that a signal is not warranted, but that there is justification for a left turn lane. The State estimates the project will cost \$130,000.00 and about \$100,000.00 is available using Federal safety money, including a 10% match from the State. The Highway Division asked if West Linn would be willing to fund \$15,000.00, then they would ask the State Highway Engineer for the other \$15,000.00, and make it a cooperative project.

Buol recommended that the project be funded in the 1985/86 Budget and that a letter be sent to the Highway Division stating that West Linn will participate. Buol said the work would probably not begin until late Summer or Fall 1985.

Phillips made a motion to authorize John Buol to write a letter to the State Highway Division informing them that we will budget \$15,000 in our 1985/86 Budget for this project. DeJardin seconded the motion.

Ayes: Phillips, Hoard, Lairson, Stowell, and DeJardin

Nays: None.

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#6) Open Period - None

#7) Ordinance No. 1148 approving conditions on Hidden Springs Ranch No. 8.

Buol explained that this ordinance was presented to the Council at the September 26th meeting. At that time, it was continued to allow for the appeal process filed by members of the City Council. The ordinance has been modified by the attorney's office.

Hammond explained that the modification to section four sets out that the developer will participate in improvements to Rosemont Road as set fourth in an agreement between the City, the developer, and the County.

Mayor McIntyre then read Ordinance No. 1148 by title.

DeJardin made a motion to adopt Ordinance No. 1148 effective 11-29-84. Hoard seconded the motion. It was pointed out that the ordinance had an error in the title. Re-phrasing should be changed to re-phasing. Mayor McIntyre asked if this Council could committ money for future Councils. Mr. Hammond answered that they could.

McIntyre was against West Linn establishing a presidence for paying for improvements on Rosemont Road.

Barbara Hartfeil, 4230 Terra Vista Ct., and chairman of the Traffic Safety Commission, mentioned that she asked a member of the Metropolitan Boundary Commission if they would consider setting an Urban Growth Boundary that is one lot to the West of Rosemont, and he said "No". The Traffic Safety Commission came to the conclusion that the City should not do a full street annexation, but rather a half street annexation, with a joint agreement wi Clackamas County bearing the amjority of the expense.

Ted Phillips pointed out that the Council has a philosophical long term decision to make that will effect West Linn for years to come.

Mayor McIntyre outlined possible alternatives:

1. except what the ordinance calls for and assume that all details will work out in the future.
2. put a stop on this in some manner
  - a. continue it, waiting for a Planning Commission or Traffic Safety Commission recommendation.
3. reject the proposal completely and start from scratch.

Hammond pointed out problems with some of the alternatives:

1. Council adopted the agreement and at that time it became legally binding on the City, and all this Ordinance does is reiterate what the City Council already decided on.

Tim Hoard pointed out that we had a situation in front of us that needs to be decided now, and it wouldn't be prudent to set and figure out what is going to happen in the future. We have system development fees that are available this time and we have available money at the County.

McIntyre restated the motion to adopt Ordinance No. 1148 effective 11-29-84.

Ayes: Phillips, Hoard, Lairson, Stowell, and DeJardin

Nays: None.

McIntyre read Ordinance No. 1148 a second time by title.

DeJardin made a motion to adopt Ordinance No. 1148 effective 11-29-84. Phillips seconded the motion. A poll of the Council showed:

Ayes: Phillips, Hoard, Lairson, Stowell, and DeJardin

Nays: None.

#8) Initiating development of a Public Facilities Plan.

Mike Butts pointed out that LCDC has required this jurisdiction to prepare a public facilities plan by five years from approval of our Comprehensive Plan. Staff has put together a program that takes approximately three years to complete. There are several phases involved. Phase one involves a City-wide survey. utts continued to review the proposed program.

(8a) Lairson made a motion to adopt Resolution No. 84-31. Phillips seconded the motion.

Ayes: Phillips, Hoard, Lairson, Stowell, and DeJardin

Nays: None.

## (8b) Appointment of a Public Facilities Task Force.

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Butts added the following names to his memo to Council dated 11-28-84:

Don Burton and Barbara Hartfeil (whos term is up on the Traffic Safety Commission)

McIntyre asked if the different associations had been contacted for possible members. Butts confirmed that they had, but not every group had responded.

After some discussion, Council made the following appointments on a motion by Lairson, seconded by DeJardin.

West Linn Business Group	Steve Housel
Robinwood Neighborhood Assoc.	
Marylhurst Neighborhood Assoc.	
Hidden Springs Ranch	
Willamette Neighborhood Assoc.	
Planning Commission	Gary Madson
Traffic Safety Commission	
Council Representative	Mike Skee
Mike Butts	Department Head
Al Steininger	"
Art Enderlin	"
Russ Castleman	"
Pam Barnes	"
Willy Gin	"
Janet Williams	"

Each community Group will be allowed to make their own appointment to the committee.

Ayes: Phillips, Hoard, Lairson, Stowell, and DeJardin

Nays: None.

## (8c) Funding of temporary employees for work on the Public Facilities Plan.

Buol explained that the request is for an engineering technician/draftsman, and building inspector, and also a temporary planner and clerk typist.

The City may receive grants for some of this expense. Buol asked for approval to form a supplemental budget from the General Fund's anticipated cash-carry-over.

It was clarified that the temporary building inspector will not be used for the public facilities plan.

Lairson made a motion to authorize staff to prepare a supplemental budget to include engineering technician, Building inspector, secretary and clerk typist, and assistant planner. Stowell seconded the motion.

Ayes: Phillips, Hoard, Lairson, Stowell, and DeJardin

Nays: None.

## #9) Appointment of Willamette Historic District Task Force.

Lairson made a motion to appoint the following groups and members to the newly formed Willamette Historic District Task Force.

Council Representative	Jill Thorn
Planning Commission Representative	Tim Conser
Design Review Board Representative	Augusta Shipsey
Commercial Area Representative	Linda White
Residential Area Representative	Dee Anne Troutman
Other Individual	Jane Altier
Other Individual	Charles Awalt
Willamette Neighborhood Representative	(vacant)

Lairson also included the following alternates.

City Council Representative	Sherry Clyman
Planning Commission Representative	Michael Gosling
Design Review Board Representative	Gary Reddaway
Commercial Area Representative	Gayle Rutledge
Residential Area Representative	Christine LaFever
Other Individual	Nadiene Milln
Other Individual	(none responding)

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Hoard seconded the motion.

Ayes: Phillips, Hoard, Lairson, Stowell, and DeJardin.  
Nays: None

- #10) Proposed Cooperative Agreement on Planning and Engineering Design Study for Rosemont Road between Summit Street and Carriage Way.

Stowell made a motion to authorize the Mayor and City Recorder to execute the agreement. DeJardin seconded the motion.

Ayes: Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

- #11) Vacancies on various Boards and Commissions as of 12/31/84.

Mayor McIntyre suggested that the current Design Review and Planning Commission members be asked to continue the offices until Council can fill their vacancies. Council concurred.

John Buol pointed out that there would be another vacancy on the Solid Waste and Recycling Committee, because Ed Druback is temporarily working for the City on a recycling program.

#### Cable TV Advisory Board

Lairson made a motion to reappoint Gregson Parker to the Cable TV Advisory Committee. Hoard seconded the motion.

Ayes: Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None

The Council also decided to advertise for the two Cable TV vacancies and have application for the first meeting in January.

#### Park Board

Lairson made a motion to reappoint David Ransier to the Park Board. Hoard seconded the motion.

Ayes: Phillips, Hoard, Lairson, Stowell, and DeJardin.  
Nays: None.

#### Solid Waste and Recycling Committee

Council decided to advertise for two vacancies.

#### Traffic Safety Commission

Council decided to contact members and advertise for vacancies.

Lairson moved that staff ask the Traffic Safety Commission members whose terms are up in December to stay 90 days additional until their vacancies are filled. Stowell seconded the motion.

Ayes: Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

#### Library Board

Council decided to advertise for the vacancies and pull the files on past applications for positions on the Board.

- #12) Consent Agenda:

Mayor McIntyre reviewed the consent agenda.

- a. Letter from John R. Lemon regarding use of City property near Robinwood Fire Station.
- b. Official election results from the 11-6-84 Mayor and City Council election.

Buol asked the Council for approval to execute a revocable license for Mr. Lemon.

#### Election Results - Mayor

Larry McIntyre	4977
Mike Gates	1
Gayle Knapp	1
Joseph Thomas Senger Sr.	1
Steve Sheridan	1

Election Results - Ward 5

T M Phillips	395
Jill Thorn	600

Election Results - Ward 4

Robert Stowell	769
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Election Results - Ward 3

Sherry Clyman	422
Joyce De La Cruz	125
Robert Lohman	418

Election Results - Ward 2

Kathleen Lairson	617
Russell Lawrence	505

Election Results - Ward I

Tim Hoard	596
Mike Skee	705

DeJardin made a motion to approve consent agenda items "A" and "B". Phillips seconded the motion.

Ayes: Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

## #13) Administrative Reports

Buol asked Council for approval to allow Greenpeace Organization to canvass West Linn for donations and memberships. Council gave their approval and asked Buol to write a letter to Greenpeace.

Buol informed Council that there wasn't a sewage problem at the Kindercare site.

## #4) Other:

Phillips - None  
Hoard - 7th Avenue trees  
Lairson - District Attorney changes - look at sliding some cases back.  
Stowell - None  
DeJardin - Library Read-In  
McIntyre - Regarding Cable TV Company franchise report.

Council went into Executive Session at 9:55 P.M. regarding current and pending litigation. Council came out of Executive Session at 10:25 P.M. and went back into regular session to adjourn at 10:25 PM.

*Diana J. Nicolay*  
Diana J. Nicolay City Recorder

December 12, 1984

Regular Council Meeting

Council members present: Joe Hart, Ted Phillips, Tim Hoard, Kathy Lairson, Bob Stowell, and Tom DeJardin. Also, present in the audience were the newly elected officials: Jill Thorn, Mike Skee, and Sherry Clyman.

Staff present were: John A. Buol, City Administrator; Diana J. Nicolay, City Recorder; and Jack Hammond, City Attorney.

#1) Mayor McIntyre lead the flag salute.

#2) Mayor McIntyre pointed out that the election results were incorrectly noted in the minutes and the Recorder was asked to make the correction. Hart made a motion to approve the minutes as corrected. DeJardin seconded the motion. Unanimous.

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- 68 #3) Carol Bilyeu and Stephanie Goodpaster were named "Employee of the Month" the month of December, 1984.

Due to the resignation of the Accounts Payable Clerk and the Finance Dir these two employees have taken on additional responsibilities in the are data processing and accounts payable with minimal training and supervisi should be commended for their willingness to assist and their attitude d this period of time.

Carol and Stephanie were present to accept their awards.

- #4) Recommendation from the Park and Recreation Board.

Mayor McIntyre explained that the Park and Recreation Board was considerin adding a member of the School Board to the Park and Recreation Board to facilitate a cooperative effort between the City and the School District i areas of recreation.

There was a consensus of the Council to have staff contact the School Disti to find out if they are interested in having a member on the Board. If the School District does decide to appoint a member, the staff is directed to prepare the necessary ordinance to add one more member to the Park and Recr Board.

- #5) Appointment of Willamette Neighborhood Representative to the Historic Distri Task Force.

At the November 28, 1984 City Council meeting, the Council requested that a neighborhood representative be included in the Historic District Task For membership. Dick Simantel has come forward to represent the neighborhood. Staff recommended that Mr. Simantel be appointed to the Task Force.

Hoard made a motion to appoint Dick Simantel to the Historic District Task Force. DeJardin seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

- #6) Open Period

- a. Ed Druback presented recycling awards to Mr. and Mrs. Osborn and the Tidings newspaper for their contributions to the recycling program.

- #7) Buol announced that the City would be holding an orientation session for the new City Council on January 2, 1985, at 6:30 P.M. Council concurred that the date and time would be okay.

- #8) Consent Agenda

Mayor McIntyre reviewed the consent agenda.

- a. Mark's Tavern in the Willamette area has a new owner. They are applying for a liquor license. The Police Department has investigated the new owners and has given their approval to issue the license.  
b. The proposed agreement for animal control services with Clackamas County is ready to be signed. Buol asked Council for the authority to sign.

DeJardin made a motion to approve consent agenda items "A" and "B". Stowell seconded the motion.

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

- #9) Administrator's Reports

Buol announced that the City had hired a new Finance Director to fill the position vacated by Wayne L. Paterson. The new Director is William Gin, previously Assistant Finance Director from the City of Beaverton. Gin will come on board January 7, 1985.

- #10) Other

Phillips pointed out that this was his last meeting with the Council and state that he had really enjoyed his time on the Council. He said it had been a goo education.

Hoard also stated that it was his last meeting and he thanked the Council for appointment.

Mayor McIntyre announced that he would like the Councillors that were going off the Council to attend the meeting of January 9, 1985, to install the new Council members and to say goodbye to the outgoing Councillors.

DeJardin asked the new Council to look into the possibility of allowing wine in West Linn parks.

Lairson invited everyone to a "Roast" for Tom DeJardin, to be held on January 13, 1985, 4:00 to 6:00 P.M. at Cheerios Restaurant. The Roast will be held by the Friends of Tom DeJardin.

At 8:25 P.M. the Council went into Executive Session pursuant to O.R.S. 190.660 (D) (1) and O.R.S. 192.660 (D) (H).

The Council came out of Executive Session at 8:40 P.M. and went back into regular session.

Mayor McIntyre announced that Mr. Buol had had his annual employment evaluation and the Council was very pleased with Mr. Buol's performance so they were encouraging him to stay on with the City. The Council then discussed additional compensation for Mr. Buol to keep his salary in line with other Administrator's salaries in the area. After some discussion Phillips made a motion to raise the compensation for the City Administrator by 4%, to be added to his Deferred Compensation. Lairson seconded the motion. (Effective January 1, 1985)

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

John Buol thanked the Council for bringing his salary into line with other Administrators in the area.

The meeting was adjourned at 8:43 P.M.

*Diana J. Nicolay*  
Diana J. Nicolay City Recorder

January 9, 1985

Regular Council Meeting

Departing Council members present: Ted Phillips

New Council members present: Joe Hart, Mike Skee, Jill Thorn, Mayor Larry McIntyre, Kathy Lairson, Bob Stowell, and Sherry Clyman.

Staff present: John Buol, Diana Nicolay, Mike Butts, Al Steininger, Russ Castleman, and City Attorney Deanne Darling.

- #1) The Mayor lead the flag salute.
  - #2) Minutes of the December 12, 1984 City Council meeting were approved by a motion from Hart, seconded by Lairson. Unanimous.
  - #4) City Recorder, Diana J. Nicolay, administered the "Oath of Office" to the newly reelected Mayor Larry McIntyre. McIntyre will serve a two year term.
  - #5) City Recorder then administered the "Oath of Office" to the newly elected Council members: Kathy Lairson, Sherry Clyman, Jill Thorn, Mike Skee, and Bob Stowell. All members will serve a four year term except Sherry Clyman who is filling the unexpired term of office vacated by Tom DeJardin, (Mrs. Clyman's term will end December 31, 1986) and Mike Skee, whose terms shall be two years.
  - #6) Stowell made a motion to appoint Kathy Lairson City Council President to act as head of the Council in the absence of the Mayor. Thorn seconded the motion. Unanimous.
- Diana Nicolay then administered the "Oath of Office" to Kathy Lairson for the position of Council President.
- #7) Mayor McIntyre reappointed Joe Hart as West Linn's representative on the South Fork Water Board for the 1985/86 year.

John Buol introduced William (Willie) Gin, the City's new Finance Director, to the Council and citizens. Willie started with the City on January 7, 1985.

- #9) Petition for rehearing for Hutchison/Walsh Conditional Use Application.

Mayor McIntyre introduced Jim Coleman who is representing the City of West Linn.

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McIntyre asked the new Council members if they had had a chance to read the entire text of material from the previous City Council hearings. All new members answered "yes". McIntyre then asked the new Council members if they had had any exparte contact. Mike Skee answered "No". Jill Thorn "Yes, as a West Linn Business Group Representative. Sherry Clyman answered "Yes, she has had contact with the neighbors, gave testimony in previous hearings in front of the Planning Commission and City Council, and was present at neighborhood meetings. She decided however, to represent her neighborhood by not removing herself from action on this issue. She t she could be impartial and open minded.

Mayor McIntyre asked for challenges from the audience. Mr. Merritt Willson, 5710 N.W. Portland Avenue felt that Sherry Clyman had a conflict of interest because she has obviously taken a previous position on this issue. McIntyre asked Clyman if she would like to remove herself from the proceedings. Clyman decided to continue representing her neighborhood. Council allowed Clyman to participate in the decision.

Sherry Clyman expressed her opinion that the issue should be reheard based upon her rereading of the minutes page 59, and number two of page 2 of the petition for rehearing, regarding the contour map. Clyman then made a motion to set a date to rehear the Conditional Use application decision made by the City Council letter CUA4-3. The motion was seconded by Mike Skee.

Bob Stowell said that he would support the motion because he feels the size of the building is too large for the lot.

Kathy Lairson said she would not be able to support the motion because she did not feel there were grounds.

Joe Hart called for the question.

Ayes: Skee, Thorn, Stowell, and Clyman

Nays: Hart, Lairson.

After a motion made by Thorn and seconded by Mike Skee, Council set a hearing date of February 13, for rehearing the matter, and it was decided that the participants of the hearing would be the original people who signed the petition, the applicants and the new Council. The Council set a five minute time limit on testimony from single parties, and a ten minute time limit for groups. Hutchison and Walsh will be allowed fifteen minutes and rebuttal.

Coleman added that a petition has already been filed with the Land Use Board of Appeals. LUBA is having arguement by conference-call tomorrow on this matter, and if LUBA finds that you have already come to a final decision and decides to go ahead, this whole exercise may have been mute, but you had to do this according to your code.

- #3) Mayor McIntyre then presented a plaque to Mr. Ted Phillips who was leaving the City Council. McIntyre thanked Mr. Phillips for his year of service to the City and presented him with an engraved paperweight with the City seal and "City of Hills Trees and Rivers" printed on the side. Phillips thanked the Council and the public for his opportunity to serve as Councillor.

Hart then made an announcement that item 14A was removed from the agenda, in case anyone from the audience was waiting to hear the Council's decision in that matter. It will appear on the next City Council agenda.

- #8) Next the Council <sup>held</sup> a public hearing on proposed amendments to the Comprehensive Plan and Development Codes.

There were no abstentions from the Council and no challenges from the audience.

Mike Butts, City Planner, added one additional amendment to the list of proposed amendments. He proposed that future design review applications be considered by the Planning Director and only referred to a public hearing if so decided by the Planning Director. Gary Madson, Chairman of the Planning Commission added that the proposed amendment was supported by the Planning Commission. There were extensive questions from the Council.

Lairson made a motion to close the public hearing. Hart seconded the motion. Unanimous

Hart then made a motion to have the City Attorney prepare an ordinance for adopt and incorporate the recommended changes including the changes made by staff in their letter of January 9, 1985. Lairson seconded the motion.

Hart expressed a small conflict of interest since he is a member of the Design Review Board and it would mean that he would have to attend one less meeting.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman

Nays: None.



Mayor McIntyre announced that he would like the Councillors that were going<sup>69</sup> off the Council to attend the meeting of January 9, 1985, to install the new Council members and to say goodbye to the outgoing Councillors.

DeJardin asked the new Council to look into the possibility of allowing wine in West Linn parks.

Lairson invited everyone to a "Roast" for Tom DeJardin, to be held on January 13, 1985, 4:00 to 6:00 P.M. at Cheerios Restaurant. The Roast will be held by the Friends of Tom DeJardin.

At 8:25 P.M. the Council went into Executive Session pursuant to O.R.S. 190.660 (D) (1) and O.R.S. 192.660 (D) (H).

The Council came out of Executive Session at 8:40 P.M. and went back into regular session.

Mayor McIntyre announced that Mr. Buol had had his annual employment evaluation and the Council was very pleased with Mr. Buol's performance so they were encouraging him to stay on with the City. The Council then discussed additional compensation for Mr. Buol to keep his salary in line with other Administrator's salaries in the area. After some discussion Phillips made a motion to raise the compensation for the City Administrator by 4%, to be added to his Deferred Compensation. Lairson seconded the motion. (Effective January 1, 1985)

Ayes: Hart, Phillips, Hoard, Lairson, Stowell, and DeJardin  
Nays: None.

John Buol thanked the Council for bringing his salary into line with other Administrators in the area.

The meeting was adjourned at 8:43 P.M.

*Diana J. Nicolay*  
Diana J. Nicolay City Recorder

January 9, 1985

Regular Council Meeting

Departing Council members present: Ted Phillips

New Council members present: Joe Hart, Mike Skee, Jill Thorn, Mayor Larry McIntyre, Kathy Lairson, Bob Stowell, and Sherry Clyman.

Staff present: John Buol, Diana Nicolay, Mike Butts, Al Steininger, Russ Castleman, and City Attorney Deanne Darling.

- #1) The Mayor lead the flag salute.
- #2) Minutes of the December 12, 1984 City Council meeting were approved by a motion from Hart, seconded by Lairson. Unanimous.
- #4) City Recorder, Diana J. Nicolay, administered the "Oath of Office" to the newly reelected Mayor Larry McIntyre. McIntyre will serve a two year term.
- #5) City Recorder then administered the "Oath of Office" to the newly elected Council members: Kathy Lairson, Sherry Clyman, Jill Thorn, Mike Skee, and Bob Stowell. All members will serve a four year term except Sherry Clyman who is filling the unexpired term of office vacated by Tom DeJardin, (Mrs. Clyman's term will end December 31, 1986) and Mike Skee, whose terms shall be two years.
- #6) Stowell made a motion to appoint Kathy Lairson City Council President to act as head of the Council in the absence of the Mayor. Thorn seconded the motion. Unanimous.

Diana Nicolay then administered the "Oath of Office" to Kathy Lairson for the position of Council President.

- #7) Mayor McIntyre reappointed Joe Hart as West Linn's representative on the South Fork Water Board for the 1985/86 year.

John Buol introduced William (Willie) Gin, the City's new Finance Director, to the Council and citizens. Willie started with the City on January 7, 1985.

- #9) Petition for rehearing for Hutchison/Walsh Conditional Use Application.

Mayor McIntyre introduced Jim Coleman who is representing the City of West Linn.

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70 McIntyre asked the new Council members if they had had a chance to read the entire text of material from the previous City Council hearings. All new members answered "yes". McIntyre then asked the new Council members if they had had any exparte contact. Mike Skee answered "No". Jill Thorn "Yes, as a West Linn Business Group Representative. Sherry Clyman answered "Yes, she has had contact with the neighbors, gave testimony in previous hearings in front of the Planning Commission and City Council, and was present at neighborhood meetings. She decided however, to represent her neighborhood by not removing herself from action on this issue. She t she could be impartial and open minded.

Mayor McIntyre asked for challenges from the audience. Mr. Merritt Willson, 5710 N.W. Portland Avenue felt that Sherry Clyman had a conflict of interest because she has obviously taken a previous position on this issue. McIntyre asked Clyman if she would like to remove herself from the proceedings. Clyman decided to continue representing her neighborhood. Council allowed Clyman to participate in the decision.

Sherry Clyman expressed her opinion that the issue should be reheard based upon her rereading of the minutes page 59, and number two of page 2 of the petition for rehearing, regarding the contour map. Clyman then made a motion to set a date to rehear the Conditional Use application decision made by the City Council letter CUA4-3. The motion was seconded by Mike Skee.

Bob Stowell said that he would support the motion because he feels the size of the building is too large for the lot.

Kathy Lairson said she would not be able to support the motion because she did not feel there were grounds.

Joe Hart called for the question.

Ayes: Skee, Thorn, Stowell, and Clyman

Nays: Hart, Lairson.

After a motion made by Thorn and seconded by Mike Skee, Council set a hearing date of February 13, for rehearing the matter, and it was decided that the participants of the hearing would be the original people who signed the petition, the applicants and the new Council. The Council set a five minute time limit on testimony from single parties, and a ten minute time limit for groups. Hutchison and Walsh will be allowed fifteen minutes and rebuttal.

Coleman added that a petition has already been filed with the Land Use Board of Appeals. LUBA is having arguement by conference-call tomorrow on this matter, and if LUBA finds that you have already come to a final decision and decides to go ahead, this whole exercise may have been mute, but you had to do this according to your code.

#3) Mayor McIntyre then presented a plaque to Mr. Ted Phillips who was leaving the City Council. McIntyre thanked Mr. Phillips for his year of service to the City and presented him with an engraved paperweight with the City seal and "City of Hills Trees and Rivers" printed on the side. Phillips thanked the Council and the public for his opportunity to serve as Councillor.

Hart then made an announcement that item 14A was removed from the agenda, in case anyone from the audience was waiting to hear the Council's decision in that matter. It will appear on the next City Council agenda.

#8) Next the Council <sup>held</sup> a public hearing on proposed amendments to the Comprehensive Plan and Development Codes.

There were no abstentions from the Council and no challenges from the audience.

Mike Butts, City Planner, added one additional amendment to the list of proposed amendments. He proposed that future design review applications be considered by the Planning Director and only referred to a public hearing if so decided by the Planning Director. Gary Madson, Chairman of the Planning Commission added that the proposed amendment was supported by the Planning Commission. There were extensive questions from the Council.

Lairson made a motion to close the public hearing. Hart seconded the motion. Unanimous

Hart then made a motion to have the City Attorney prepare an ordinance for adopt and incorporate the recommended changes including the changes made by staff in their letter of January 9, 1985. Lairson seconded the motion.

Hart expressed a small conflict of interest since he is a member of the Design Review Board and it would mean that he would have to attend one less meeting.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman

Nays: None.

## #10) Open Period - None

## #11) Proposed revision of fee schedule for subdivisions and Design Review Applications.

Staff had no additional comments. Hart made a motion to adopt Resolution No. 85-01 changing the fees charged by the Department of Developmental Services for Land Use Applications. Lairson seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman.

Nays: None.

## #12) Donation of property to City.

Buol explained that the City Administrator's office has been contacted by Erral Hollowell regarding a parcel of land his brother and he inherited from his father. Mr. Hollowell's father recently passed away. This property is located on Hollowell Street in the Bolton area, and is valued by the County Assessor at \$15,000. Mr. Hollowell has informed this office he was deeding the property to the City as a gift with no requirements for use. The City could sell the property since there will be no deed requirements.

Hart asked if there was any reason the City would not want the property. Buol answered no.

Hart then made a motion to accept the property and have the Mayor send a letter to the Hollowell's thanking them for the donation. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman.

Nays: None.

## #13) Employee of the Year for 1984.

Mike Skee nominated Ken Worcester for employee of year for 1984 and read the application. Lairson seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman.

Nays: None.

## #14) Consent Agenda:

Item "A" of the consent agenda was removed to be handled at a later date.

Item "B" of the consent agenda was handled separately. Mike Skee had several questions of clarification of Mr. Steininger, City Engineer, regarding the 10th Street Improvement Project. Lairson then made a motion to accept the bid of \$79,601.36 from Ron Hogan Trucking and Excavating, Inc. for the 10th Street Improvement Project. Hart seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman.

Nays: None

Item "C" Purchase of Fire Department equipment, was handled next. Chief Castleman explained that bids were received and the low bidder was Pierce Manufacturing, at \$443,513.00. Lairson made a motion to award the bid to Pierce Manufacturing in the amount of \$443,513.00. Hart seconded the motion. Lairson amended the motion to add that the City take advantage of the options that can be made for prepayment of various items, to save the City money. Hart seconded the amendment and added it to the original motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman

Nays: None.

## #15) Administrative Reports:

- a. Hart made a motion to appoint Mike Gates to the Cable TV Advisory Board. Thorn seconded the motion. Unanimous.
- b. Skee made a motion to appoint Barbara Tainer to the Budget Committee as his representative from the Willamette area. Hart seconded the motion. Unanimous.
- c. Clyman was asked to locate a representative for the Budget Committee from her neighborhood.
- d. Buol told Council that they needed to set up a worksession to discuss the new Federal Revenue Sharing requirements for public access for the handicapped. Repairs to City facilities must be made by 1986.

## #16) Other:

- a. Skee thanked the public for his opportunity to serve on the City Council.

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- 72 b. Lairson looks forward to working with the new Council, and is proud of the progress made by the old Council. Lairson was also ready to help make West Linn an even better place to live.
- c. Stowell asked if the State could be asked to clean up Hwy. 43 better since it is the doorway to West Linn. Staff will contact the State. Stowell also asked if the City shouldn't have a master plan for the development of Highway 43.
- d. Clyman expressed her gratitude that the Council worked together so well tonight, and thanked the public for her election to the position.
- e. Hart asked if the City's insurance covers City Council members to use City equipment. Staff will look into this and get back to Hart.
- f. McIntyre is looking forward to working with the new Council and will miss the Council members who left office.

The meeting was adjourned at 10:15 P.M.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

January 23, 1985

Regular Council Meeting

Council Members Present: Joe Hart, Jill Thorn, Mike Skee, Kathy Lairson, Bob Stowell, and Sherry Clyman. Also present was Mayor Larry McIntyre.

Staff members present were: John A. Buol, City Administrator; Diana J. Nicolay, City Recorder; Jack Hammond, City Attorney; Ken Worcester, Parks Crew Chief; and Russ Castan, Fire Chief; and Janet Williams, Assistant to the Administrator.

The regular meeting was opened at 8:02 P.M. by Mayor Larry McIntyre.

- #1) McIntyre lead the flag salute.
- #2) Hart made a motion to approve the minutes, adding that in number five, Mike Skee will also be serving a two year term. Hart also added that the video taping of the January 9, 1985 Council meeting should be considered part of the record. Stowell seconded the motion. Unanimous.
- #3) Ken Worcester, Parks Crew Chief, was awarded "Employee of the Year" by the City Council for his grant writing. Worcester was given a weekend at the Oregon Coast, paid for by the City of West Linn.
- #4) Federal Revenue Sharing Handicapped Requirements - Rob Barrentine.

Rob Barrentine, Barrentine, Bates, Lee Architects, presented "Exhibit "A", a study his firm did to determine whether or not the City's facilities meet Federal standards regarding access for handicapped city facilities.

Barrentine's study covered the Library, the Sunset Firehall, and City Hall. He pointed out that the Library and Sunset Firehall are more in compliance than City Hall.

McIntyre asked for an explanation why we must comply. Barrentine explained that the City would loose Federal Revenue Sharing Funds if we did not comply. Buol added that the City must comply whether or not they want Federal Revenue Sharing Funds.

Barrentine then gave Council some alternatives to solve their problem. 1) They could build a new City Hall like Lake Oswego is doing. 2) They could relocate some of the departments within the City to make for more space in City Hall. 3) They could add on to City Hall, etc.

Mike Skee suggested that the Council could possibly move their meetings to the Sunset Firehall, and so could the Court. He thought that improvements to the Sunset Firehall, to make it accessible, would cost less than improvements to City Hall. After some discussion it was decided that staff should develop alternatives or options for Council to consider.

- #5) Park User Fees for use of park facilities.

Ken Worcester reported that at their regular meeting in July, 1984, the Park Board decided to recommend to the Council that there should be a fee schedule for reserving certain park facilities. The Park Board recommended the following: 1) The fee for reserved use of athletic fields should be set at \$20.00 per day for tournaments, and \$7.50 for two hours use by individual parties. 2) The fee for reserved use of picnic facilities should be \$25.00 for groups under fifty and \$50.00 for groups of fifty or more. These fees would be reduced 50% for City residents and City based businesses. 3) The revenues generated by such fees could be used to



fund park improvements and as possible seed money to set up self sustaining recreation programs in West Linn. Worcester recommended approval of the suggested fee schedule, to help cover staff expenses. 73

After some discussion it was decided that staff should prepare a Council policy (after Monday's meeting with the School Board) regarding park user fees, and fees received from this charge would be used for recreation programs and park improvements.

#6) Fee change for McLean House.

McIntyre complimented the Friends of McLean House for receiving a beautification award from the Tri-City Chamber of Commerce.

Janet Williams explained that the Friends of McLean House were requesting that the Council change the fees for non-profit groups outside the City who wish to use the McLean House. Currently there is no fee assessed, but the group is recommending a \$25.00 charge so we closer meet expenses. Williams recommended the increase.

After some discussion, Hart made a motion to adopt the fee schedule as recommended. Thorn seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None

#7) Open Period:

Steve Housal, Vice President of the West Linn Business Group, asked Council for their support of the Business Groups new concept for an "Image Enhancement Program" for the City of West Linn. Housal presented a suggestion for monuments at the north and southeast entrances to the City, brochures advertising the City's amenities, and the renaming of Hwy. 43 to West Linn Avenue. Council concurred that they were interested in working in support of the concept.

Buol added that the State Highway Department would have to give their approval of any changes that were made.

#8) Appointments:

Hart made a motion to appoint Una Schmidt to the Budget Committee, Mike Gosling to the Planning Commission (reappointment), and Jane Ohlemann and Alan Lewis to the Public Facilities Task Force. Lairson seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None

Thorn then made a motion to appoint Bob Lohman to the Solid Waste and Recycling Committee to fill the vacancy created by Ed Druback. (Lohman's term will end 12/31/85) Clyman seconded the motion.

Ayes: Thorn, Skee, Stowell, and Clyman  
Nays: None

#9) Purchase of Computer Hardware.

John Buol explained to the new council that a study had been performed by Price Waterhouse and they recommended that the City buy micro computers this year and a new mini computer for the Finance Department next year. The Department Heads have held meetings with Administration, and Administration has decided to buy six micro computers at the best price available. Buol told the Council that he had decided on IBM Equipment because IBM has a good reputation, is compatable with more equipment, and has many programs available that can be used.

There were comments received from Mike Patrick, Bob Randall, and Mike Gosling, regarding computer purchasing. Some questions were asked regarding the type of monitors the City would choose.

After lengthy discussion Hart made a motion to allow the City Administrator to buy one color monitor and printer and one monochrome monitor and printer and then compare the two before making the rest of the purchases. Lairson seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None

#10) Proposed Ordinances:

Jack Hammond read Ordinance No. 1151, amending two Comprehensive Plan Policies, in full. Lairson made a motion to adopt Ordinance No. 1151, effective January 24, 1985. Stowell seconded the motion.

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Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

Hammond then read Ordinance No. 1151, amending two Comprehensive Plan Policies a second time by title. Lairson made a motion to adopt Ordinance No. 1151, effective January 24, 1985. Stowell seconded the motion.

A poll of the Council showed the following vote:

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None

Hammond then read Ordinance No. 1152, amending the Development Code to change minimum road widths, providing for code enforcement, abolishing the Design Review Committee and transferring those duties to the Planning Director and the Planning Commission, granting the Planning Commission authority over historic district boundaries, changing the notice provisions and providing for monitoring or Planning Director decisions. Lairson made a motion to adopt Ordinance No. 1152 effective January 24, 1985. Stowell seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None

Hammond then read Ordinance No. 1152 a second time by title. Lairson made a motion to adopt Ordinance No. 1152. Stowell seconded the motion.

A Poll of the Council showed the following vote:

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None

#11) Liquor License Applications:

- a. Southland Corporation's request for a liquor license for a 7-Eleven at Bland and Highway 43 was continued for a public hearing on February 13, 1985.
- b. West Linn Thriftway
- c. Cantonesia Company
- d. Willamette Sentry

Hart made a motion to approve the Liquor License Applications for West Linn Thriftway, Cantonesia Restaurant, and Willamette Sentry. Lairson seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

#12) Administrative Reports:

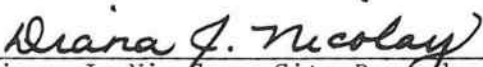
Buol reminded the Council that the Budget Committee tour of City facilities will be this Saturday morning, and asked who would be attending. All Council members acknowledged that they would attend.

#13) Other:

Thorn complimented McIntyre on his "State of the City" address to the West Linn Business Group.

Lairson reminded everyone of the West Linn City Council/West Linn School Board worksession scheduled for Monday, January 28, 1985.

The meeting was adjourned at 10:15 P.M.

  
Diana J. Nicolay, City Recorder

Council members present: Joe Hart, Jill Thorn, Mike Skee, Mayor Larry McIntyre, Kathleen Lairson, Bob Stowell, and Sherry Clyman.

Staff present: John A. Buol, City Administrator; Diana J. Nicolay, City Recorder; Mike Butts, City Planner; Deanne Darling, City Attorney; John Anicker, Acting City Attorney; Jim Coleman, Acting City Attorney; Art Enderlin, Chief of Police.

Mayor McIntyre opened the regular meeting at 8:00 P.M.

#1) The Flag Salute was lead by Mayor McIntyre.

#2) The Council approved the minutes of the January 23, 1985 City Council meeting, with two minor changes. Janet Williams was present for the meeting, and Kathy Lairson seconded the first motion in item number eight. The motion was made by Lairson, seconded by Thorn. 75

Ayes: Lairson, Thorn, Hart, Skee, Stowell, and Clyman.  
Nays: None.

#3) Mayor McIntyre opened the public hearing on the request for a package liquor license for a new 7-11 Store to be located on Highway 43 at Bland Stree.

McIntyre asked if any member of the Council wished to abstain from this matter. None. He then asked if any member of the audience challenged the Council's ability to hear this matter. (McIntyre announced that the City had hired Mr. John Anicker as their legal counsel for this issue) Mr. Mark Witlow, 65 SW Yamhill, Portland, and representing the property owners (Mr. and Mrs. Milliken) challenged Sherry Clyman's action on this matter since she owns property across the street from the proposed 7-11 Store. Mr. Witlow also pointed out that he was retained at 5:15 PM this evening, and asked for a continuance of this proceeding. He asked that the applicants have a chance to meet with the owners of property nearby to discuss the proposed project and discuss concerns and resolve issues.

Mayor McIntyre announced that the Council has decided to hear this matter tonight.

Mrs. Clyman did not withdraw from action on the matter. McIntyre asked Council for their decision as to whether Clyman should be allowed to participate. Joe Hart asked Anicker (Acting City Attorney) what the Council's possible steps were at this point.

Anicker stated that it was up to each individual Councillor as to whether they have a conflict of interest, and then the Council has to decide if they feel she has a conflict.

Sherry Clyman said she had "no conflict whatever..don't have any interest in liquor licenses..I enjoy a glass of wine now and then..I have no financial..I don't know anyone who has a liquor license." She couldn't imagine what grounds would be for this challenge. Mr. Witlow said that based on her close proximity to the proposed project, there may be an overlap of concerns.

Mr. Hart made a motion that Sherry Clyman be prohibited from voting on this matter. Lairson seconded the motion for purposes of discussion.

Joe Hart expressed concerns about ex-parte contact.

Ayes: Hart  
Nays: Thorn, Skee, Lairson, Stowell, and Clyman

Mike Skee was in favor of applicant and neighbors getting together to discuss this matter. Jill Thorn and Kathy Lairson agreed with Mr. Skee. Stowell was also in favor of applicant meeting with the neighbors, and thought it should have been done sooner.

Sherry Clyman reminded Witlow that the Council was only dealing with the issuance of a liquor license. ( A recommendation to the OLCC) She reminded the Council that the land use issue is not an issue, and she did not feel that the hearing should be postponed.

Lairson made a motion to continue the public hearing for two weeks. The motion died for lack of second.

McIntyre then opened the public hearing.

John Buol explained Ordinance No. 1140 regulating approval of liquor licenses by the City Administrator. Buol explained that the Police Department ran an investigation on Mr. Gary Oxley of Southland Corporation, and found no violations to keep us from recommending the license be approved. The Park Board discussed issuance of this liquor license and decided not to oppose or support the license. Staff has not come up with any justification to deny the application.

Mr. Mark Witlow, attorney for the property owners, asked to be allowed to make a short presentation and then reserve some of his ten minutes for rebuttal. The Council allowed Witlow to do so. Witlow said that area schools are outside the limits set forth by statute. Concerns regarding traffic are more of a land use item. He said that because there are schools and parks in the community, he was sure the manner which liquor would be sold would be important to the Council.

He announced the presence of a representative of Southland Corporation who would be able to tell the Council that sales would be well monitored. He said the 7-11 Stores

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use substantial training measures for their employees and franchisees. Sales are prohibited to people who appear noticeably intoxicated, to minors, and to second party sales. The procedures used are endorsed by the OLCC, and are used in training program conducted by OLCC. The 7-11 Store could lose its license if it did not operate properly.

Gary Oxley, 1425 S.W. 66th, Portland, and Acquisition Manager for Southland Corp. spoke next. Oxley explained that he would not be the new owner of the store, but he knew the franchisee would also have to be investigated prior to taking over the store. Oxley told the Council about 7-11's new "come of age" campaign, where 7-11 stores will ID anyone wishing to buy beer or wine that is 26 years of age or younger. He feels that new 7-11's come with many preconceived ideas that simply do not materialize.

Sherry Clyman asked if it is true that the police will have to run a background check on whoever ends up owning the store. Oxley answered "yes". Oxley said this would be a franchised store.

Jill Thorn asked Mr. Oxley to address the "playboy issue". Oxley explained that 7-11 had certain magazines under glass and behind the counter, so only the title is visible, for purchase upon request by people over eighteen years of age.

Clyman asked Oxley if they had encountered any other types of problems such as shoplifting and litter. Oxley said if they hear of those types of problems they would work with the franchisee immediately to maintain the image of the store.

Clyman asked how many 7-11's Southland likes to see in one given area. Oxley answered that they develop according to a city's growth.

Oxley explained that the 7-11 planned for this site would have cedar siding and a greater amount of landscaping.

Hearing no further testimony in favor of the proposal, McIntyre asked for testimony in opposition.

Mr. Merritt J. Willson, 5710 Portland Avenue, 50 feet from the proposed project, spoke against the project because of its close proximity to his home. He felt it would make his home unbearable to live in and impossible to sell as a residence. He was concerned about his property value.

Jill Sherman, 5718 Portland Avenue, acrossed the street from the proposed project, presented a petition with seventy signatures (Exhibit A). The petition mainly objected to:

1. Another liquor store outlet is not desirable or necessary.
  2. The establishment would have a negative impact on surrounding professional businesses, neighbors, school children, traffic, noise, and litter control.
- The petitioners asked Council to deny the request for package liquor license.

Mrs. Sherman also added that:

1. She felt there was no need for the outlet.
2. Is it the policy of the City to place liquor stores in the center of a neighborhood?
3. She had traffic concerns.
4. She was also concerned for the affect on her property value.
5. She was also opposed to the proposed office building.

She asked the Council to stop viewing her neighborhood as potential commercial property. Becky Merritt, 5616 Portland Avenue expressed her concern regarding the effect on her property value, and late night traffic (both foot and car), and asked the Council to oppose the liquor license.

Mr. Eric Yoder, 1595 Bland Street, also from the American College of Emergency Physicians, stated that greater than 60% of fatal accidents are related to alcohol and Clackamas County has a disproportionate share of fatal auto accidents. We have 10% of the population and 20% of fatal auto accidents now. He asked Council to deny the request for a liquor license because of that statistic and also because the facility would be near schools and parks, and there is no need for more liquor in the area.

Mark Witlow then spoke in rebuttal of comments from opponents. 1. Most of the issues raised by opponents were land use issues. 2. If the applicants could meet with the neighbors, they could design a store to address the concerns about traffic, noise, litter and loitering, etc. 3. Southland preceives a market, and they wouldn't be putting in a store that would fail economically.

Clyman asked where the public would be able to go if the building went up and their design input was either ignored or disregarded by mistake or otherwise.



Witlow answered that that is why they would like to meet with the neighbors now. If there were an agreement, there would be a breach of contract. 77

Gary Oxley said the most serious issues he heard tonight (setting property values aside, and several other things) was trauma and deaths related to alcohol. The OLCC awarded Southland Corporation their 1984 "Retailer of the Year Award" for the work that they have done with "Mothers Against Drunk Driving" and for being the advocates that they have been and controlling the sales that go out of their stores. Regarding the traffic issue, Oxley said this could be addressed during Design Review. If that area is a bus stop and a bus shelter is necessary, Southland will do that. He also stated that when Southland's signature goes on a building, it becomes a commitment to the community as long as they are there.

Hart asked if any video machines have been removed from any 7-11's. Oxley answered that if a video machine became a problem they have no problem with taking it out. They have been removed in some instances.

McIntyre asked what hours they were planning to operate. Oxley answered twenty-four hours a day, but alcohol would only be sold until 2:30 A.M.

Hart made a motion to close the public hearing. Lairson seconded the motion.

Ayes: Hart, Thorn, Skée, Lairson, Stowell, and Clyman

Nays: None.

Hart then made a motion based on Ordinance No. 1140's standards and criteria that Southland Corporation's application for a package store license be approved. Lairson seconded the motion.

Clyman said that on letter "D" page 5 of the Ordinance one of the grounds for denying would be "public opinion ways against the application". Clyman said she finds some conflict knowing that we have an alcohol related problem and then putting the City in a position of making it more available. Clyman was also concerned about High School children leaving campus and having alcohol available nearby. She also feels, after speaking with Sergeant Workman that these types of places can be attractive nuisances. She said that section "E" "heavily frequented by persons under 21 years of age often unaccompanied by adults" (Two schools nearby) Clyman addressed level of crime and accidents in area, and Chief Enderlin pointed out that her statistics were annual statistics. She also pointed out letter "M" on the next page, which says that a permit could be denied if it would create an unreasonable demand on City services. Our police department is stretched right now, and this would give them more to patrol.

City Recorder reread the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell

Nays: Clyman

#### #4) Public Hearing - Request for rehearing of Hutchison/Walsh Conditional Use/Lot Line Adjustment decision.

Hart stated that many members of the Council were interested in seeing the lot in question developed commercially, but have some concerns that might be taken care of by conditions that we could impose as suggested by the acting City Attorney. He was in favor of having the applicants meet with area citizens in an attempt to compromise and then coming back to the public hearing in two weeks. Stowell, Lairson and Skee supported Hart's concept.

McIntyre asked the applicants if they would be willing to work in that format. Hutchison said he would like to have some guidelines from the Council.

Terry Hatfield, 5774 Portland Avenue, from the audience said he didn't have any problem with this concept.

Pat Gilmer asked if we would still have a public hearing.

Counsel, Jim Coleman, said that with the agreement of all parties this public hearing would be continued for two weeks to come up with conditions that would be a modification of approval. (no new evidence could be admitted.)

Terry Hatfield asked if we did come up with some agreement, what would guarantee they would build to that specification?

Jim Coleman, City Attorney, clarified the previous Design Review approval was subject to this proceeding running its course, and if there are modifications made on the Conditional Use similar modifications must be made on the Design Review approval. Design Review would have to implement the conditions applied at this proceeding.

Clare Yoder, 1595 Bland Street asked if she could also get involved in these negotiations since she is not one of the petitioners.

Counsel answered "NO", only petitioners would be involved.

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78 Yoder asked that the rehearing be hold tonight.

Clyman spoke in opposition to Hart's concept.

Coleman reviewed the Council's alternatives on this matter:

- affirm the decision
- reverse the decision
- modify the decision
- remand the decision
- postpone the decision.

Mr. Eric Yoder, 1595 Bland Street, felt that two weeks would be an insufficient amount of time to deal with a new design. He wondered if the applicant would be willing to withdraw his application if a fee would not be charged for reapplication.

Hutchison asked the Council to approve the conditional use subject to reconsideration or redesign of the building.

Hart made a motion that the rehearing be postponed for two weeks and that in the interim the proponents who signed the petition for rehearing get together with the assistance of the City (only in providing space for them to meet) that they come up with some conditions that we (the Council) might look at during the rehearing process that would address the size of the building, and the exterior design of the building. Stowell seconded the motion.

Stowell asked if council would set any criteria. Some discussion followed. Most members of the Council did not feel comfortable setting the criteria themselves.

Clyman wanted to hear the issue tonight and was opposed to the motion. Lairson wanted the Planning Commission to be present at the meeting as an audience.

Skee asked the maker of the motion to amend his motion to include the support (upon request) of staff ie Planning Director and secretary.

Hart agreed to include in his motion that the Planning Director be present to act as a secretary and give information when called upon, but not to act as a mediator. Stowell seconded the amendment.

Pat Gilmer questioned if this approach was agreeable on both sides. Gilmer asked for a vote from the public in attendance on whether or not they were agreeable to this approach. The meeting adjourned for five minutes to allow the opponents to come to a consensus.

Mr. Terry Hatfield announced that they wanted to hold the rehearing tonight.

Hart withdrew his motion. (10:00 P.M.)

McIntyre opened the public hearing. McIntyre asked if any member of the Council wished to abstain from action on this matter. None. He then asked if anyone challenged the action of any Council member. None.

No additional comments were made by staff. McIntyre announced that a maximum time limit of five minutes to individuals and ten minutes to those representing three or more would be allowed.

McIntyre asked for proponents of the issue. Mr. John Hutchison said that the Planning Commission adopted findings supporting denial, the prior City Council adopted findings supporting approval, and this Council can adopt findings supporting any position they want to take. He said that each of the items mentioned in the petition for review were previously addressed in either the findings of the Planning Commission or the findings of the prior Council. Any that were covered in those two documents were covered in him memorandum in response to the petition.

Hutchison felt the main problems he sensed with his Conditional Use were the size of the building and the amount of parking.

Hutchison proposed that the Council approve the Conditional Use to allow professional and administrative services and then he would withdraw his previous building plans and explore a redesign (scaling down) of the building with the City Council's guidance as to what would be acceptable. Hutchison asked Council to modify with conditions and give some direction.

Sherry Clyman asked questions of Mr. Hutchison.

Q. Do you own the property in question?

A. (Hutchison) Hutchison/Walsh have exchange agreement for the property if the building is allowed.

Q. How did you come up with Commercial Zoning for the property (from the time property was purchased)?

EXHIBIT  
"B" 2-13-85

READ 20 MAR 85  
H. Mason

February 11, 1983

To Whom It May Concern:

I find the recent decision of the West Linn City Council to change the zoning of my neighborhood quite frustrating. I believe the decision was made without consideration of the neighborhood and, in particular, the community members as well. One of my original reasons for moving to the West Linn community was for the quality of the city and the liveability of the area in general. In addition the West Linn School District has a tremendous reputation throughout the Metro area and continues to be a leader in the education of our young people. In short, I thought the West Linn area to be an excellent place to live and raise a family. However, the recent council decision places my home and surrounding neighbors in jeopardy of losing the unique liveability once enjoyed.

When I purchased my home in 1978, I had searched the Portland Metro area for a community that had insight and interest in the concept "neighborhood." I had lived in the Laurelhurst area of Portland and wished to live in a suburban setting with a similar quality of life. I also wished to find a home with the traditional architectural flavor of the 1920's and 1930's. I was fortunate to find a house that fit both categories. However, this never would have been a reality if not for the insight of Gordon Herzog and others at the Bank of Oregon. At considerable expense the Bank of Oregon moved this 1936 house to its present location on Robert Moore. Several locations were discussed but the Robert Moore site was chosen for its aesthetic quality. The house blends beautifully with the adjoining park and remaining neighborhood of houses built in the 1920's and 1930's. The aesthetic beauty of the house has been kept and the neighborhood enhanced with this move.

Therefore, I find it incomprehensible that a contemporary designed 6,000 square foot business office has been dropped in my back yard with little regard for the aesthetic beauty of our neighborhood. Again, look what the Bank of Oregon tried to do with their design - they at least tried to blend in with the surrounding neighborhood. However, little concern has been shown for the surrounding neighborhood and the impact this business office will have on the unique liveability of our block.

In conclusion, I firmly believe that the unique character of the neighborhood is in jeopardy and will be harmed if the building is allowed to be erected.

Sincerely,

*Garv Lavender*

Garv Lavender  
5796 Robert Moore  
West Linn, Oregon  
97068



A. (Hutchison) That was the old Comprehensive Plan designation.

Q. Was your law firm involved in the proceedings during the adoption of the new Comprehensive Plan?

A. (Hutchison) Yes.

Q. Who has rented space in your proposed office building?

(Hutchison) Our law firm will occupy the entire top floor.

Q. Anyone else that has already rented the building?

A. (Hutchison) Not yet.

Testimony was then taken from the petition signers. Mr. Terry Hatfield, 5774 Portland Avenue said:

1. The contour map was not a part of the record before the Planning Commission.
2. The memorandum was not, and is not legal evidence. It was not available for public review and not read at the hearing, and contained errors, and new evidence that is prohibited by the Code. The findings which came about as a result of evidence contained in the memorandum are invalid and the Planning Commission's findings should be upheld as they were not legally disputed with the testimony or the evidence.

Mr. Hatfield also presented Mayor McIntyre with a letter from another petitioner who was unable to attend. (Exhibit B)

Mr. Larry Tietz, 5748 Portland Avenue opposed development of the office building:

1. Defined "Neighborhood"
2. Spoke against size of building
3. Spoke in favor of residential character of neighborhood
- Thought the new building would destroy neighborhood.

Leslie Hatfield, 5774 Portland Avenue, spoke out of concern for the future of Portland Avenue, and was opposed to the proposed size and design. A building similar in size and design to the Chiropractic Center on Hwy. 43 would be acceptable to her.

Mr. Don Mulberry, 5797 Robert Moore Street, was concerned with added traffic on Robert Moore Street.

Jill Sherman, 5718 Portland Avenue, added that according to Comprehensive Plan, Housing General Policy #3, there is concern for the need for rental properties in West Linn. This would be removing one property and removing the potential since that is what the property is currently zoned for. It is also violating the character of the neighborhood and promoting strip development.

Tim Gilmer, 5794 Robert Moore Street, pointed out that Comprehensive Plan General Policy #4, Page 38, states that residential areas should be protected. Mr. Gilmer spoke against building size and design and lose of area trees, and buffering.

Pat Gilmer, 5794 Robert Moore Street, presented Council with a fact sheet to review, and spoke in opposition to the proposed building size and design, and stated that the evidence supports denial of the application."

Mayor McIntyre read into record a letter from Mr. Gary Lavendar, in opposition to the proposed size and design.

Hearing no further testimony, Lairson made a motion to close the public hearing. Hart seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman

Nays: None.

Hart made a motion that "the application be approved with the same findings as approved previously, (by the Council) with the extra condition that the City accept the applicants proposal to redesign the building with criteria that would reduce the size and change the exterior design to more closely coincide with the members impressions of what the Comprehensive Plan calls for." Lairson seconded for discussion.

Lairson asked how Hart was going to made that kind of criteria part of his motion.

Hart said he didn't feel comfortable deciding on the criteria, maybe whole Council would be to decide on criteria.

Discussion. Hart said the only criteria he placed in his motion was in reference to size and exterior design, and he felt that could be worked out later in a work session.

Mr. Skee was opposed to the motion and would support applicant reapplying, with a new size and design.

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Hart didn't think Hwy. 43 fit his idea of strip development, he felt the whole area is mixed commercial and residential. Hart felt traffic could be aided by directional signs.

Skee did not feel qualified to set criteria for development of the structure. Stowell was in favor of establishing maximum boundaries for the size of the building.

Clyman did not feel qualified to set such criteria. Thorn asked if the Council could legally legislate the size of the building. McIntyre concurred with Mrs. Thorn.

Mr. Coleman suggested that the motion include the vacation of the existing design review approval and direction that the project go back to the design review process. He suggested that Council direct that a public hearing be held on the design question.

Clarification.

Hart amended his motion "to include the vacation of the existing Design Review approval and to go back through that process again." Lairson included the amendment in her second.

Clyman had questions of procedure after design review public hearing. Coleman answered that the applicant could appeal to the Council or redesign the building if it was denied a second time.

Mike Butts explained the design review process.

Skee supported the Planning Commission. Clyman stated why she would not support the motion. (beginning of tape number five). City Recorder Nicolay restated the motion as amended, and was asked to "delete the later portion of the original motion." Motion to read:

"that the conditional use be approved with the same findings previously approved (by the Council) with the extra condition that the existing design review approval be vacated and the new design review public hearing be held."

Ayes: Hart, Skee, Lairson, and Stowell

Nays: Thorn, and Clyman

Mr. Gary Madson, West Linn Planning Commission suggested a workshop consisting of the applicants, all interested parties, himself as mediator, and Mike Butts as someone with technical expertise. After the group gets closer to a compromise the public hearing will be held.

Coleman told Madson that he would need to provide a public notice, tape record the meeting, and keep everything as exhibits at the hearing.

Council then took a two minute break.

#5) Public hearing on the City's request to annex a portion of Rosemont Road.

McIntyre asked if any member of the Council wished to abstain from action on this matter. None. He then asked if any member of the audience challenged any member of the Council from acting on this matter. None.

Mike Butts reviewed history of this request. Butts asked for adoption of Resolution No. 85-03 recommending the annexation to the Boundary Commission.

Some questions of clarification and discussion followed. Hearing no testimony, Hart made a motion to close the public hearing. Lairson seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, Clyman

Nays: None.

Hart then made a motion to adopt Resolution No. 85-03 recommending the annexation of a portion of Rosemont Road into the City of West Linn. Stowell seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman

Nays: None.

#6) Open Period - None.

#7) Public Hearing on Supplemental Budget No. 1 for the 1983-84 fiscal year. (Resolution No. 85-02)

Mayor McIntyre asked if any member of the Council wished to abstain from this matter. None. He then asked if anyone challenged the Council from acting on this matter. None.

John Buol gave a brief summary of the supplemental budget as approved by the Budget Committee.

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1. Provides funding for Development Services' Public Facilities Plan. (extra employees)
  2. Provides money for landscaping on 7th Avenue project.
  3. Rebudgets money for micro-computers.
  4. Provides budgeting for the Fire Improvement Bond Issue.
- Extra cash carry-over, Street Improvement Fund.

No testimony for or against the proposal. Hart made a motion that the public hearing be closed. Skee seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

Skee made a motion to adopt Resolution No. 85-02 adopting Supplemental Budget No. 1 for the 1983/84 fiscal year. Hart seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

#### #8) Proposal on Comprehensive Yard Debris Program.

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Ed Druback explained that there are four individual parts to the Comprehensive Yard Debris Program that are being recommended. Druback asked for approval of the following recommendat

1. Home composting seminars.
2. Continuation of Tuesday on-call pick-up (relief for senior citizens)
3. A municipal collection and composting site (approval to continue attempting to get the Willamette Falls Drive site, owned by PGE.)
4. Publicizing programs that are available.

Druback presented a conceptual design for the Willamette Falls Drive site and the Wilderness Park site.

Hart made a motion to accept recommendations number 1, 2, and 4, and encouragment to staff to press forward with number 3. Clyman seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

#### #9) Proposed Ordinance No. 1153, amending Park and Recreation Board.

John Buol reminded the Council that the old Council had asked staff to contact the School District for someone to serve on the City's park and recreation board. David Grey is interested in becoming that member.

Deanne Darling read the ordinance in full. Stowell made a motion to adopt Ordinance No. 1153 effective February 14, 1985. Thorn seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

Mayor McIntyre read Ordinance No. 1153 a second time by title. Thorn made a motion to adopt Ordinance No. 1153 effective February 14, 1985. A poll of the Council showed:

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

#### #10) Appointments:

Hart made a motion to appoint Susan Aufderheide, 2645 W. York Street, to the Cable TV Advisory Board. Thorn seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

Hart made a motion to appoint Gary Olson and Mimi Urbigkeit to the Library Board. Clyman seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

#### #11) Consent Agenda:

- A. Award bid for fuel products to Carson Oil and Don Thomas Petroleum.
- B. Intergovernmental Agreement with Metro and West Linn.

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- C. Approval of West Linn's Long Range Fiscal Projection
- C. Liquor Licenses
  - 1. Plaid Pantry
  - 2. Clydes Tavern
  - 3. A and L Market
  - 4. Morrow's Serv-U

Stowell made a motion to approve consent agenda items A,B,C, and D (1) (2) (3) (4).  
Thorn seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

## #13) Administrator's Reports:

Buol asked Council for their feelings on supporting Metro's letter dated 2-8-85, regarding House Bill 2266, a 1¢ gas tax increase dedicated to cities and counties.

Council asked Buol to come back to them with a resolution in support.

Thorn asked for some recognition for City crews that sanded streets during the recent adverse weather conditions.

Stowell asked that the Mayor's Task Force on Business report be discussed further at the 2nd meeting in March.

Recorder Nicolay will distribute copies of the report to the new Council.

Clyman suggested that there be a committee formed to discuss the future of Portland Avenue. (include Business Group) Mike Butts is to give Council a briefing about where he is headed.

McIntyre will miss the 2nd meeting in March. He will be in Washington D.C.  
McIntyre announced that there will be a meeting of the Tualatin Valley Homeowners Association, on March 5th at the Stafford Grade School. Council is encouraged to attend.

The meeting adjourned at 12:05 P.M.

  
Diana J. Nicolay, City Recorder

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Regular Council Meeting

February 27, 1985

Council present: Joe Hart, Mike Skee, Jill Thorn, Mayor Larry McIntyre, Kathy Lairson, Bob Stowell, and Sherry Clyman.

Staff present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Janet D. Williams, Assistant to the Administrator, Mike Butts, City Planner, and Jack Hamme City Attorney.

Mayor McIntyre opened the regular meeting at 8:00 P.M.

#1) McIntyre lead the flag salute.

#2) McIntyre made one change to the minutes of the February 13, 1985 City Council meeting. On the last page, McIntyre will miss the 2nd City Council meeting in March instead of the 1st. Skee made a motion to approve the minutes of the February 13, 1985 Council meeting. Lairson seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None

#3) Proposed findings by City Council on Hutchison/Walsh Conditional Use (Final Order)

Clyman made a motion to not adopt the findings of fact. The motion died for lack of second.

Hart then made a motion to adopt the Final Order as prepared by Jim Coleman, effective February 27, 1985. Skee seconded the motion.

City Planner Mike Butts explained the appeal process for Design Review.

Ayes: Hart, Thorn, Skee, Lairson, Stowell  
Nays: Clyman

## #4) Open Period

- (a) Mike Skee recognized some guests that were in the audience. Dale Smith was in attendance with four of his scouts. Mr. Smith told the Council that the boys were here, working on their Communication Merit Badges.

5) Proposed Ordinance No. 1154, increasing the redemption fee for impounded dogs.

John Buol explained that this ordinance would increase the fees charged from \$10 to \$15 and the Ordinance was recommended by the Police Chief.

Jill Thorn asked if the \$15 would cover the actual cost that is involved. Buol answered that the City is not losing money.

Mayor McIntyre read the Ordinance by title, and Lairson made a motion to adopt Ordinance No. 1154 effective February 28, 1985. Stowell seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

McIntyre then read the Ordinance a second time by title.

Lairson made a motion to adopt Ordinance No. 1154, effective February 28, 1985. Stowell seconded the motion.

A poll of the Council showed:

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

## #6) Proposed Park User Fees

McIntyre explained that this was a recommendation that came before the Council about a month ago and Council asked staff to form a policy and bring it back to Council for consideration.

Thorn made a motion to adopt the Park User Fees. Clyman seconded the motion.

Hart asked Counsel if the Council is empowered to establish these fees by ordinance. Counsel answered, "No, not directly by ordinance, but this way it is memorialized."

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

#7) Proposed Resolution No. 85-04, supporting adoption of House Bill 2266 providing for a gas tax increase partially dedicated to cities.

John Buol said that the Metropolitan Service District and the House Task Force on State and Local road funding have developed a road funding proposal for the 1985 Legislature which is House Bill 2266. It gives the State, city and county funding to maintain its roads. It is a 2% tax increase recommended over a two year period and 1¢ of the 2¢ would be dedicated to cities and counties. The other 1¢ would go to the State of Oregon. The League of Oregon Cities urges all City Councils to prove supporting this legislation and also the Metropolitan Service District urges all jurisdictions to support it.

The Resolution will be forwarded to all members of the Oregon Legislature that represent West Linn, and also Robin Lindquist who heads up the Transportation Committee in the Legislature.

Bob Stowell supports the need for additional money to maintain our roads, but he feels that one of the biggest damages to our highways is done by studded tires. He would suggest a one-time fee for studded tires. Stowell suggested that his idea be added to the resolution in the last paragraph.

Jack Hammond drafted a sentence to be added to the resolution in the last paragraph. "If it is amended to provide for an initial surcharge on the sale of studded tires."

Stowell made a motion to adopt Resolution No. 85-04 with the one addition. Skee seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None

## #8) Administrative Reports

- (a) John Buol mentioned a letter from the office of the Governor of the State

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84 of Oregon, asking for names of Councillors who would like to be appointed to the Local Government Boundary Commission. Kathy Lairson expressed an interest in the appointment.

Hart made a motion to submit Kathy Lairson's name for consideration to the Governor's office. Stowell seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman

Nays: None.

- (b) Secretary Dole is planning a trip to Oregon in March and we have made an attempt to get an audience with her while she is in Oregon, but it looks like her schedule is full. She has referred our request to the Federal Hwy. Division, who we are now working with. (This is in reference to the I-205 Crossover road needed just outside West Linn's city limits).
- (c) Janet Williams asked the Council for a time on March 6th, to hold an hour of procedural worksession with staff and then a City Council worksession without the staff. Council set 7:30 P.M. March 6, 1985 for the worksession.
- (d) John spoke to the Council regarding a recent memorandum from the City Attorney on a recent Supreme Court Ruling: Garcia vs. San Antonio Metropolitan Transit Authority. The memorandum was dated February 27, 1985.

#9) Other

- (a) Mike Skee asked how the handicapped access study is coming along. Buol answered that we are not ready to come back to the Council yet. He felt that we may be ready by next month.
- (b) Jill Thorn complimented Diana Nicolay and John Buol on the new business cards they put together. Thorn also asked for an update on the Micro Computers. Buol told Thorn that we have two of them operational and we are waiting for the trainers to come on board next week. Diana's was installed today. Thorn then asked if the Council would be getting an evaluation before the additional computers were purchased. Buol answered that we have looked at the ones that have been installed, and Diana wants the monochrome style and we decided to take delivery of hers since we are getting a price increase. We are taking delivery of the one for the shops next week. Buol said that so far, we only have one colored monitor.
- (c) Sherry Clyman complimented Al Steininger for doing a very fine job of interpreting "that bill". He answered all her questions.

She also commented on the Mayor's Task Force on Business. Clyman was reminded that the Report would be discussed at the first meeting in March.

Clyman also asked if we were recruiting any applicants for boards and commissions. Diana answered that she has handed out to applications for the Traffic Safety Commission but hasn't received either of them back. Diana announced that the Park Board now has a vacancy also. Clyman was concerned about getting the Planning Commission vacancy filled.

Stowell would like a list of the various committees and boards that have Council representatives on them.

- (d) McIntyre would like a semi-annual report from all boards and commissions. (preferably a written report) He gave his compliments to the Traffic Safety Commission for the report they submitted.

McIntyre read a letter from Helen Delaney resigning from the Library Board, and suggesting that Mary Walsh be appointed to fill her position. It was decided that all applications would be considered at the next regular meeting, at which time a selection will be made.

Lairson made a motion to appoint Mary Walsh to the Library Board, Hart seconded the motion.

Ayes: Hart, Lairson

Nays: Thorn, Skee, Stowell, and Clyman

Clyman made a motion to postpone appointment until March 13. Skee seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman

Nays: None.

The Council decided to discuss the method in which they appoint board and commission members at the worksession on March 6th.

McIntyre referred to a letter from the office of the Governor, Victor Atiyeh, regarding Oregon Corporate Volunteer Recognition. The Governor is asking the City Council if there is a person or a group of people that we would like to recognize for the third annual Governor's Volunteerism Award. McIntyre asked Council to think about possible names. Mike Skee suggested that Gary Madson be considered.

Council went into Executive Session, according to ORS 192.660 (D) (d) Labor Negotiations, at 9:00 P.M.

The Council came out of Executive Session at 9:25 P.M. and went into regular session to adjourn.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

Regular Council Meeting

March 13, 1985

Members present: Jill Thorn, Mike Skee, Larry McIntyre, Kathy Lairson, Bob Stowell, and Sherry Clyman. Joe Hart arrived at 9:00 PM.

Staff present: John Buol, Diana Nicolay, Willy Gin, Al Steininger, and Art Enderlin.

#1) Mayor McIntyre opened the meeting at 8:00 PM and lead the meeting with the flag salute.

#2) The minutes of the February 27, 1985 City Council meeting were approved with a motion from Lairson, seconded by Clyman.

Ayes: Thorn, Skee, Lairson, Stowell, and Clyman.

Nays: None

#3) Coopers and Lybrand presented their audit report for the 1983/84 fiscal year to the Council, along with their Management Report. Council asked staff for a report on when implementation of the various recommendations would begin. Willy Gin will prepare a report.

#4) Discussion on report from the Mayor's Task Force on West Linn Business.

John Merina spoke on behalf of the Business Group, suggesting that the City could consider helping West Linn businesses by doing the following:

1. Adopt a policy of being pro-business.
2. Review the Sign Ordinance
3. Appoint an Ombudsman
4. Recognize the Business Community as a valid constituency
5. Apply for Oregon Downtown Association Grant
6. Sunset the Sidewalk Ordinance No. 959
7. Provide a directory of West Linn Businesses
8. Give City businesses preferential treatment for City contracts
9. Request the Highway Department improve signage on I-205

He also said that the City could attract new businesses to West Linn by doing the following:

10. Annex industrial developable land
11. Establish an economic development committee
12. Clarify the 10th Street Exit Zoning
13. Increase retail-commercial zoned land
14. Consider a variety of changes and additions to the Comprehensive Plan
15. Consider development of a restaurant/motel complex on the site of the old West Linn Inn.

Merina pointed out that several of their recommendations had already be implemented. The group also proposed some minor changes to Resolution No. 83-06 previously adopted by the Council.

Jill Thorn made a motion to have staff prepare a resolution amending Resolution No. 83-06, to be presented at the next City Council meeting. Clyman seconded the motion.

Ayes: Thorn, Skee, Lairson, Stowell, and Clyman

Nays: None

Lairson then suggested that representatives from the Council sit with the Business Group's Task Force, to go over every item.

Lairson then made a motion to form a subcommittee of Bob Stowell, Mike Skee, and Mayor Larry McIntyre to meet with the Business Task Force and then come back to the

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86 Council within sixty days. Thorn seconded the motion.

Ayes: Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None

#5) Request for revocable permit on the east one-half of Johnson Street.

John Buol explained that the permit was an attempt to reach a solution to a neighborhood dispute that was ongoing. Staff recommended approval with the following conditions:

The Permit should be revocable at any time without cause. That we establish a six foot trailhead along Johnson Street to the Park, establish four to six parking bays along the north end of Johnson Street, just off of Buck Street. That Mr. Mountain be required to maintain the trailhead.

Mr. Robert Mountain, 1381 Buck Street, read Exhibit "A" into the record.  
(Exhibit "A" attached)

Mr. Paul Davisson, 1440 Buck Street, presented Exhibit "B", a letter from Mrs. Isabel Shipley. (Exhibit "B" is attached)

(Joe Hart arrived at 9:00 PM)

Sherry Clyman asked if the City would have any liability in this matter if they issued a revocable permit with a six foot public right-of-way. Hammond answered that Mr. Mountain would be required to maintain the right-of-way, and he did not see any real problems.

Mr. Davisson then presented Exhibit "C", pictures of Mr. Mountain's yard and asked that the petition, Exhibit "D", be considered as a solution to the dispute.

Mrs. Muriel Riley, 1615 Buck Street, spoke regarding the children in the area feeling unwelcome by Mr. Mountain, and unable to go down to the park by using either Buck Street or Johnson Street. Riley asked that the right-of-way to the park remain.

Gisela Davisson spoke in support of not allowing Mr. Mountain to have a revocable permit.

Robert Mountain spoke in rebuttal of the neighbors comments. After some discussion, Hart made a motion that Mr. Mountain be granted a revocable permit and that he be required to maintain a six foot walkway on his side of the center line. Staff is to mark the six foot walkway, and the path should be hard packed dirt with trimmed vegetation that can be mowed with a mower. This permit would be revocable without cause at any time the City desires. Skee seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell.  
Nays: None (Council took a five minute recess.)

#6) Request for Yard Debris Collection Demonstration Collection and Composting Site.

Judy Morton explained that Jerry Herrmann was planning on making the presentation, but he became ill, so she would make the presentation. She explained that the Solid Waste and Recycling Committee recommends that the Wilderness Park (Clark Street) parking lot be used as a demonstration yard debris collection site, under the parameters set forth in the February 13, 1985 recommendation to the City Council. This recommendation is made due to Portland General Electric's denial of the City using the site on Willamette Falls Drive.

Judy explained that she was involved in the opinion poll of the citizens in the area.

Mayor McIntyre pointed out the memorandum from the Park Board regarding their concerns, and dated March 12, 1985. He also pointed out the recommendation from the Traffic Safety Commission, dated March 11, 1985.

Ed Druback asked the Council for approval to open the facility on April 1, 1985 to run until November 30, 1985. Druback pointed out that this was only a test site.

Sherry Clyman said she was getting calls that the program is starting too late and ending too early.

Mayor McIntyre asked if the Recycling Group has had a chance to sit down with the various groups who will participate. Druback said that one group has committed through the August period, two other groups are interested but have not committed to any specific dates. He didn't feel that he would have any problem getting assistance from the different organizations. He said they have seven people on the committee who will work if necessary.



McIntyre asked Judy Morton about the survey taken. Judy said she left the information at each door and some were not home, so on those she left a note in her own hand-87 writing "Sorry we missed you, we would like your opinions", and she circled her phone number. No one called her or the City.

John Buol added that staff attempted to contact Mr. Bob Mandish, owner of Villa Roma Estates, but was unsuccessful.

Opposition was heard from the following citizens of the area:

Mr. Jerry Sullivan, 22510 Clark Street  
 Mrs. Jerry Sullivan (Maureen), 22510 Clark Street  
 Ms. Sue Gotelli, 5190 Oregon City Blvd.  
 Mr. Robert Mountain, 1381 Buck Street (in favor of the project)  
 Mr. Jay Boyles, 5461 Oregon City Blvd.

Their main opposition was as follows:

- After test period how do we restore the integrity of the area?
- Single family area, approaching time of year when there will be rapid development.
- This facility would devalue the property surrounding.
- The intersection at Clark and Skyline is already dangerous
- This wilderness park area is presently used daily by families in the area.
- Some other site should be used.
- Wildlife in the area would be affected.
- Would like to see a feasibility study.
- Where would people who wished to use the trails park, during the time when this facility is open?
- Excess traffic would have to continue down Clark St.
- How through was the survey that was taken.

Lairson asked what the opposition to the City Shops site was. Druback answered that the main opposition was expressed by the Public Works Department. They were concerned that the Shops should not be open to the public because of all of the tools and equipment that is stored in that area. Judy Morton told the Council that many people she contacted were greatly in favor of the location.

After some discussion and questions of clarification, Mike Skee made a motion to approve the Wilderness Drive site with the five conditions stated by the Park Board, adding the condition that we develop a trail to the Highway, and that Ed mentioned when they vacate the sight leaving the gate (I am opposed to that). I would like to see a sign put there stating the new site location and posting whatever notice we may have supporting littering or the dumping of refuse. The program would end November 30, 1985. Stowell seconded the motion. Sherry Clyman asked if it would be possible to add to the motion that an evaluation of the program be presented to the Council about half-way through the program. The Council made that a recommendation to the Recycling group.

Ayes: Hart, Skee, Stowell, and Clyman  
 Nays: Lairson, and Thorn

Joe Hart left at 11:10 PM.

#7) Open Period - None

#8) Appointments -

Lairson made a motion to appoint Mary Walsh to the Library Board. Stowell seconded the motion.

Ayes: Thorn, Skee, Lairson, Stowell, and Clyman  
 Nays: None.

#9) Consent Agenda

Mayor McIntyre reviewed the consent agenda.

- A. Liquor License Renewals
1. Far West Pizza Inc. (Roundtable)
  2. Zupans Super Center
  3. Marks Tavern

B. Agreement with Highway Division-left turn lane Hwy. 43 and Pimlico.

Lairson made a motion to approve consent agenda items A and B. Thorn seconded the motion.

Ayes: Thorn, Skee, Lairson, Stowell, and Clyman  
 Nays: None.

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## 88 #10) Administrative Reports:

- A. Buol asked for approval of a letter from the Traffic Safety Commission, addressed to the State Highway Division, regarding the City's request for a crossover road on I-205 just outside the City limits. Council gave their approval to send the letter.
- B. Mayor McIntyre announced that the Cable TV Advisory Board was interested in filming the Planning Commission meetings on video for telecast on the community access channel.

#11) Thorn asked for a staff report from the Police Department regarding parking tickets that were being issued in the Willamette area.

Stowell announced that the Robinwood Neighborhood Association would be hosting Representative Darlene Hooley on the 19th of March. Ms. Hooley will be speaking on the sales tax issue. Anyone who can attend is welcome.

It was announced that the March 27, 1985 City Council meeting would be cancelled because of a lack of a quorum. Diana Nicolay will put out an announcement.

Hearing now further business, the meeting was adjourned at 11:30 P.M.

*Diana J. Nicolay*  
 DIANA J. NICOLAY  
 City Recorder

April 10, 1985

Regular Council Meeting

Council members present: Joe Hart, Jill Thorn, Mike Skee, Mayor Larry McIntyre, Kathy Lairson, Bob Stowell, and Sherry Clyman.

Staff present: John Buol, City Administrator; Diana Nicolay, City Recorder; Jack Hammond, City Administrator; Al Steininger, Public Works Director; Dennis Koellermeier, Operations Supervisor; Lyle Ulrich, Crew Chief; and Mark Hess, Assistant Planner.

Mayor McIntyre pointed out recent changes in the agenda. Under the Open Period there will be two sections. One for Informational Items, and the other for Future Agenda Items. At the end of the agenda there will also be time for Council business.

- #2) Lairson made a motion to approve the minutes of the March 13, 1985 City Council meeting. Stowell seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman.

Nays: None.

- #3) Kathy Lairson made a motion to name Lyle Ulrich, Crew Chief, "Employee of the Month" as recommended by Dennis Koellermeier and Al Steininger. Mike Skee seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman

Nays: None.

Mayor McIntyre then proceeded to explain to the audience that Mr. Ulrich had assigned overtime work to himself instead of assigning the work to his men, and worked two extra night shifts and one holiday to restore water service to West Linn citizens. Mr. Ulrich was awarded to a compensatory day-off to be approved by his department head.

Mayor McIntyre announced that Diana Nicolay, City Recorder, would be the recipient of a scholarship awarded by the State of Washington Municipal Clerks Association for attending a professional development seminar to be held at the University of Washington in Seattle in June. This seminar will put Diana one step closer to being certified as a City Recorder.

Mayor McIntyre then presented John Buol with a flag that was once flown over the United States Capitol. McIntyre had picked up the flag on his recent trip to Washington D.C.

The Council introduced Dennis Swartout, of the the Gladstone City Council, who was in attendance at this meeting.

- #4) Item number four was removed from the agenda.

- #5) Representative from the West Linn Fair Board. Larry Rutledge asked the City Council for assistance with getting the word out that the West Linn Fair Board needs volunteers to Chair different committees for the fair. The next meeting of the Fair Board is scheduled for April 17, 1985.

## #6) Enforcement of Nuisance Ordinance - Pearson

Mr. Pearson, 2790 York Street was present. Mr. Buol explained the history of this request. Mr. Pearson presented photographs of violations of nuisance ordinances in his neighborhood. Buol reported that the structures pointed out by Mr. Pearson were structurally sound according to the Building Official and there were no grounds for the City to have them removed.

Bob Winkle, 2805 Lancaster Street, asked that the revocable permit for a gate, that was previously issued to Mr. Pearson, be amended to include that the gate have a latch that operated from both sides of the fence, that the maintenance of the gate be taken care of Mr. Pearson, and that the liability be Mr. Pearson's. Council decided that the lock should be changed to one that could be operated from both sides, that the maintenance of the fence should be done by Mr. Pearson, and that the liability the fence should also be the responsibility of Pearson.

Jack Hammond will prepare an addendum to the original revocable permit for a fence.

## #7) Open Period:

A. No new informational items.

B. Bob Stowell asked that the nuisance ordinance be discussed again at the second meeting in May. Staff was asked to send a copy of the nuisance ordinance to the appropriate groups for their discussion.

#8) Proposed Ordinance No. 1155, deleting Chapter 5.28 regulating taxi cabs.

Hammond explained that the PUC regulates taxi cabs effectively, and the ordinance the City of West Linn has was established in 1946 and is no longer appropriate. He said that in some instances it could be in conflict with State law.

Mayor McIntyre read the proposed ordinance in full. Lairson made a motion to adopt Ordinance No. 1155, effective April 11, 1985. Thorn seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman

Nays: None.

Mayor McIntyre then read the proposed ordinance a second time in full. Lairson made a motion to adopt Ordinance No. 1155 effective April 11, 1985. Thorn seconded the motion.

A poll of the Council showed:

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman

Nays: None.

## #9) Resolutions:

A. Resolution No. 85-06, supporting participation in the Clackamas County Transportation Committee was passed by a motion from Stowell, seconded by Lairson.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, Clyman

Nays: None.

B. Resolution No. 85-07, Endorsing a grant proposal for preparation of solar access ordinance.

Mr. Bob Thorn was opposed to the idea of West Linn getting involved in an ordinance created by the Metropolitan area, especially before the idea went through a process.

Skee made a motion to adopt Resolution No. 85-07, Clyman seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, Clyman

Nays: None.

C. Resolution No. 85-08, supporting the development of commercial and industrial business in the City of West Linn, and recognizing the West Linn Business Group and the West Linn Neighborhood Groups as groups to work in conjunction with.

Robert Mountain spoke in support of the ordinance.

Hart made a motion to adopt Resolution No. 85-08, adding "both the citizens and the businesses of West Linn" to the resolution as prepared. Lairson seconded the motion.

Ayes: Hart, Thorn, Lairson, Stowell

Nays: Skee, Clyman

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## #10) Report of various Commissions and Boards.

Buol explained that he had received reports from the Library Board, the Cable TV Board, the Planning Commission, and the Budget Committee. All of the boards are happy with the existing methods of filling vacancies, recruiting new members, and roles and responsibilities. The reports were requested by the Council at their worksession of April 3, at the McLean House. Several boards and commission have not yet reported.

Buol pointed out that the Planning Commission was anxious to have their vacancies filled, and the Library Board may need some minor changes to their ordinance. Council asked Hammond to make the necessary changes to the Library Board ordinance. The changes would include a method for replacing members who miss too many meetings and the date term end.

Council then decided that each of the Commissions and Boards should be making reports to the Council. It was decided that the Cable TV Advisory Board will make a presentation on the next agenda.

## #11) Consent Agenda:

- A. Liquor License, West Linn Fire Company No. 1 - West Linn Fair
- B. Liquor License, Cheerios Restaurant
- C. Liquor License, Change of Ownership, 7-11 Robinwood
- D. Appointment of Robert C. Hinkel to the Park and Recreation Board.

Lairson made a motion to approve the consent agenda items A through D. Thorn seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

## #12) Administrative Reports:

Buol reminded the Council to mail in their Statements of Economic Interest that are due April 15, 1985.

## #13) Mike Skee asked how we were progressing on the Handicapped access issue. Buol said that staff was not yet ready to come back to the Council with a report. Buol will have a report by the second meeting in May.

Thorn complimented Willie Gin on his report regarding the Management Report from Coopers and Lybrand.

Clyman asked when their next goal setting session would be. Buol answered April 22nd. Diana Nicolay will put out a notice.

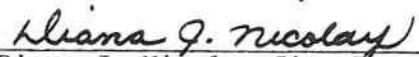
Clyman asked that the letter regarding the laundry mat at the Willamette Shopping Center be forwarded on the owner of the shopping center.

Clyman asked who had priority use of the parks when there was an agreement with the City and the School District to use the parks. Buol answered that there was no actual agreement. The question of liability came up and Mr. Hammond said he would look into it.

Sherry Clyman won't be able to attend the next City Council meeting. She will be out of town.

Clyman also announced that the meeting regarding the Travel Lodge had been cancelled and had not been rescheduled.

At 10:25 P.M. the Council went into Executive Session regarding Current and Pending Litigation. The Council came out of Executive Session at 11:10 P.M. and back into regular session to adjourn.

  
Diana J. Nicolay City Recorder

Council members present: Jill Thorn, Mike Skee, Mayor Larry McIntyre, Kathy Lairson, Bob Stowell. 91  
Council members absent: Joe Hart, and Sherry Clyman.

Staff members present: John A. Buol, City Administrator; Diana J. Nicolay, City Recorder; Jack Hammond, City Attorney; Mark Hess, Assistant Planner.

The meeting was opened at 8:00 P.M. by Mayor Larry McIntyre.

- #1) McIntyre lead the flag salute.
- #2) The minutes of the April 10, 1985 City Council meeting were approved, with one correction, by a motion from Thorn, seconded by Lairson.

At the beginning of the April 10th minutes it states, in error, that Jack Hammond is City Administrator and it should say City Attorney.

Ayes: Thorn, Skee, Lairson, Stowell.  
Nays: None

- #3) Mayor McIntyre mentioned that the City's Police Chief, Art Enderlin, had received a meritorious award from the Oregon Association of Chief's of Police.

McIntyre then read a Proclamation supporting the American Business Women's Association (ABWA), and introduced an ABWA scholarship recipient.

- #4) Representatives from the Tri-City Chamber of Commerce.

The Tri-City Chamber of Commerce had representatives present to ask the City of West Linn to contribute \$3,000 in support of the work the Chamber does promoting the City

Clackamas County Sheriff, Bill Brooks, Chamber Office Manager Jane Ohlemann, Chamber member Harvey Hains, John Clemmons, and other Directors of the Chamber spoke in support of the request. The Council was told that the City of Oregon City had already committed \$6,000 to the Chamber, and Gladstone had favorably referred the request to the Budget Committee for consideration.

John Clemmons told the Council that the Chamber planned to use the money to promote West Linn. Some plans included paid advertising, a planned River Fest, and brochures.

Bob Andrew, 1st Vice President of the Chamber, and editor of the Chamber Happenings newsletter, also spoke in favor of the request.

Mayor McIntyre supported the request.

Lairson was also in favor of the request, and made a motion to recommend the inclusion of three thousand dollars in the 1985/86 Budget for the Tri-City Chamber of Commerce, as requested. Stowell seconded the motion.

Thorn asked what type of precedent we would be setting if we decided to budget money for the Tri-City Chamber.

Mayor McIntyre stated that the City would always have control of the Budget and could decide to remove the allotment from the Budget at any time.

Skee was in favor of forwarding the request to the Budget Committee for consideration at their April 30, 1985 continued meeting.

Stowell felt that the \$3,000 should be budgeted for the Chamber, and that it would be money well spent.

After some discussion, the vote showed:

Ayes: Lairson and Stowell  
Nays: Skee and Thorn

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Because of the tie vote, the Mayor was called on for his vote. Mayor McIntyre voted in favor, and the request will be forwarded to the Budget Committee for their consideration on April 30, with a recommendation supporting.

#5) Representative from the Tri-City Service District.

Dave Abraham, Clackamas County Utilities Division, reported progress and future plans for the new sewer plant. Abraham also gave a brief history of the Tri-City Service District.

#6) Representative from the Cable TV Advisory Board.

Bob Thorn, President of the West Linn Cable TV Advisory Board gave a brief oral summary of the the Cable Board's annual report to Council dated April 24, 1985.

#7) Open Period:

(a) Information Items:

Robert Mountain spoke in support of the City budgeting \$3,000 for the Tri-City Chamber of Commerce.

(b) Items for future agendas:

None.

#8) Amendments to the Comprehensive Plan Map and Zoning Map.

Mark Hess, Assistant Planner, explained to the Council that on March 18, 1985, the Planning Commission recommended approval of a proposed amendment to the Comprehensive Plan and Zoning Maps. Hess asked Council confirm the amendments based on the record; relevant sections of the "minutes" from the Planning Commission's meeting. The amendments would affect the area of Hwy. 43 near the Dead End of Gear Street.

Mike Skee made a motion to approve the proposed map amendments as recommended by the Planning Commission, and authorized the City Attorney to prepare an Ordinance to that affect. Stowell seconded the motion.

Ayes: Thorn, Skee, Lairson, Stowell,  
Nays: None.

#9) Proposal to annex unincorporated islands surrounded by the City.

Mark Hess, Assistant Planner, presented the staff report stating that at their March 18, 1985 Planning Commission meeting, the Commission decided to recommend approval of a City proposal to annex two existing unincorporated "islands" identified as the "Bland Circle Island" and the "Marylhurst Island" into the City.

Hess gave the following reasons for the requested annexation:

1. To respond to adopted City policy of eliminating existing unincorporated "islands".
2. To address Boundary Commission concerns regarding the creation of unincorporated islands.
3. To promote more efficient delivery of urban level services.
4. To clarify provision of police and fire services.
5. To promote more efficient land development patterns.
6. To distribute the tax burden to properties receiving urban level services.

Lairson made a motion to authorize the City Attorney to prepare a resolution recommending that the Portland Metropolitan Boundary Commission proceed with the annexation of the island parcels into the City. Stowell seconded the motion.

Ayes: Thorn, Skee, Lairson, and Stowell  
Nays: None.

## #10) Administrator's Reports:

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John Buol invited the Council members to a final tour of the South Fork Water Board Intake area, May 11th from 9:00 A.M. to 2:00 P.M.. Lunch will be served after the tour.

Bob Stowell asked if anyone was looking into the traffic slow down at Highway 43 and Lazy River.

Jill Thorn thanked everyone for the response to her newsletter.

Mike Skee asked if someone could take a look at the pedestrian traffic problem developing on 8th Avenue. He feels improvements are needed.

Larry McIntyre was pleased with the responses to the Fair Board's request for assistance.

Stowell made a motion to appoint Mary Bradstreet to the West Linn Traffic Safety Commission. Thorn seconded the motion.

Ayes: Thorn, Skee, Lairson, and Stowell

Nays: None.

The meeting was adjourned at 11:00 P.M.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

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May 8, 1985

Regular Council Meeting

Council members present: Joe Hart, Jill Thorn, Mike Skee, Mayor Larry McIntyre, Kathy Lairson, Bob Stowell, Sherry Clyman.

Staff members present: John A. Buol, City Administrator; Diana J. Nicolay, City Recorder; Jack Hammond, City Attorney; Russ Castleman, Fire Chief, Art Enderlin, Police Chief, Mike Butts, Planning Director.

The meeting was opened at 8:05 P.M. by Mayor Larry McIntyre.

#1) McIntyre lead the flag salute.

Mayor McIntyre announced that item 3-C had been removed from the agenda.

McIntyre then presented Police Chief Art Enderlin with a plaque from the Oregon Police Chief's Association for his work ten years of work with the training of Police Officers.

Mayor McIntyre then read a Proclamation proclaiming May as "Youth Employment Month".

#2) The minutes of the April 24, 1985 City Council meeting were approved, by a motion from Thorn, seconded by Stowell.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman.

Nays: None

#3) Proposed Ordinances:

3-A Proposed Ordinance No. 1156, amending the Municipal Code regarding the Library Board, was considered. Ordinance No. 1156 would change the ending date for terms of office to January 1, and would also enable the Board to remove Board members for nonattendance. Mayor McIntyre read the proposed Ordinance by title. Lairson made a motion to adopt Ordinance No. 1156, effective May 9, 1985. Thorn seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman.

Nays: None.

McIntyre then read the Ordinance a second time by title. Lairson made a motion to adopt Ordinance No. 1156, effective May 9, 1985, Thorn seconded the motion.

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**94** A roll call vote showed:

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman.  
Nays: None.

3-B Proposed Ordinance No. 1157, amendments to the Comprehensive Plan Map and Zoning Map (Portland Avenue).

Mike Butts, Planning Director, explained that this ordinance was approved for preparation at an earlier Council meeting. The Planning Commission supports the zone change and map change.

Mayor McIntyre read the proposed ordinance by title, after hearing no objection from the Council. Lairson made a motion to adopt Ordinance No. 1157, effective May 9, 1985. The motion was seconded by Hart.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman.  
Nays: None.

Mayor McIntyre then read the ordinance a second time by title.

Lairson made a motion to adopt Ordinance No. 1157, effective May 9, 1985. Hart seconded the motion.

A poll of the Council showed:

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman.  
Nays: None.

3-C Was removed from the Agenda.

3-D Proposed Ordinance No. 1158, amending the Comprehensive Plan Map and Zoning Map (Marylhurst) was considered.

Mike Butts, Planning Director, explained that this ordinance was designed to correct an error in the Comprehensive Plan Map and Zoning Map. This rezone was approved by the Council during the Comprehensive Plan process and by error it was not included on the maps. No fee will be assessed for this action.

Mayor McIntyre noted that he was in attendance the evening of the original decision of the Council.

Hearing no objections, McIntyre read the Ordinance by title. Thorn made a motion to adopt Ordinance No. 1158, effective May 9, 1985. Clyman seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman.  
Nays: None.

Mayor McIntyre read Ordinance No. 1158 a second time by title.

Thorn made a motion to adopt Ordinance No. 1158, effective May 9, 1985 and the motion was seconded by Clyman.

A poll of the Council showed:

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman.  
Nays: None.

**#4)** Open Period:

Informational items:

Thorn passed out invitations to participate in the Fair Parade to each Councillor, the City Administrator and City Recorder.

Clyman announced that the newly forming Bolton Neighborhood Association would be holding a meeting at Bolton School, in the Cafeteria next Tuesday at 7:30 P.M.. Anyone interested in attending is invited.

**#5)** Report and recommendation from the Park and Recreation Board.  
John Buol presented the staff report from Ken Worcester, Parks Crew Chief and staff member for the board. The Board stated they did not feel it was necessary to make any changes to the current status of the Board. Council made no changes in the Board, but asked that the report be attached to the presentation.

#6) Appointments:

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Mike Skee nominated Frank Allen for the Planning Commission, with a term ending December 31, 1987. Stowell seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman.  
Nays: None.

Stowell nominated Jane Ohlemann to the Planning Commission for a term ending December 31, 1985. Lairson seconded the motion.

Clyman felt there might be a conflict involved with appointment of Jane Ohlemann.

Ayes: Hart, Thorn, Lairson, Stowell  
Nays: Skee and Clyman

Clyman made a motion to appoint Carol Keljo and Betty Mountain to the Traffic Safety Commission for a three year term. Thorn seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman

Nays: None.

Stowell made a motion to appoint Eric Dillman, James Heard, and reappoint Jon Buckley to the Traffic Safety Commission. Lairson seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Lairson then made a motion to appoint Bob Stowell as Council Representative to the Traffic Safety Commission. Skee seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

#7) Consent Agenda:

Mayor McIntyre reviewed the consent agenda:

A. Resolution No. 85-09 recommending annexation of two islands into the City of West Linn.

B. Bid Recap for Fire Salvage/Rescue Unit and recommendation from the Fire Chief.

C. Request for approval of a fund raiser in a City facility, and for a waiver of charge of \$25.00 per day for two days use of the Willamette shelter for fund raising.

D. Request for approval of fund-raising projects-West Linn High School parents-Hammerle Park, and request for waiver of fees for use of the shelter at Hammerle Park and waiver of the fees for water for the car wash.

Sherry Clyman asked who the group in item 7-C are, what the estimated cost of the work they were donating to the City would be, what plan they have if they don't take in enough money to do the planned project, what criteria Council should be using to decide what fees should be waived and what fees shouldn't. Clyman asked that the decision on this matter be held over for more information from staff and the applicant on this issue. Skee agreed that he would like more information.

Hart made a motion to approve consent agenda items A through D except C. Skee seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

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May 8, 1985

Regular Council Meeting

~~98~~ 9) Administrator's Reports:

John Buol reminded the Council of the South Fork Water Board tour scheduled for Saturday, May 11th. Several Council member signed up for the tour.

#9) Other

Thorn commended John Buol and Willie Gin for getting the Financial report out before the 10th of the month.

The Council went into Executive Session regarding labor negotiations and current and pending litigation at 9:00 P.M..

Council came out of Executive Session at 9:40 P.M. and adjourned the regular meeting at 9:40 P.M..

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

May 22, 1985

Regular Council Meeting

Council members present: Joe Hart, Jill Thorn, Mayor Larry McIntyre, Kathy Lairson, Bob Stowell, Sherry Clyman.

Council members absent: Mike Skee

Staff members present: John A. Buol, City Administrator; Diana J. Nicolay, City Recorder; Jack Hammond, City Attorney.

The meeting was opened at 8:05 P.M. by Mayor Larry McIntyre.

#1) McIntyre lead the flag salute.

#2) The minutes of the May 8, 1985 City Council meeting were approved, by a motion from Hart, seconded by Thorn.

Ayes: Hart, Thorn, Lairson, Stowell, and Clyman.  
Nays: None

#3) Terry Towery was named Employee of the Month for the month of May for her work assisting various departments and individual City personnel with the task of computerizing. She provided both training and motivation that was very much appreciated. Terry was given a compensatory day off and will be considered for employee of the year at the end of 1985.

#4. Representative from the Library Board with their annual report to Council.

Reverend Gary Olsen gave a brief summary of the Board's report. Olsen said that the Board had voted to change the operating hours of the Library and they would now be open every Monday. Material circulation periods were lengthened. (Three week check out period). Collection of rental books was started. The Board helped in the preparation of the Budget and approved the final form to be submitted to the Finance Director. The Board ok'd expenditures, including ceiling repairs for the Library, and the purchase of new shelves and display space. The Board met with the Fire Department to talk about their development of a Plan of Service for the Fire Department. They worked on the development of a community opinion poll and attended the Oregon Library Association Convention. In April they adopted an official position to actively pursue a Library building or expansion program. They hope to gather enough information in order to apply for a Federal grant in January for LSCA money. They are going to shoot for moving in 1987.

#5 Dennis Koellermeier, Public Works Operations Supervisor, made a short slide presentation for Public Works Week.

#6) Open Period:

Informational items:

Betty Mountain thanked the Council for supporting the American Business Womens Association. And told the Council that Wendy Wilhelm, of West Linn High School, had won one of their scholarships.

Sherry Clyman asked that a letter be mailed to the neighborhood associations prior to the City Council public hearing on the budget so that the associations could prepare their comments regarding the proposed new position of Community Coordinator.

John Buol explained that staff had planned to contact the neighborhood association prior to writing the job description for that position. Clyman wanted the letter to go out prior to the Public Hearing on the Budget. Buol agreed to send the letter.

- #7) Request for mobile concessions in Willamette Park-West Linn's Men's B League.

Buol explained the request, and stated that staff recommends approval.

Stowell made a motion that the request for a mobile concession stand in Willamette Park, during softball games on Sunday afternoons beginning May 26 and continuing through July 14, be approved as recommended by staff. Clyman seconded the motion.

Ayes: Hart, Thorn, Lairson, Stowell, and Clyman.  
Nays: None.

- #8) Administrator's Reports:

Buol said that the request that was presented at the last Council meeting for approval of a fund raising event in Willamette Park and waiver of fees for two days use of the Willamette shelter for the fund raising, would come back before the Council at a later date.

Thorn pointed out that the first Changeable-Copy sign was now up on Highway 43.

Stowell asked to be taken off as alternate representative to the Solid Waste and Recycling Committee. Sherry Clyman volunteered to be the alternate Council representative to that committee. Lairson made a motion to appoint Clyman as the alternate representative, Thorn seconded the motion.

Ayes: Hart, Thorn, Lairson, Stowell  
Nays: None.

Hearing no further new business the meeting was adjourned at 8:45 P.M. The Council then went outside to look at the new fire engine.

*Diana J. Nicolay*  
DIANA J. NICOLAY, CITY RECORDER

June 12, 1985

Regular Council Meeting

Council members present: Joe Hart, Jill Thorn, Mike Skee, Mayor Larry McIntyre, Kathy Lairson, Bob Stowell, Sherry Clyman.

Staff members present: John A. Buol, City Administrator; Diana J. Nicolay, City Recorder; Jack Hammond, City Attorney. Art Enderlin, Police Chief, Russ Castleman, Fire Chief, Al Steininger, Public Works Director, and Willie Gin, Finance Director.

The meeting was opened at 8:00 P.M. by Mayor Larry McIntyre.

- #1) McIntyre lead the flag salute.

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- #2) The minutes of the May 22, 1985 City Council meeting were approved, by a motion from Hart, seconded by Thorn.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman.  
Nays: None

- #3) Mayor McIntyre opened the public hearing on the 1985-86 proposed budget and State Revenue Sharing.

Helen Leary, representing the Tri-City Chamber of Commerce, was present to answer any questions that might arise regarding the \$3,000 requested by the Chamber.

Jill Thorn asked what the money was going to be used for. Leary answered that she would like the Council to specify a use for the money, or it would be used for general operation.

Jane Ohlemann, Manager of the Tri-City Chamber of Commerce, 2095 Sunray Circle, explained that the \$3,000 would be used for projects aimed at West Linn Oregon.

After hearing no further discussion, Hart made a motion to close the public hearing. Lairson seconded the motion.

Ayes: Hart, Thorn Skee, Lairson, Stowell, and Clyman.  
Nays: None.

Skee proposed that the Chamber of Commerce create a list of proposed events, and see how they are coming along. The Council should ask what kind of expertise they have in their group.

Skee also was opposed to the proposed Citizens Involvement Coordinator, because of the size of West Linn's community. He didn't feel the citizens of West Linn were ready for a community involvement coordinator.

Jill Thorn asked what it would take to develop a Land Use Commercial Development Inventory.

Mike Butts answered "three weeks to six months."

Sherry Clyman felt similar to Mike Skee. The Chamber's \$3,000 should go to the Neighborhood Associations instead, because there has been no specific designation for the money from the Chamber.

Clyman felt that the position of Citizen Involvement Coordinator should be clearly defined because she believes the job will be a difficult one.

Lairson supported giving the \$3,000 to the Chamber and also supported hiring the citizens involvement coordinator. She also felt it would be important to select the right person.

Jill Thorn supported the \$3,000 for the Chamber and also supported the coordinator position. Thorn would also support \$2,000 for the Neighborhood Associations.

Mike Skee reminded the neighborhood associations that they could advertise their meetings in the West Linn Newsletter that goes out with the water bills. He reminded them that the paper only goes out to half of the City every month. Buol said that he would like to see the paper go to everyone every month.

Larry McIntyre supported money for the Chamber, the Coordinator position, and also the Neighborhood Associations.

Joe Hart made a motion to adopt Resolution No. 85-10 adopting the 1985-86 Budget, with \$1,000 additional dollars for the Neighborhood Associations.

Skee asked that Hart add to his motion that no expenditures may be made without Council action, on the Citizen Involvement Coordinator, the Neighborhood Associations, or the Chamber of Commerce money.

After some discussion Hart added the condition to his motion.



Ayes: Hart, Skee, Lairson, Stowell, and Clyman.  
Nays: Thorn

- #4) Request for a Zone Change and Plan Change approval on West "A" Street.

McIntyre asked the Council to report any ex parte contact they may have had.

McIntyre said he himself had spoken previously with Mr. Sasaki and Mr. Waits.

Hart said that he had had two phone calls and he felt he could remain impartial.

Skee said that he had had no ex parte contact.

Thorn said that she had spoken with Russ Lawrence, <sup>Presided over the</sup> the West Linn Business Group, Mr. Hardy and Mr. Sasaki, and also Mr. Bill Tripp. She felt she could still be impartial.

Lairson said that she had had some phone calls and had seen the petition, but she felt that she could be impartial.

Clyman said that she had spoken to the Bolton Neighborhood Association, and had had numerous phone calls. She had also written a letter to the Planning Commission with the concerns she had heard at the neighborhood meeting.

Mike Butts explained that the request was for a zone change from OBC to CI. He also explained that two appeals had been filed on the Conditional Use, but that they should not affect the decision that night. He explained that the fourteen days appeal starts the day its signed by the Mayor and mailed out.

Butts said that the Planning Commission and the Planning Staff recommended approval of the zone change request subject to the conditions found in exhibit "A" attached. Butts said that the Planning Staff did not feel that the signal light for Willamette Falls Drive/West "A" Street was warranted. They felt that it should not be a condition of the approval. Butts also suggested a change on condition number five. The Camassia Nature Conservancy would like to not only have a fence but also a hedge and a gate that would lock.

Clyman and Lairson had questions of clarification.

Russ Lawrence, Engineer, Willamette Falls Drive, supported the recommendation and conditions with the exception of condition number eleven.

Hart asked if there was a need for the facility. He wanted to see evidence. Lawrence said that the need was expressed in the Comprehensive Plan.

Clyman had questions about the possibility of classroom disruption and shared parking with the High School.

Lawrence assured Clyman that most of the dangerous blasting and loud work would be done when the students are not in school.

Don Rider, 17884 S. Carus Road, Beavercreek, spoke in favor of the project. He felt there was a need for that type of facility in this area.

Steve Housel, President of the West Linn Business Group, endorsed the project and expressed the groups main concerns. (1) Traffic (2) The close proximity to the High School (3) the Quality of the Development.

Kathy McDonald, 5643 S.W. Hewett Blvd., Portland, representing the Nature Conservancy, spoke as a neutral. She asked for assurance that the conditions that protect the Conservancy will be met.

Patrick Vanderhout, 5590 N.W. Broadway St. West Linn, was opposed to the development in that area.

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Mr. Wayne Waits, 4845 Willamette Falls Drive, West Linn, also spoke against the development. Mr. Waits felt that the City Council seems to discourage public opinion, and that the Planning Commission seemed to breeze through their consideration of the development. He asked when opponents that did not speak on this issue before the Planning Commission would have the opportunity speak. McIntyre explained the system to Mr. Waits, reminding him that the Council could only hear testimony heard by the Planning Commission.

Mike Butts explained the process to Mr. Waits. McIntyre clarified. Waite continued with his testimony. He felt that the development would not be good for the community. It would put a strain on public services. He asked what the City will get out of it. He had concerns about blasting. He wondered who would be paying for the improvements on West "A", and wanted to know more about what he called the "mystery package". Waits asked the Council to delay their decision until after the School Board meets, the following night.

Pat Tryon, 2365 Dillow Drive, West Linn, spoke in opposition of the development, feeling that City employees are biased in their opinions. She felt that because there were so many citizens that did not testify previously, that night's decision should be remanded back to the Planning Commission for further consideration of new testimony. She felt that the development could adversely effect the community. She felt the true need had not been expressed. The property proposed would offer limited expansion for the facility. She also felt that because of new information and testimony, the matter should be remanded back to the Planning Commission.

Clyman asked if Tryon had any quantitative knowledge that she could provide. Tryon did not offer any.

Claire Yoder, 1595 Bland Street, wanted to know why the City Council would even consider this zone change request when they know there have been two appeals filed on the Conditional Use approval.

Hammond explained that approval of this zone change will be conditioned upon approval of the Conditional Use and Design Review approval.

Russ Lawrence, Willamette Falls Drive, again spoke in favor of the development stating that parking requirements are adequate, blasting will be carefully controlled, and West "A" Street improvements need to be addressed. He spoke regarding the qualifications of the developer. He said that they were aware that the property chosen did not offer expansion.

After hearing no further testimony, McIntyre said that the Council had before them a recommendation with sixteen conditions, and asked them for their decision.

Hammond added that approval should also be based upon the following condition:

Approval of the Comprehensive Plan Map amendment and the zone change is subject to the subsequent approval by the Council of the conditional use application and Design Review application which are being appealed to the City Council and further subject to substantial construction on the project commencing within one year of the approval of the conditional use application. The approval is additionally conditioned upon development and completion of the project according to standards and conditional use application and design review application as finally approved by the City.

Hart asked if this would be a regional center or local center. He was in favor of a local facility. Hart wanted to remand the decision back to the Planning Commission for more information on need.

Stowell was in favor of the project because the facility would be twenty minutes from the airport. He felt there was a regional need. He felt the facility would be in compliance with the Comprehensive Plan. He felt the traffic concerns had been well addressed and will be addressed further. He felt it would create jobs

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for teenagers in the West Linn area.

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Thorn spoke in favor of the development and asked that a decision be made that night.

Lairson wanted the development to be a quality development, and felt that it will be. Lairson also wanted the Council to make their decision that night. Lairson felt that the fence protecting the Camassia area should go up first, before any development begins.

Skee felt that West Linn needs diversification.

Clyman wondered if the facility might be too big for West Linn. She also wondered what would happen if the project was not completed. She couldn't justify the need for the facility, and wanted more comments from Council members.

After some discussion, Skee made a motion to approve the Zone Change/Plan Change on West "A" from OBC to CI as recommended by the Planning Commission with changes to condition #5, that a six foot fence be installed at the earliest time, and that #11 be deleted.

Hammond added his condition as stated earlier.

The motion died for lack of second.

Lairson made a motion to approve the Zone Change/Plan Change on West "A" Street, subject to Hammonds condition, and further subject to condition #5, a fence and hedge be installed prior to any construction, and as soon as possible after excavation, and prior to the issuance of any building permit. and subject to all other conditions as recommended by the Planning Commission (Exhibit B). Stowell seconded the motion.

Ayes: Skee Thorn, Lairson, and Stowell

Nays: Clyman, Hart

The meeting was continued to June 13, 1985 at 8:00 P.M., and at that time the Council went into Executive Session regarding current and pending litigation, and to negotiate real property transactions.

The Council came out of Executive Session at 1230 P.M. and continued the regular meeting until June 13, 1985 at 8:00 P.M..

*Diana J. Nicolay*  
DIANA J. NICOLAY, CITY RECORDER

June 13, 1985

Continued Council Meeting

Council members present: Joe Hart, Jill Thorn, Mike Skee, Larry McIntyre, Kathy Lairson, Bob Stowell, and Sherry Clyman.

Staff members present: John A. Buol, City Administrator, Janet Dancer Williams, Deputy City Recorder, Jack Hammond, City Attorney, Mike Butts, City Planner, and Dennis Koellermeier, Operations Supervisor.

#5) Mike Butts gave the staff report discussing neighborhood association boundaries and the possible need to reconsider them.

Council discussion followed.

Claire Yoder testified there is no relationship between the neighborhoods identified in the Comprehensive Plan and neighborhood association boundaries. She stated their proposed boundaries are appropriate, and are of an appropriate size. She concluded by requesting Council's endorsement of the Bolton Neighborhood Association. Pat Gilmer stated that she spoke with three cities, Lake Oswego, Milwaukie, and Oregon City. She testified that these cities do not dictate neighborhood association boundaries. She stated that their proposed boundaries are appropriate, and that they have representation from all areas. Pat Tryon testified in favor of Council recognition of the neighborhood association.

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Chuck Tryon stated there are no reasons for not recognizing the neighborhood association. Ron Thalman testified in favor of neighborhood association recognition. Marie Horvath hoped that the Bolton Neighborhood Association would be recognized. Gary Madson stated that he has some concerns about a gap in needs to be addressed in the near future.

Kathy Lairson moved that staff prepare a resolution for the recognition of the Bolton Neighborhood Association with the boundaries as they are drawn, recognizing their Charter and By-Laws. Joe Hart seconded.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None

- #6) Janet Williams gave a brief staff report on alternatives to complying with handicapped requirements.

Council discussion followed.

Council had two inquiries:

Talk to Community Development regarding the Sunset Firehall.

Talk to Crown Zellerbach regarding property. Request response in three months about these two matters. This amount is for 2,200 square foot addition, and adequate parking as required by the Code. Find out from Crown what they feel is a reasonable time frame to respond.

- #7) Open Period:

Informational Items:

Marie Horvath asked if any action has been taken regarding a sign for pending land use matters. Mrs. Horvath requested that this be placed on a future agenda. Mrs. Horvath also added that the neighborhood associations will use any budgeted funds. She also requested that the neighborhood associations be involved in the selection process.

Pat Tryon: City Council address whether amendments to Comprehensive Plan and Development Code be distributed at the Library. She also requested that the Council review filing fees.

Jill Thorn: Requested that the Council meet in Benski Park in July or August because there is not a public meeting room in Ward 5. Staff will pursue if this is feasible and then schedule a meeting.

- #8) Proposed Ordinances:

Marie Horvath, on proposed Ordinance No. 1159, stated that the Robinwood Neighborhood Association does not believe this is a fair and workable ordinance.

Mayor McIntyre read Ordinance No. 1159 by title. Hart made a motion to adopt Ordinance No. 1159 with the definition of noxious growth and the section relating to noxious growth deleted. Effective tomorrow. Thorn seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None

Mayor McIntyre read the Ordinance a second time by title. Hart made a motion to adopt Ordinance No. 1159 with the definition of noxious growth and the section relating to noxious growth deleted. Effective tomorrow. Thorn seconded.

A poll of the Council showed:

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

Mayor McIntyre read proposed Ordinance No. 1160 by title. Lairson made a motion to adopt Ordinance No. 1160 effective tomorrow. Hart seconded.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.



McIntyre read Ordinance No. 1160 a second time by title.

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Lairson made a motion to adopt Ordinance No. 1160 effective tomorrow. Hart seconded.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman.

Nays: None.

The Council postponed action on Ordinance No. 1161 until Chief of Police Art Enderlin, and Building Official Dave Rood could appear before the Council.

Council also postponed Ordinance 1162 until Chief Enderlin could appear before the Council.

McIntyre read proposed Ordinance No. 1163 by title. Lairson moved to adopt Ordinance 1163 with an effective date of tomorrow. Stowell seconded.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, Clyman

Nays: None.

McIntyre read Ordinance No. 1163 a second time by title. Lairson made a motion to adopt Ordinance No. 1163, effective tomorrow, and Bob Stowell seconded the motion.

A poll of the Council showed:

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman.

Nays: None.

Mayor McIntyre then read proposed Ordinance No. 1164 by title. Hart moved to adopt Ordinance 1164 with an effective date of tomorrow. Skee seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman.

Nays: None.

McIntyre then read Ordinance No. 1164 a second time by title. Hart moved and Lairson seconded a motion to adopt Ordinance No. 1164, effective tomorrow.

A poll of the Council showed:

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman

Nays: None.

Mayor McIntyre read proposed Ordinance No. 1165 by title. Stowell moved to adopt Ordinance 1165 with effective date of tomorrow. Hart seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, Clyman

Nays: None.

McIntyre read Ordinance No. 1165 a second time by title. Stowell made a motion to adopt Ordinance No. 1165 effective tomorrow. Lairson seconded the motion.

A poll of the Council showed:

Ayes: Thorn, Skee, Lairson, Stowell, Clyman.

Nays: Hart

Mayor McIntyre read proposed Ordinance No. 1166 by title. Lairson moved to adopt Ordinance No. 1166 effective tomorrow. Hart seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman

Nays: None

McIntyre read Ordinance No. 1166 a second time by title. Lairson moved and Stowell seconded a motion to adopt Ordinance No. 1166 effective tomorrow.

A poll of the Council showed:

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman

Nays: None.

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104 McIntyre read proposed Ordinance No. 1167 by title. Lairson made a motion to adopt Ordinance No. 1167 with an effective date of tomorrow. Stowell seconded.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

McIntyre then read Ordinance No. 1167 a second time by title. Lairson moved and Stowell seconded a motion to adopt Ordinance No. 1167 effective tomorrow.

A poll of the Council showed:

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

#9) Resolution No. 85-11

Stowell moved to adopt with effective date of tomorrow. Lairson seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

Resolution No. 85-12

Lairson moved to adopt with effective date of tomorrow. Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Resolution No. 85-13

Stowell moved to adopt with an effective date of tomorrow. Clyman seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Resolution No. 85-14

Stowell made a motion to adopt with an effective date of tomorrow. Clyman seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

#10) Consent Agenda

Lairson made a motion to adopt items A through C. Stowell seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

At 11:15 the Council went into Executive Session regarding current and pending litigation. The Council came out of Executive Session at 11:30 and adjourned the regular meeting.

 Deputy  
Janet Dancer Williams, Recorder

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June 26, 1985

Regular Council Meeting

Council members present: Jill Thorn, Mike Skee, Mayor Larry McIntyre, Kathy Lairson, ~~Bob Stowell~~, Sherry Clyman.

Members absent: Joe Hart

Staff members present: John A. Buol, City Administrator; DeAnn Darling, City Attorney, Janet Williams, Deputy City Recorder, and Willie Gin, Finance Director. 105

The meeting was opened at 8:05 P.M. by Mayor Larry McIntyre.

- #1) McIntyre lead the flag salute.
- #2) The minutes of the June 12 & 13, 1985 City Council meeting were approved with the following corrections:

Page 98 - Thorn opposed giving the Chamber \$3,000, but did vote on the issue.

Page 99 - Thorn presided over the Business Group Meeting.

Ordinance No. 1160 - Thorn and Clyman voted no.

Page 98 - delete the word neighborhood association in the second to the last paragraph.

Skee moved to approve the minutes with corrections, Lairson seconded the motion.

Ayes: Thorn, Skee, Lairson, ~~Stowell~~, and Clyman.  
Nays: None

Bob Thorn, Chairman of the Cable TV Advisory Board awarded prizes for video contest winners. The theme was "Portraits of West Linn". Three prizes were awarded. A short segment of the first prize video "Andy's Acres" was shown at the meeting.

Plaque and paperweight were presented to Janet Williams who is resigning from her position as Assistant to the Administrator.

- #3) Gary Madson, Chairman of the Planning Commission presented his Planning Commission report to the Council. He discussed the organization of the Commission, highlighted recent actions of the Commission including current issues and planned future activities. Mr. Madson requested the City Council to take action on four items as enumerated on page six of the report.
- #4) William Gin presented his proposal for purchase of accounting software. Mr. Gin is recommending that the City enter into an agreement with the City of Beaverton for purchase of their accounting software. Mr. Gin also introduced Don Schulty, Data Processing Manager from the City of Beaverton. Mr. Schulty and Mr. Gin responded to questions of the Council. The City Council asked staff to respond to the following concerns and bring it back to Council.

1. Rough draft of a proposed agreement between us and the City of Beaverton.
2. Problems if Beaverton software will not operate on the type of equipment we are proposing to purchase.
3. Specify hours of training.
4. Length of the agreement.
5. Cost of additional training not included in the original package.
6. Any costs of upgrading original programs. The City Council tentatively agreed to the concept proposed by Mr. Gin if these issues can be resolved.

- #5) William Gin presented his proposed assessment and foreclosure procedure to the Council.

Lairson moved to approve the procedure as outlined by the Finance Director. Thorn seconded.

Ayes: Skee, Thorn, Lairson, ~~Stowell~~, and Clyman.

Nays: None.

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10#6) Resolution No. 85-15 (Transfer Budget No. 1)

Lairson moved for approval, Thorn seconded.

Ayes: Skee, Thorn, Lairson, ~~Stowell~~, and Clyman.

Nays: None.

#7) Open Period:

Informational Items: Pat Tryon, 2365 Dillow Drive, presented a letter that Mark Hess, Assistant Planner with the City, submitted to the Oregon Economic Development Department. She is concerned that the letter endorses the hotel/convention center project in West Linn, and that it is on public record with the State. She requested that a letter be addressed to the State saying that there is not a City endorsement on this specific project. The Council took no action.

Future Agendas: Mayor McIntyre expressed the concerns about neighborhood association boundaries, and that this issue be placed on a future agenda. After some discussion it was decided that an August date be established for a joint Council/Planning Commission worksession, and that neighborhood association boundaries be one of the items on that agenda.

#8) Resolution No. 85-16 (Extension of dispatch services with Oregon City)

Lairson moved for approval. Thorn seconded.

Ayes: Skee, Thorn, Lairson, ~~Stowell~~, and Clyman.

Nays: None.

#9) Item "A" was removed from the agenda to be discussed at a worksession. (Ordinance No. 1161)

Item "B", Ordinance No. 1162 (Unlicensed Vehicles).

Mayor McIntyre read the Ordinance by title. Thorn moved to adopt effective 6-27-85, and Clyman seconded the motion.

Ayes: Skee, Thorn, Lairson, ~~Stowell~~, and Clyman

Nays: None.

Mayor McIntyre read the Ordinance a second time by title.

Thorn moved to adopt effective 6/27/85, Clyman seconded the motion. Roll call vote showed:

Ayes: Skee, Thorn, Lairson, ~~Stowell~~, and Clyman

Nays: None.

Item "C" Ordinance No. 1165 (Peddlers and Solicitors)

Mayor McIntyre read the Ordinance by Title. This was a second reading. Clyman moved to adopt effective 6-27-85. Thorn seconded the motion.

Roll Call Vote Showed:

Ayes: Skee, Thorn, Lairson, ~~Stowell~~, Clyman

Nays: None.

Item "D", Ordinance No. 1168 (Emergency Planning)

Mayor McIntyre read the Ordinance by title. Skee moved to adopt effective 6/27/85. Thorn seconded the motion.

Ayes: Skee, Thorn, Lairson, ~~Stowell~~, Clyman

Nays: None.

McIntyre then read the Ordinance a second time by title.

Skee moved to adopt effective 6/27/85, Thorn seconded. Roll Call vote showed:

Ayes: Skee, Thorn, Lairson, ~~Stowell~~, and Clyman

Nays: None.

## #10) Consent Agenda:

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Thorn moved to adopt items "A" through "G" of the Consent Agenda. Clyman seconded the motion.

Ayes: Skee, Thorn, Lairson, ~~Stowell~~, and Clyman  
Nays: None.

## #11) No Administrative Reports.

## #12) Mrs. Thorn requested the City purchase a 1/8 page ad for \$48.00 to endorse and support the West Linn Fair. Staff should prepare the ad and deal with this issue.

Mayor McIntyre stated staff needs to advertise for the Planning Commission vacancy.

The meeting was adjourned at 10:35 P.M..

*Janet D. Williams*  
Janet D. Williams, Deputy Recorder

July 10, 1985

Regular Council Meeting

Council members present: Joe Hart, Jill Thorn, Mayor Larry McIntyre, Kathy Lairson, ~~Bob Stowell~~, Sherry Clyman.

Members absent: Mike Skee

Staff members present: John A. Buol, City Administrator; Jack Hammond City Attorney, Diana J. Nicolay City Recorder, Mike Butts Planning Director, and Russ Castleman Fire Chief.

The meeting was opened at 8:00 P.M. by Mayor Larry McIntyre.

## #1) McIntyre lead the flag salute.

## #2) The minutes of the June 26, 1985 City Council meeting were approved as corrected with a motion from Thorn, seconded by Stowell. (Bob Stowell had pointed out that he was absent at the last Council meeting, and his name should be removed from the minutes.)

Ayes: Thorn, Hart, Lairson, ~~Stowell~~, and Clyman.  
Nays: None

## #2 (a) Petition for rehearing zone change and comprehensive Plan change Hotel/Convention Center.

John Buol, City Administrator, introduced Jack Hammond, City Attorney, and asked him to report on this issue. Hammond stated that the City had received a petition for rehearing on the decision by the City Council on the Zone Change and Comprehensive Plan Change. He said that the Code provides that at the next regular meeting after the petition for rehearing is filed, the City Council decide if the rehearing will be granted. If Council grants the rehearing, Council would then set another hearing date on the Comprehensive Plan, at a later City Council meeting. Council can make their decision based upon the evidence of record, petitions that have been filed, or allow argument from proponents and opponents as to the petition that has been filed, but in

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Council agreed that there would be no additional input. Mayor McIntyre pointed out that they had before them two petitions for rehearing, one from Patricia Tryon, and the other from Mr. Waits.

Hart made a motion that the petitions for rehearing be granted. Clyman seconded the motion.

Lairson wanted to hear testimony from the petitioners for the rehearing.

Ayes: Hart and Clyman  
Nays: Lairson, Stowell, and Thorn

The motion was defeated. Jill Thorn made a motion that the Council not rehear this item. Lairson seconded the motion. It was clarified that this motion covered both requests for rehearing.

Sherry Clyman asked what happens to new evidence. Hammond explained that new evidence could only be introduced if the item was remanded back to the Planning Commission on particular points.

Ayes: Thorn, Lairson, and ~~Stowell~~  
Nays: Hart and Clyman

This motion was approved, and both petitions for rehearing were denied.

- #3) Public Hearing - Appeal of Planning Commission decision of May 28, 1985, regarding the approval for a Hotel/Convention Center.

Jill Thorn wished to declare exparte contact.

Thorn has had contact with Russ Lawrence. She chaired the West Linn Business Group meeting of May 28th, when it was voted to endorse the concept of the Motel. She did not vote on this issue. She also had discussions with Mr. Tripp and correspondence Mr. Sassaci and Mr. Hardy in regard to this matter. She felt that she could make a fair and impartial decision in this matter.

Sherry Clyman said that in the last week she had received phone calls from Mr. Russell and Mr. Tripp and two private citizens. She informed them all that she could not discuss this matter with them. She feels that she can be impartial.

Kathy Lairson said that she had been approached by citizens and she was asked to sign a petition. She felt she could make an impartial decision.

Bob Stowell has had no further contacts since the neighborhood meeting where he heard the proposal.

Mayor McIntyre had a contact from Mr. Lawrence regarding what Council had dealt with at the last meeting. He also felt that he could make an impartial decision if called upon to do so.

Joe Hart has not had any contacts.

McIntyre asked if anyone from the audience challenged the action of any member of the Council. Mr. Waits, Willamette Falls Drive, challenged Mrs. Thorn as being the chairman of a committee that has endorsed this project. Sandra Yates-O'Keefe also challenged Mrs. Thorn. Mrs. Thorn stated that she wished to vote in the

motion. The motion died for lack of second.

McIntyre asked for the staff report from Jack Hammond. This public hearing is limited to the points raised as a matter of record, in the original decision. The claim of economic viability is not one of the standards in the code. The overall need in the City of West Linn, for this type of facility is a standard you can review.

Another ground in the appeal makes reference that the fact that the land use action below should have been a legislative action rather than a quasi-judicial land use action. This really only applies to the zone change and the comprehensive plan change, and those are not before the Council on this appeal. That issue doesn't relate to the appeal on the conditional use and design review. It's not really a big issue. He cited an Oregon Supreme Court Case from 1977 involving the Clackamas Town Center.

Mrs. Pat Tryon, 2365 Dillow Drive, West Linn spoke in support of the appeal. Exhibit "A" attached.

Mr. Wayne Waits, 4845 Willamette Falls Drive, thought the whole process they were going through was a sham. He thought that presenting the same information to the same body of people was a waste of time.

Sandra Yates O'Keefe, 5263 West "A" Street, a homeowner across the street from the proposed project, spoke against the development proposed. How well this development affect the property values in the area?

Mrs. O'Keefe's testimony was stopped by Attorney Tim Ramis, on the basis that this testimony was not previously presented.

O'Keefe's testimony had three basic concerns: 1) Would hurt her property value, 2) How will she be able to sell her house, 3) What kind of a neighbor would this development be?

She also feared lights shining all night, and traffic loads. Transients would be attracted to her area.

Sherry Clyman asked Mrs. O'Keefe how she sees her neighborhood changing if it doesn't maintain its residential character. Do you see any other alternatives for your property?

O'Keefe sees more commercial development.

Tim Ramis, attorney, 1727 N.W. Hoyt, spoke in support of the appeal.

Jill Thorn declared that Mr. Ramis's firm is a client of her business. She has not discussed this matter with him, has not dealt with him, and does not deal with him when she is dealing with the firm.

Mr. Ramis commented on some of the legalistic issues of the decision.

1. Quasi-judicial decision - procedure followed to date is the correct one.
2. The hearing notice argument seems to be abandoned tonight.
3. There is also a claim that non-sufficient weight was given to public testimony. It isn't a question of weighing how many people on each side make an argument, but a solemn judicial process.

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4. Public need - This was addressed in the zone change process. (Ramis cited Christiansen vs City of Eugene)

5. On the question of the adequacy of the findings, the staff has done a good job of putting together the findings and he appreciated that they were broken down into basic issues.

LUBA will send back for clarification.

6. Burden of proof - he sees nothing in the records that upholds that somehow the Planning Commission was not asserting the proper burden of proof.

Burden of persuasion - he feels that the applicant has carried the burden of persuasion on the policies that have been presented to the Council.

7. Financial viability - As Council indicated, this is a totally irrelevant consideration.

Russ Lawrence, 5001 Willamette Falls Drive, West Linn, spoke in support of the project. Regarding the code requirements not being adequate, that is the yardstick we have to go by, but we have also addressed, emission levels of the traffic, the circulation pattern of the parking area, as well as locating the parking on the "vacant side" of the building, lowering noise as much as possible. They also addressed, vegetative cover along the fence by the school. As far as views are concerned, the requests of the design review testimony from people on West "A" have been met.

The wildlife and natural features are being protected by using light shielding and using natural materials, a fourty foot buf between the Camassia area and the nearest parking. What can be done has been done.

Urban services have been studied at length, and sewer and water exist and are deemed to be adequate. Police and Fire services, Public Works all agree. We meet the requirements of the West Linn Drainage Plan.

The use is not inappropriate.

Lawrence referred to Resolution No. 85-08, supporting business.

How else do you see this complex benefiting the City of West Linn? Lawrence answered that it would benefit the entire Tri-City area. There will be 100 jobs available.

Have you ever examined any other piece of property for this project? Lawrence answered yes, the only other alternative is the 10th Street Interchange. This facility fits this location better than 10th Street.

Thorn asked, do you feel that the conditions that are on this, the developer is being required to pay for more than a normal project? Lawrence answered yes.

McIntyre asked about security. Lawrence answered, that lighting was addressed.

Patricia Tryon spoke in rebuttal, as an advocate of quality development, urging the Council to go back for additional facts.

1. Quasi-judicial or legislative issue. The court case that was mentioned does not specifically apply to this case. It is an issue of proportion. The Code as she reads it is not clear.

2. Requirement of site size and dimension providing adequate area for the proposed use. The Code requires that you look at the needs of the proposed use.
3. Providing a facility that is consistent with the overall needs of the community. She hasn't seen any more hard evidence. 111
4. Siting requirements for short and long range needs of the use.
5. Shielding residents from incompatible use has not been responded to.
6. Issue of public need has not been addressed, and that the change is in the best interest of the present and future community. Will there be economic benefit?
7. Issue of minimal adverse impact.

Hart made a motion to close the public hearing. Lairson seconded the motion.

Ayes: Hart, Thorn, Lairson, Stowell, Clyman

Nays: None.

Attorney Jack Hammond explained the Council's options.

1. Reject the appeal.
2. Approve both the C/U and D/R then adopt ordinance.
3. Remand the C/U or D/R back to the Planning Commission for any further new information you feel relevant.

Thorn felt comfortable with their past decision.

Clyman felt that we were not dealing with the needs of the community, but what someone is going to lose. Who will lose less, rather than who is going to gain. We haven't decided as a body where we want West Linn to go. She wanted the Council to come together as a body and decide the direction of West Linn.

Stowell supported the project and was against the appeal. Stowell did not agree with Clyman that the Council did not have a direction for West Linn. He pointed out that the Comprehensive Plan summarizes the direction West Linn is planning to head.

Lairson supported the project and was against the appeal, thought quality of project was high.

Hart wanted to remand the decision back to the Planning Commission to review the need issue.

McIntyre supported the development with concern that maybe it should be in another location. McIntyre supported the Comprehensive Plan.

Hart made a motion that the matter be remanded back to the Planning Commission for further hearings in regard to the need of the project.

Clyman seconded the motion.

Clyman asked if the maker of the motion would entertain amending the motion to add the legislative/quasi-judicial issue.

Hart would not amend the motion.

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Ayes: Clyman and Hart  
Nays: Thorn, Lairson, and Stowell

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112 The motion failed.

Thorn made a motion that Mrs. Tryon's request for appeal be denied, and that the findings of the Planning Commission be affirmed, with the amendment that the fence referred to in number five be installed prior to issuance of building permit.

Stowell seconded the motion.

Ayes: Thorn, Lairson, Stowell  
Nays: Hart, Clyman

#4. Ordinances:

A. Proposed Ordinance No. 1160, (2nd Reading) Advance Financing of Public Improvements. Mayor McIntyre gave the second reading of Ordinance No. 1160.

Lairson made a motion to adopt Ordinance No. 1160, effective July 11, 1985.

Thorn asked if it would be possible to add streets to the Ordinance. Hammond said it would be more complicated for the City.

After some discussion, Thorn made a motion to send Ordinance No. 1160 back to staff to add the word streets. Lairson seconded the motion.

Russ Lawrence, 5001 Willamette Falls Drive, West Linn, spoke in favor of putting streets in because of two examples Rosemont Road, and Robinwood (Street of Dreams).

Ayes: Hart, Thorn, Lairson, Stowell, Clyman  
Nays: None.

#4b Proposed Ordinance No. 1169, changing zone designation and Comprehensive Plan on Tax Lots 900 and 4500, 4600, 4700, and 4800.

Council had no objection to the Mayor reading Ordinance No. 1169 by title. McIntyre read the ordinance by title.

Lairson made a motion of Ordinance No 1169 effective July 11, 1985. Thorn asked if the same verbiage about number five would be included. The answer was yes. Hart objected that in the staff report, the conclusion states that the request responds to demonstrated and documented needs of the community.

A poll of the Council showed:

Ayes: Thorn, Lairson, and Stowell  
Nays: Hart and Clyman

This motion did not pass. It must come before the Council at the next meeting.

#(5) Open Period:

Informational Items: Marie Horvath, 4256 Terra Vista, West Linn, presented a letter addressed to John Buol, to the Council for their information. The topic was Traffic Safety, Cedaroak School. The Neighborhood group was asking the City to strictly enforce the traffic laws involving illegal parking and hazardous congestion around Cedaroak School.

Mrs. Horvath also wanted to talk about the fact that she has noticed that the Fire Chief has air conditioning in his office and there is air at the Sunset Firehall, but the 24 hour firemen at Bolton Firehall don't have air conditioning and their living quarters must get up to 100 degrees. She presumes that the air conditioning was purchased with funds from the \$700,000 bond issue.

Horvath also noticed that the new rescue vehicle is twice the size of the old rescue unit. The Task Force recommended that the City replace the old rescue unit. She feels none of the Task Force recommendations have been made except for the Bond Issue. She feels that the City should investigate the Fire Department's expenditures in relation to the Bond Issue.

McIntyre asked Horvath to sit down with the Fire Chief. Horvath wants Fire Department money to be monitored.

Hart asked to have this put on a future agenda, and not discussed at this time.

McIntyre directed staff to look at the Cedar oak matter, and he asked for a response by the next meeting.

Ed Druback, 1790 S.W. Britton, handed out the republished handbook on the Willamette Meteorite, originally written in 1962. 5000 copies will be distributed throughout the City.

Druback also reminded the Council of Family Fun Day at the end of August.

#### Future Agendas

- #6) Proposed Resolution No. 85-18, regarding petition to the EQC for recognition of West Linn as an independent reporting district.

Ed Druback, representing the Solid Waste and Recycling Committee, passed out an article from the Sunday Oregonian regarding the garbage dilemma in Portland. He pointed out West Linn's name in the article.

As unique as West Linn is, it should be able to speak for itself.

Lairson made a motion to adopt Resolution No. 85-18. Hart seconded the motion.

Ayes: Hart, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

- #7) Consent Agenda:

Item "B" of the Consent Agenda was removed to be handled separately.

John Buol presented the bid recap for 1985 water line improvements. This was budgeted in the 1985-86 budget. 6,085 feet of main replacement. The low bidder did not sign his bid, so we are taking the second bidder, D and M Excavating Co. \$229,362.50.

McIntyre asked if there were any concerns that this contractor could not perform this job within this amount. Buol said that the Engineers feel these people can do the job.

Buol said that Murray Smith will have inspectors on the job.

After some discussion, Hart made a motion to approve Consent Agenda item A", Stowell seconded the motion.

Ayes: Hart, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Item "B" - Land option in Hidden Springs No. 8.

John Buol explained that the Council discussed this issue in executive session, and had not come to a formal decision.

Lairson asked that the Fire Department's Task Force Report be brought to the Council on a later agenda.

Council decided not to exercise their option on the Hidden Springs Ranch property.

Lairson made a motion that the Council direct staff to write a letter to K and F Development letting them know that the City is not going to exercise their option on that particular piece of property. Hart seconded the motion.

Ayes: Hart, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

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114 John Buol said that there was another appeal filed by the developer on the Hotel/Convention Center, regarding traffic lights. There will be a meeting between staff and the State Highway Department, to discuss the traffic lights.

Buol announced that Charlene Richards has been hired to fill the vacant position of Assistant to the Administrator for the City of West Linn. Richards is scheduled to come on board July 26, 1985.

McIntyre asked staff to write letters of thanks to the assessors in the Assessment Center.

#9) Business from the Council.

Jill Thorn asked about public notice signs. She wondered if quotes have been received. Buol explained that quotes have been received and the signs are going to be very expensive, but we are proceeding with them.

Lairson resigned as West Linn's representative on the Metro Highway Study Committee. Buol suggested that Dennis Koellermeier could possibly attend the meetings. Traffic Safety Commission could send a representative.

Clyman asked John Buol what Kathy McDonald from the Nature Conservancy was concerned about in his memo to Mike Butts. Buol explained that when Villa Roma Subdivision was built, Mrs. McDonald was under the understanding that fencing was to have been installed along the Camassia property.

Clyman was interested in looking at West Linn's parking requirements.

Clyman wants to see notes at the Library that say updated information on maps or other documents of the city's are available at City Hall.

Clyman asked that Council set up community conflict forums through the Neighborhood Associations.

The Council decided they would meet for a worksession to discuss Goals and the possibility of having town hall meetings. The worksession was set for August 21, 1985.

The Council went into Executive Session at 11:00 P.M.

Council came out of Executive Session at 11:30 and went back into their regular meeting to adjourn at 11:30 P.M.

*Diana J. Nicolay*  
Diana J. Nicolay  
City Recorder

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Special Council Meeting  
City Liability Insurance

July 22, 1985

Present: Mike Skee, Bob Stowell, Jill Thorn, Larry McIntyre, John Buol  
City Administrator, Jack Hammond City Attorney, Cliff Beeler J,B,L,  
and K Insurance Company..

Also in attendance: Jeff Landers, Tidings

John Buol gave the opening comments. The City's insurance is due to expire on July 25, 1985. The reason for the special meeting is to discuss our insurance, since Mr. Beeler has placed the insurance out to bid, and found only two underwriters who can cover the insurance. The low bidder he received was a City/County arrangement through the League of Oregon Cities. Our current carrier is National American. We are not totally happy with the low bidders policy, but it appears that the way we are headed. Jack Hammond and Cliff Beeler are present to discuss our situation. Staff suggests that we look seriously at the Leagues insurance, because we don't have much choice. We are not large enough to be self insured.



Jack Hammond is pleased with the work of JBL&K Insurance in the past. National American has gone from a B+ to a B, which is not a good rating for an insurance carrier. The coverage as proposed by the League is broader than the coverage by National American. The insurance carriers involved are all A+ companies. There is a different twist in this because there would be 150 cities in the League's policy. We would be sub-insuring through a pool. There are a million-and-a-half dollars in reserve in court coverage, for us to draw from. The League feels that amount is more than sufficient. If we have claims that are paid and settled during the year that exceed that, then we have our own liability up to \$50,000 deductible with us pooling, like the State Bar does. It works out quite well. If we stay with National American, it could go into liquidation like one of our carriers a few years back. Hammond has been involved with these companies for years and they are outstanding. National American probably will be leaving the State next year.

Cliff Beeler said that this year National American has dropped to a B company. JBL&K only uses companies with A ratings. The \$50,000 deductible also concerns us, because we cannot guarantee that we would never run out of money in that pool, to cover your losses two or three years from now. The strongest companies we can get at this time are in the League.

Hammond said that we would really be in a hard spot if six months from now we went with National American, and they put more restrictions on and they cancelled us. There wouldn't be any place for us to go.

Cliff Beeler feels the League insurance is a good way to go.

Mike Skee asked:

1. Why did we get this so late?  
A. Buol answered that we put the insurance out to bid and this came in the week before last, and by the time they worked it up it came to me last Tuesday or Wednesday. We waited for some information from the League, and didn't get that until Friday.
2. Skee found a number of questions to ask, and a number of discrepancies in statements that have been made. Mr. Beeler mentioned that there are two companies, National American and the Chubb Insurance Company. Skee's research says that there are other companies, like Great American, that do this. Are these just two underwriters that JBL&K works with?  
A. Beeler answered that Great American was not available at this time. They are not taking any accounts as of July 1, and these were the only two available.
3. Are you a risk manager or a broker?  
A. Broker.
4. Isn't there a difference between a risk manager and a broker?  
A. Beeler said they manage your risk, some people have different terminology for risk managers.
5. We are carrying some very low deductibles. Can we improve our insurance premiums by raising these deductibles?  
A. Beeler answered that the breaking point might be \$500 on a collision but it isn't the same as where you get 18% for a \$1,000 deductible. At this point we don't have the bottom line figures from these two companies. When we get their worksheets so we can see where they rated your risk, then we can address those items and go to higher deductibles. We don't have access to that until the Council names the company that we are going with.

Hammond said that the key thing they have to look at is the Tort Liability. If you go with the League it's about \$64,000. Some cities self-insure themselves. The ones that do it have a minimum of \$100,000. He didn't feel that was a good alternative for the City of West Linn.

6. Skee asked if this was a standard policy amongst underwriters. They won't give you anything until after you have signed with them?  
A. Beeler answered "yes" because this is a bid.

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7. Skee asked if you went to the five million, that for an increase of \$4,000 or so we are getting alot more coverage. If you could offset some of these other things by raising the deductible, we are still talking under the same thing.

Hammond said he wouldn't be to concerned about getting above a million because you have your Tort Claim insurance that goes far as \$300,000.

8. Skee asked, on property insurance you have non-owned personal property or other coverage-all risk. Over here on JG Newman is that 21%?

Beeler answered that it was a line item. He didn't know what it refers to.

9. Up at the top, all risk peril, in our City what is the real potential for loss?

Buol answered that false arrest, tort liability, and automobile accidents are most prevalent.

Skee wondered if raising the limits on those would be a good idea.

Buol pointed that the City doesn't have a risk manager on the staff, to work with it from day to day, we are too small.

Skee asked, "Wouldn't you get a better response from J G Newman than from an agent handling a matter?"

Beeler answered" Yes, that's right".

Hammond explained that Alexis and JG Newman would be handling the claims, and both really do the same things. He just knows from experience that JG Newman does an excellent job.

Mike Skee also mentioned claims made policies.

Beeler said we won't have any claims made policies.

Mike Skee asked Jack Hammond; "In Johnson vs the School District No. 1 of Multnomah County, was that life or casuality insurance? Because my agent does not agree with your findings."

Hammond answered that it was both property casuality and court liability.

Buol explained for an example, that when he was Assistant City Administrator for West Linn, insurance was over \$90,000, it then dropped to \$28,000 and went to \$32,00 and \$41,000. Now there a very few companies interested in insuring Cities in the State of Oregon.

McIntyre asked how the League maintains their cost. Hammond spoke in favor of the League insurance program. Hammond explained that there is a board of trustees that protects us.

Buol said that some years they haven't even been able to get companies to bid on this insurance.

Hammond said that cities in other states are also having problems getting insurance, and changing to being self-insured.

Skee asked if CIS was a State organization. Is it subject to accounting, as a State organization would be?

Hammond explained that it is exempt from regulation by the Insurance Commissioner. It is not under his realm.

Skee asked Mr. Beeler, "Projected loss history, is that with the number of municipalities that is with their program now?

Beeler answered "This is based on the first year of the program." Beeler didn't know how accurate this would be.

Buol said the only year you could look at would be 1983-84, 1984-85 year because they had alot more cities.

Skee asked: "Wouldn't that be more liability?" Buol answered that some counties have side insurance of their own. That alleviates some pressure on those reserves. 117

Could there be a rebate to the Cities? Has it been asked for?

Beeler answered that we have not asked for that.

Hammond did talk to legal counsel about that, and he said that we certainly aren't going to get any money back from National American.

McIntyre asked about underwriting for the beer tent, under the League.

Beeler answered, "They provide the same coverages as National American for the Fair and Beer Tent."

Buol pointed out that that might not happen next year. Many companies are refusing to write it.

Is that a rider on our system? Beeler answered that this year it was automatically covered.

McIntyre asked, "When would you have that final figure?"

Beeler answered that we would ask for it immediately. He wasn't sure what their schedule is like. This League office is in Bend.

How do we pay this? Buol said we would pay a premium and then they would refund it. We wouldn't pay it right away.

Beeler said it was a difficult decision to even recommend to the Council, except that he would like to be in the high rated companies.

Skee said that was his preference too.

McIntyre asked the Council for their discussion. Stowell asked that we look at the deductible and look for areas where we can save.

Skee asked, "Because we have gotten this so late, is it feasible to get a thirty day binder and accept other bids?"

Hammond said that he is getting the same information from other jurisdictions and the School District.

Buol complimented JBL&K on their past performance as agent of record for the City.

Mike Skee made a motion that we accept JBL&K Insurance Broker's bid, effective immediately, and that they get back to us as soon as possible with new rates for the final figures referencing raising liabilities, with placement with the League of Oregon Cities. Bob Stowell seconded the motion.

Ayes: All  
Nays: None.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

July 24, 1985

Regular Council Meeting

Council members present: Joe Hart, Mike Skee, Jill Thorn, Mayor Larry McIntyre, Kathy Lairson, Bob Stowell

Members absent: Sherry Clyman

Staff members present: John A. Buol, City Administrator; Jack Hammond City Attorney, Diana J. Nicolay City Recorder, Mike Butts Planning Director, Dennis Koellermeier Operations Supervisor, and Mary Ronning, Recreation Coordinator.

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The meeting was opened at 8:00 P.M. by Mayor Larry McIntyre.

#1) McIntyre lead the flag salute.

#2) The minutes of the July 10, 1985 City Council meeting were approved with a motion from Stowell, seconded by Thorn.

Ayes: Skee, Thorn, Hart, Lairson, Stowell

Nays: None

#3) Public Hearing - Request to annex 22.17 acres - K and F Development, was postponed, and will be rescheduled at a later date, to allow the developer to make sure they have adequate water supply. They will hold a meeting next Tuesday at 3:00PM.

#4) Council will reschedule the representative from the Park Board for a later date, because the chairman is out of town. Recreation Coordinator, Mary Ronning spoke regarding the summer park program, "Fun in the Sun". The one day a week program is very successful. Children from the ages of six to twelve participate. There are approximately forty children per day in the program. The summer program is about to break even, we are only \$600 short of expenses. City ball field scheduling has been very busy.

#5) Recommendation from the Planning Commission regarding parking on Hood Street.

Skee made a motion to remove item number five from the agenda and turn it over to staff to be handled as an administrative decision. Thorn seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell

Nays: None.

#6) Letter from Municipal Judge regarding compensation.

Judge Rich Crist asked to have his medical insurance picked up by the City. Buol reminded the Council that salaries and benefits are set by the Council. Buol said that staff is opposed to providing health insurance because it would be president setting. Other jurisdictions pay their judges more than the City of West Linn. Staff feels that the judges salary should be adjusted, plus he should be given a 4% raise. The salary would be similar to the City of Gladstone. The staff did not make a recommendation, but left the decision up to the Council.

Thorn asked if we have money in the budget to cover this raise. Buol answered that we would have to transfer funds around.

Buol suggested that we should discuss the salary of the judge along with discussion of non-union employees salaries in the future.

Both Lairson and Skee prefer salary increases to payment of medical insurance. Lengthy discussion followed.

Lairson made a motion to increase the judges salary by \$350.00 this year and hence forth consider his salary with the budget for non-union employees. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell.

Nays: None.

#(7) Open Period:

Informational Items: Mr. Lyndon Borden, resident of Upper Midhill Drive presented a petition regarding traffic in the area of his home. He stated that with the new development in the area traffic has increased and speeded up. He asked for three things:

1. 15 MPH signs to be installed in the area, and child at play signs in the area.
2. A signal to be installed at Upper Midhill and Hwy. 43.
3. Increased police patrol in the area.

Council referred his petition to the Police Department for Traffic Safety Commission consideration.

#8) Proposed Ordinances:

Proposed Ordinance No. 1160 - Advance Financing of Public Improvements.

McIntyre explained that the ordinance had been considered at the last Council meeting and was sent back to staff to add streets.

McIntyre read Ordinance No. 1160 by title. Stowell made a motion to adopt Ordinance No. 1160 as corrected, effective July 25, 1985. Lairson seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell  
Nays: None.

McIntyre read the Ordinance a second time by title. Lairson made a motion to adopt Ordinance No. 1160, effective July 25, 1985. Stowell seconded the motion.

A poll of the Council showed:

Ayes: Hart, Skee, Thorn, Lairson, and Stowell  
Nays: None.

Proposed Ordinance No. 1169, (2nd Reading) - Changing zone designation and Comprehensive Plan on Tax Lots 900 and 4500, 4600, 4700, and 4800.

Hammond explained that the City received a petition for referendum from Mr. Wayne Waits, requesting the vote of the people. Hammond saw some problems with the referendum.

1. This was a quasi-judicial decision, and therefore not subject to referendum. (Hammond cited three examples: Washington County, 1977 Supreme Court Decision regarding Clackamas Town Center, and Newburg vs City of Portland)
2. The Ordinance in question has not yet been adopted.
3. State statutes were used by Waits to file his referendum, but we have local laws that supercede State laws, and we require that he have signatures that total 10% of the total number of votes cast for the Mayor in the last election.

Hammond reminded the Council that Waits could take our decision to Circuit Court. Hart made a motion to authorize the City Attorney to send his letter dated July 24, 1985, to Waits. Skee seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell  
Nays: None.

Mr. W. Bradford Harrison of 4280 Calaroga Drive was present to speak in favor of the Ordinance. Mayor McIntyre then read Ordinance No. 1169 a second time by title.

Thorn made a motion to adopt Ordinance No. 1169 effective July 25, 1985. Lairson seconded the motion. Lairson included that a fence must be built prior to issuance of a Building Permit.

A poll of the Council showed:

Ayes: Skee, Thorn, Lairson, and Stowell  
Nays: Hart

Proposed Ordinance No. 1170 Inspection fees for Public Improvements was considered next.

Mike Butts explained that this was a deposit, and that any portion that was unused would be refunded to the applicant. This fee would cover plan checks and permit processes. The fee structure has been changed and is now based upon value of improvements. At the present time there is no charge.

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McIntyre read Ordinance No. 1170 by title. Skee made a motion to adopt Ordinance No. 1170 effective July 25, 1985. Stowell seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell  
Nays: None.

Mayor McIntyre then read Ordinance No. 1170 a second time y title.  
Stowell made a motion to adopt Ordinance No. 1170, effective July 25, 1985, and Skee seconded the motion.

A poll of the Council showed:

Ayes: Hart, Thorn, Skee, Lairson, and Stowell  
Nays: None.

#9) Consent Agenda:

Item number "B" of the Consent Agenda was taken out to be handled separately.

McIntyre reviewed the remaining items on the Consent Agenda.

- A. Bid Recap for overlay program. Low bidder, Portland Road and Driveway at \$48,380.00, authorize Mayor and City Recorder to sign the agreement. The following projects are planned:

Hillcrest Drive from Marylhurst to Sylvan  
Suncrest From City limits to Hillcrest  
Carriage Way from Sun Circle East 100'  
Midhill Drive from Robinwood Way North  
Nixon Avenue  
Dollar Street from 7th to 8th  
Sussex Street from Cambridge to Lancaster

- B. Addendum to Tri-City Service District Agreement. Resolution No. 85-21 authorizing Mayor and City Recorder to sign agreement.
- D. Mutual Aid Agreement formalizing Law Enforcement Services between Gladstone, Oregon City and West Linn. Authorize the Mayor and City Recorder to execute the agreement.
- E. Resolution No. 85-19, action taken to correct deficiencies in audit report.
- F. Resolution No. 85-20 establishing plan review and inspection permit deposit. This resolution sets the fees for plan review and inspection deposit. This changes the fee from 3 to a sliding scale, and inspect work at two times the hourly salary rate.

Lairson made a motion to approve Consent Agenda items A-C-D-E-and F. Stowell seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell  
Nays: None.

Consent Agenda item "B" was then considered.

Mike Skee had questions regarding the meterreaders. Skee was under the understanding that some meters might not be read because they are covered up with mud. He also said that one citizen had watched the meterreaders read only two out of five meters one day.

John Buol responded by saying that they scoop out the mud and the sometimes the mud comes right back. He also said that it may not look like they are reading the meters and writing every one of them down, because they use tapes, not books record meter readings.

Skee made a motion to approve Consent Agenda item "B". Lairson seconded the motion.

Ayes: Skee, Hart, Thorn, Lairson, and Stowell  
Nays: None.

## #10) Administrator's Reports:

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John Buol reminded the Council of the Mayor/Manager/Council dinner to be held in Wilsonville next Wednesday night, and asked which Council members were planning to attend. Thorn, McIntyre, and Buol plan to attend.

## #11) Business from the Council.

Mike Skee reminded the Council about Willamette Neighborhood Association's challenge to play slow pitch softball on August 31, 1985. Skee asked Council members to come up with a team, and also asked City Hall to come up with a team.

Skee asked what faithful performance was. It was answered that it is a surety bond.

Thorn asked when the Upper Midhill Drive question would be considered by the Traffic Safety Commission. Buol answered that the next scheduled meeting would be on Tuesday, August 13, 1985.

McIntyre asked Council member to consider being judges for the Brut and Beauties contest and the Mut and Pet Show, for the West Linn Fair.

Hearing no further new business, the Council adjourned at 9:20 P.M..

*Diana J. Nicolay*  
DIANA J. NICOLAY, CITY RECORDER

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AAD720



August 14, 1985

Regular Council Meeting

Council members present: Joe Hart, Mike Skee, Mayor Larry McIntyre, Kathy Lairson, Jill Thorn, and Sherry Clyman.

Members absent: Bob Stowell

Staff members present: John A. Buol, City Administrator; Jack Hammond, City Attorney; Mike Butts, Planning Director; Russ Castleman, Fire Chief; and Clara Corliss, Stenographer.

The meeting was opened at 8:00 p.m. by Mayor Larry McIntyre.

1. Flag Salute

Color guard of Pack 239 lead the flag salute. A special presentation was made by Kathy Lairson to Pack 239, Sunset School, in honor of earning their Webelo rank. A seal of the City of West Linn and a letter were also presented to the John Tinsdell family in appreciation of their son who was a exchange student to the City.

Item No. 4 was removed from the agenda for this evenings meeting and postponed to the August 28, 1985 meeting. Members were told that there would also be an Executive Session following the regular Council meeting this evening.

2. Presentation from the Fire Department - Honor Roll

Larry Rutledge, interim President of Company I, accepted the Honor Roll award for Jim Zauner, a 21-year member of Fire Company #1. He said Jim Zauner was a great guy and that they were going to miss him upon his retirement. He said Jim Zauner had been active in their social organization for 21 years, and that they would fill Jim's position but they would never be able to replace him.

Mayor McIntyre asked Larry Rutledge to pass on to Jim Zauner from the Council their sincere thanks for a job well done. He also announced to the Council that Larry Rutledge was a new Lieutenant and added the Council's congratulations.

3. Approval of the minutes of July 24, 1985 City Council Meeting

The minutes had not been distributed and would be approved at the next City Council meeting.

5. Claim of Property Damage - Water Line Rupture

Mayor McIntyre said they had received correspondence from Ed Lind and his wife. He said they had information before them that had been presented to each one of the Council members at their homes.

Ed Lind, 18940 Old River Drive, said he was before the Council to request that they reconsider the denial of their claim for damage to their property caused by a water line that had erupted by their home. They basically feel that they did not get their claim in late because they had no knowledge they had to make a claim as it was public knowledge.

Sherry Clyman asked if Mr. Sherwood could not proceed with repairing his property until Mr. Lind's was taken care of in some way. She asked if engineers had come and given them some estimates on the damage.

Ed Lind said Morrison and Cantrell, contractors from the area, had given them bids and they were both comparable, but that no engineer had been out from from the City to examine the lower damage that was not visible.

John Buol said he had been by the scene but had not been down in the hole

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itself, and he didn't think anyone else had been down there either to inspect the damage.

Ed Lind said the adjuster had helped him in telling him he should make a claim. He found out at that time it was too late to make a claim against the insurance company so he was making it against the City.

Mike Skee asked when he had first contacted the City in regard to the matter.

Ed Lind said he had first contacted them in November 1983 and that the original damage occurred June 27, 1982.

Mike Skee asked if it was a common practice to file a claim in an estimated amount of time.

Ed Lind said he had no idea there was extensive lower damage until he had been told just recently by Mr. Sherwood's contractor. If he had been informed of the damage he would have made a claim against the insurance company.

Joe Hart asked him to clarify his statement. Ed Lind said since the City was involved it should have been taken care of automatically.

Sherry Clyman asked what the City had done since the washout had first occurred as far as repairs. John Buol said they had repaired the pipe and cleaned out the street, but had not done any repairs to Mr. Lind or Mr. Sherwood's property. He said Mr. Kolmeyer had sent a letter to Mr. Sherwood as that appeared to be where the major damage was at that time and that they had also submitted those claims to the insurance company. He said he had given a copy of Mr. Lind's letter to Al Steiniger, Public Works Director, and asked him to check it out. He said he had not gotten a response back on that.

Mike Skee asked if it was normal process for the City to inform someone they should make a claim. John Buol said normally the Public Works or Police Department usually do that, but in most cases people come forward themselves.

Jack Hammond said as far as the Tort Claims Act was concerned the statute said you had 180 days after the injury occurred that the Municipality must be notified. He said the notice has to be communicated in such a way that the City would know there is a claim of loss and that it occurred from something the City did. He said there might possibly be new information brought out tonight. In two years' time of the injury there had been no notification or action of legal proceeding filed and he felt that was what the insurance company's bottom line was going to be. The burden of proving that the injury occurred at a later time would be up to the individual himself.

Jill Thorn said Mr. Lind had stated that he had talked with John Buol and had told him about the problem at the time it occurred which appeared to her to be an oral statement of notice and wanted to know what the City's obligation would be in that regard.

Jack Hammond said Mr. Lind had said that he was not aware of the extent of the damage until some time later when Mr. Sherwood's contractor had gone down below and discovered it. It would appear from Mr. Lind's testimony that he was not aware of this until a later date than the actual rupture of the line.

Mayor McIntyre said it appeared to him from the letter dated November 9, 1983, that notification had been made and wanted to know why the insurance company would not accept that.

Jack Hammond said he had not talked to the insurance carrier, but he

didn't think they were able to get much information. It is the burden of the complainant to prove whether he was aware of the loss after the expiration of the 180 days. He said perhaps the insurance company wasn't aware of the other factors involved, but it would be hard for them to go back two years and try to figure out what had happened.

Mayor McIntyre asked if Mr. Lind had ever been told about the statute of limitations. Ed Lind said Mr. Sherwood had been advised about how to file a formal claim but no one had helped him do it.

John Buol said he didn't know for sure about that.

Jill Thorn asked why it took until January 30 to get a reply from the insurance company if it had occurred in November. John Buol said that wasn't an unusual practice with insurance companies.

Jack Hammond said if no agreement could be made between everyone involved the only way to resolve the issues would be to go to court.

Kathy Lairson asked what the extent of the damage was to the Lind property. John Buol said the only way they would know would be to have a structural engineer take a look at it to estimate the damage to Mr. Lind's house.

Mike Skee was not in favor of Council taking any action. He felt the City Attorney had outlined different actions and that the Council not enter into the process.

Sherry Clyman agreed in terms of the time difference and all the correspondence involved. She felt since the damage wasn't discovered until later when it had originally been the City's fault that they had some responsibility at least to look over the damage. If the Sherwoods had already been compensated, she felt the least they could do would be to send out an engineer to take a look at the property. She said she would feel uncomfortable making any kind of judgment tonight.

Kathy Lairson agreed that she would like an engineer's report.

Jack Hammond said if for some reason two years hadn't passed since the Linds had been made aware of their damage, they could always go back and make the insurance carrier aware of the information as it was the insurance company's liability to defend the City. He said right now they were acting from lack of information.

Mike Skee made a motion that the City Council not take any action in the matter and that they allow Mr. Lind to take whatever course of action he wanted, but they as a body not take any action.

Joe Hart seconded the motion.

AYES: Hart, Skee.

NAYS: Lairson, Thorn, Clyman.

The motion did not pass, but the Council recommended that the staff work with the Linds to try to resubmit their claim.

#### 6. Discussion and Clarification of Rosemont Road Agreement

John Buol said in November of 1980 the City had entered into an agreement with Clackamas County and K&F Development on improvements to Rosemont Road. It stated that the County would do the improvements and the three entities would share in the cost. K&F Development had contacted the Planning Department with a request to speed up the construction of Phase III in Hidden Springs No. 8 as they wanted to get ready for the Home Show in the summer of 1986. The three of them had met and the County had

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agreed to give their approval for a speedup of construction with no difference in cost. The only change would be when it happened. The City Attorney has ruled that the way the agreement is written it would be necessary for all bodies involved to allow the subdivision to proceed. He said there was an addendum prepared by the City Attorney that would go into the details of the agreement that would allow for the speedup of the construction of the road.

Jack Hammond said it was understood that Phase III would go ahead in 1986, but that there wouldn't be occupancy until improvements to Rosemont Road had been done. He said they recognize the improvements were important and necessary for the occupants of Phase III to use. He said they would have to draft an addendum that would provide that public improvement could begin right away on Phase III with the condition that K&F Development post with the City cash, a letter of credit, or a bond in the amount of \$50,000 which would represent their contribution to the Rosemont Road improvements. The improvements would have to be completed or a temporary access onto Rosemont satisfactory to the County. Occupancy permits would not be granted until such time as improvements were done.

Mayor McIntyre asked Herb Koss to speak on the possible problems with truck traffic in the area.

Herb Koss, 2018 Conestoga Lane, said the way the City Ordinance was written they would have to have Phase III, as far as public improvements, done before a project could get permits. The City felt they had enough time to complete the project as far as the street improvements were concerned by fall. The construction of the homes and the road would be in two separate areas, so there shouldn't be any problem with diverting the traffic through the project. He said he would like to go through a few of the items that Jack Hammond read starting with paragraph I that Phase II would be reworded to "Phase III". On the next page, top sentence, Phase II should be changed to "Phase III". He said as far as the posting of the \$50,000 bond, he felt it would be much easier to make it out to just the County rather than both County and City. It was their original understanding that the money would be given to the County. He said a number of charities would be invited to participate in the Home Show and he felt they would have a really good program as eighteen builders were going to participate.

Sherry Clyman asked about water availability with the building of homes. Herb Koss said they had approval and that there was water for their project.

Jill Thorn asked if they would be setting a precedent by taking this action. Jack Hammond said he didn't feel they would be. Mike Butts said it was usually done on a case by case basis.

John Buol said the number on the resolution before them was 85-22.

Kathy Lairson moved to adopt 85-22 with the changes that were noted in the Phasing and the typographical errors.

Joe Hart seconded the motion.

AYES: Hart, Thorn, Lairson, Skee, Clyman.  
NAYS: None.

#### 7. Items for Future Agendas:

Jill Thorn asked the Council to look into them permitting Senior citizen rates for renters for water bills. She said she had a letter from Mr. Johnson, who like many other Senior citizens, were on fixed incomes and would like to see the City Council look into it.



Joe Hart said his understanding from John Buol's comments is that it would be very difficult to figure out a system of handling discount rates for water bills, but if there were some way of doing it they would be happy to consider it.

Mike Skee said he also felt there would be many factors to consider and that it would be quite difficult to follow through on.

John Buol said when the Tri-City Service District went into operation that Senior citizens' rates were going to be done away with, because the Federal government would not fund a project for people who were getting a break on water and sewer.

Mayor McIntyre asked if they could be updated on two things, one being the impact and whether it would be feasible and also, if there would be some way to administer a discount rate. He felt it might not be possible and that would stop the issue right there.

Joe Hart said his understanding was that it covered only sewer.

John Buol said they would have to make a rule clarification on that and they would try to get it on a future agenda.

#### 8. Update Information on Fire Task Force Report

John Buol said back on June 27, 1984, the City had been making recommendations, goals, and objectives for fire and emergency medical services for the City of West Linn. At that time when the Council adopted the report they recommended that the information be forwarded to the Budget Committee to review and come up with an amount to submit to the voters. In July 1984, he said he prepared a memo to the Budget Committee that made a recommendation that they do it in two phases. It came back with the recommendation that they have a bond election for \$700,000. He said at that time they were facing the tax limitation issue. The voters approved the bond. He said they were purchasing various pieces of new equipment for the fire department and would not be buying the property that the people had approved. The bonds were sold and when the funds were received they were allowed to spend them. He said they had a memo before them from Russ Castleman outlining what the money might be needed for and the estimated costs. He said it had been recommended that the Council be provided the information on how the money had been spent.

Russ Castleman, Fire Chief, provided the Council members an updated report on the progress of the Fire Department's improvements to equipment and facilities. He said all the things he had mentioned were improvements to the fire protection system for West Linn. He felt he and the staff had made every effort to use the funds for the best interest of all the citizens of the City.

Joe Hart asked if there was any conflict with the Task Force Report as that had been the original concern.

Russ Castleman said there was no conflict and all they had done were improvements to the fire protection system.

Kathy Lairson thought it might be appropriate to look at the \$40,000 land acquisition and whether they should look at how those funds should be expended.

Russ Castleman said that as of June 30, 1985, interest had accrued to \$4722. He said he would like to see the Council reform the Task Force right after the first of the year.

Mayor McIntyre said that the money was all part of a dedicated fund and

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that it had to go through this particular process.

Russ Castleman asked if there were any changes in the directions of which the funds were being spent.

Joe Hart expressed a concern over the purchasing all the fire equipment at one time rather than spreading it out over a longer period.

Russ Castleman said they were basically spaced a year apart for replacement purposes.

There was no desire to redirect at this time.

Jill Thorn read into the record notes of the meeting held on August 9, 1985, at City Hall.

Marie Horvath said that Russ Castleman had addressed a lot of her questions in his report that evening, but that she still had a few problems, especially dealing with the Sunset Station. She requested a special meeting on Tuesday, August 20, 1985, at 1:30 p.m. at City Hall to look at the information. She said she would prefer that John Buol and Russ Castleman be excluded from the meeting, so the other members could form an unbiased opinion.

Mayor McIntyre said first of all he had a conflict with the date and could not attend, and secondly, he didn't want to exclude any member from the meeting. He said he would also like to know why she had not gone to the individuals and asked them the questions that concerned her herself.

Marie Horvath said she had approached John Buol and hadn't gotten any satisfaction.

Mayor McIntyre said their normal protocol is that they would ask her to go to a staff member and deal with them on that basis and if she didn't get any answers to come back to the City Council. He said they were willing to discuss any citizen's concerns.

9. Proposed Agreement to Upgrade Lake Oswego Center to E-99

Jack Hammond said they had talked with Clackamas County and would like to defer this item to another meeting. He said he didn't envision a problems at all, but that he felt they shouldn't act on it until such time as they had a chance to review and make recommendations.

10. Consent Agenda

A. Proposed Revised Policy for fund-raising activities in City facilities

Jill Thorn recommended that the decision come before City Council if it was felt it was something Council should look at and that if a decision was made some provision be adopted to bring the issue back to check on staff decisions.

B. Proposed Agreement with Clackamas County - Access Management Plan

Mayor McIntyre said there would be a slight revision in the process of how they would be working with the County where initially they were working with a time line. He said he understood that was still current. Mike Butts said that was correct.

C. Appointment to Cable TV Advisory Board

Mayor McIntyre said they had two vacancies and they had two people interested in giving assistance to the board, Alan Scally and Dave Bates.

D. Liquor License - McLean House

Approval was recommended for the granting of a liquor license to McLean House for its fundraising.

Joe Hart moved to approve A through D. Mike Skee seconded the motion with the inclusion of the recommendations.

AYES: Hart, Skee, Thorn, Lairson, Clyman

NAYS: None

11. Administrator's Reports

John Buol said they were having a water study done, but had not received the report as yet. He said with the building going on in the area they needed a reservoir for fire protection.

Mike Butts outlined for the Council subdivisions in the area that had been approved to date. He said there was no need for a decision tonight from the Council, but they would need a decision early for planning purposes.

John Buol said another item he would like to address was that he had received a request to replace Mary Bradstreet on the Traffic Safety Committee. He said they were also making a suggestion that future candidates be screened. It was decided that a replacement would be advertised for.

Joe Hart made a motion that Mary Bradstreet's position on the Traffic Safety Board be considered vacant. Mike Skee seconded the motion.

AYES: Hart, Skee, Thorn, Lairson, Clyman

NAYS: None

Mayor McIntyre said they would be advertising for the vacancy and that they appreciated the suggestion on screening, but they would continue the screening process as the Council had currently been doing.

12. Business from Council

Mike Skee extended an invitation to all Council members to attend the Willamette Annual Neighborhood Family Fun Day which was rescheduled to September 14, 1985. He also made the Council aware that he had inquired about the terrible stench emanating from the vicinity of the paper mill. He was told that they were trying to remedy the situation and hoped it wouldn't happen again.

Jill Thorn asked if they could be briefed on items before they appeared in the paper.

Kathy Lairson said she would like an update on the highway improvements she had requested a year ago. She said it was her understanding that they were to have been completed this summer.

Sherry Clyman asked for clarification on how the house had burned down at the Thriftway Center.

Mayor McIntyre announced that there would be a rededication of the Willamette Replica on September 14, 1985.

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He also reminded the Council members that the next meeting would be held August 28, 1985, at 7:00 p.m. in Alice Benski Park, Carriage Way.

The Council meeting was adjourned at 10:30 p.m.

Clara Corliss  
Clara Corliss, Stenographer

August 28, 1985

Regular Council Meeting  
Alice Benski Park

Council members present: Mike Skee, Jill Thorn, Mayor Larry McIntyre, Kathy Lairson, Bob Stowell, Sherry Clyman.

Members absent: Joe Hart

Staff members present: John A. Buol, City Administrator; DeAnn Darling, City Attorney, Diana J. Nicolay City Recorder, Mike Butts Planning Director, Dennis Koellermeier Operations Supervisor, and William Gin, Finance Director.

Also present: Murray Smith and Associates, and Bill Davis, Park and Recreation Board Chairman.

The meeting was opened at 7:00 P.M. by Mayor Larry McIntyre.

#1) McIntyre lead the flag salute.

#2) The minutes of the July 22, and 24, 1985 City Council meetings were approved with a motion from Lairson, seconded by Thorn.

Ayes: Skee, Thorn, Clyman, Lairson, Stowell  
Nays: None

#2A John Buol, City Administrator, introduced the new Public Works Director, Earl Reed, to the Council.

Diana Nicolay, City Recorder announced that item number six had been postponed because the Solid Waste and Recycling Committee would like to be allotted more time than this agenda would allow for their presentation.

#3) Continued Public Hearing - Review of Planning Commission decision of May 28, 1985

Staff member Mike Butts, Planning Director, had no further comments regarding this issue.

McIntyre announced that the testimony for this public hearing would be limited to testimony that had previously been entered in front of the Planning Commission. No new testimony will be allowed. The subject for tonight will deal with traffic lights, and traffic lights only.

Proponent, Russ Lawrence, spoke regarding conditions number ten and eleven of the original approval.

Condition eleven requires that the developer install at some future date the street lights at West "A" and Willamette Falls Drive. Lawrence informed the Council that the County would not allow a signal light to be put on a street that they have a participation in, if the light is not warranted.

City Attorney, DeAnn Darling, interrupted Mr. Lawrence to state that it should be clear that this hearing is on the record, and no new evidence of any kind can come in. You can argue your position and point, but new evidence and events that have happened since the Planning Commission meeting may not be entered into the record at this time.



Lawrence felt that this information was a matter of judicial notice and it has been around long before that Planning Commission meeting took place, and it is a matter of public knowledge.

Darling stated that Judicial notice may be taken of those that are such that there could be no dispute or controversy about, such as the dictionary, the encyclopedia, the statutes, common things. Not such things as evidence of the County's position, evidence of somebody else's position, or information in that regard. Darling did not feel that this matter was such that they could take administrative notice of, not judicial notice, we are not sitting as a judicial body.

Lawrence stated that that shoots down his comments that the State has the same position.

Darling answered that Mr. Lawrence had effectively entered into the record information that should not be allowed.

Lawrence stated that the position the developer was taking was that the light was not warranted.

Lawrence said that item number ten, the installation of the light and improvements at the intersection of Willamette Falls Drive and Hwy. 43, was supported with a preliminary traffic study. Under preliminary study, this light was indicated. But this is not a final study. This preliminary study indicates that a light may be warranted. Lawrence asked that the Council modify the requirement that it falls under the States requirements and regulations, and asked that the City participate in the cost of the installation of this light. Lawrence attempted to present the City Council with a copy of an agreement that he wanted the City to consider. He felt that since the City had participated in other offsite development of street improvements and design of roads, this project should receive the same consideration from the City. The Council did not accept the agreement.

Clyman pointed out that she had copies of three different traffic studies, and she wondered why there were three studies done. Lawrence explained that originally the company had taken a look at the site and said a light may be warranted. He then asked them to do a warrent study and they must have misunderstood, because they did about a third of a warrent study. They watched traffic for two hours and they should have watched traffic in the area for fourteen hours. From the two hour count, it was said that a light may be warranted. In the third study, they asked him to actually go out and do some counts of a significant nature. The third study is still a preliminary study.

Patricia Tryon, 2365 Dillow Drive, responded to Mr. Lawrence's comments. She felt that the City does not have money to contribute to any portion of this project at this time. She did not feel that the City had set a precedent to participate in this type of development. She felt this development was of a different scope, magnitude and type than the previous developments that the City had participated in. She also felt that the burden for performing an appropriate study on this matter falls on the applicants.

Wayne Waits, 4845 Willamette Falls Drive, felt that every dollar spent would be working against the great tax benefit that this project was supposed to be to the citizens of West Linn. He travels past this area every day and currently traffic works in this area. Traffic is heavy, and he feels that traffic could be a problem after this development goes in. He also added that there is a light at Willamette Falls and "A", he would like to see a push-to-walk light installed.

Russ Lawrence, applicant, spoke in rebuttal of five points that had been raised.

1. He feels that money is available if the City wants to participate in the project.

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2. If you are going to error, error to the conservative side if you are in question. He couldn't address that statement. The decision is made on fact, not emotion.
3. There is going to be more than enough money generated from this project's system development fees and permits to offset a fifty percent participation in this project. Mr. Waits comment that the intersection is now poor, supports his position that adding this improvement is going to be a greater benefit to the general public than to this particular project.

Mike Skee made a motion to close the public hearing. Lairson seconded the motion.

Ayes: Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

Clyman made a motion that the City deny both appeals and sustain the Planning Commissions conditions that were laid upon this project (May 28, 1985). Stowell seconded the motion.

Stowell, Clyman, and Lairson spoke in support of the motion.

Thorn and Skee spoke against the motion.

After lengthy discussion, the vote showed:

Ayes: Lairson, Stowell, Clyman  
Nays: Thorn, Skee

#4. Report on Water System Improvements Phase II - Murray, Smith and Associates

Hal Murray, Murray, Smith and Associates, was present to discuss Phase II of improvements to West Linn's water system. Originally, six million dollars of improvements were needed to the City's water system. About one year ago we concluded approximately one million dollars worth of improvements to the system. Those improvements were financed by a bond issue. Murray recommended that the following improvements be taken on as Phase II of the water improvements:

1. An elevated tank at the high zone on Suncrest in Sunburst II development.
2. Willamette View Drive transmission line.
3. Duplicating a reservoir in the Horton zone. Land should be purchased for this project.
4. Other miscellaneous improvements that are required, such as doing some rezoning of water that comes out of the proposed Horton Reservoir, and would serve the Marylhurst area and to the northwest of that.

Murray recommended a bond issue in the amount of \$1,695,000 is part of the package they recommend.

Stowell asked how water rates in West Linn compare to the rates of other jurisdictions in the area.

Murray recommended an update of West Linn's water rate structure.

Other small improvements to the system need to continue to be done, as they have in the past, using funds from water receipts.

Thorn asked if the reservoir at Marylhurst was in use now. Murray answered that the reservoir is small, and it is at the wrong elevation. It doesn't fit in properly, it is too low. It remains full of stagnate water all of the time. He recommended that it be demolished. It is not an effective system.

McIntyre asked if the recommendation was for a tower. Murray recommended that a tower be installed, either on legs or on a center column, versus a stand pipe which is the same size all the way up. The community would probably prefer the elevated tank. It is more expensive, but it is a better solution.

McIntyre asked if the elevations necessary to serve the Marylhurst area could be reached with an elevated tank. Phil Smith, of Murray Smith and Associates answered that the Marylhurst tank is not high enough to serve the elevations of the City, and it is too small to be effective.

McIntyre wanted to know if, at the Marylhurst site, we could go to an elevated tank to make it work, since we already own the property. Murray answered that you could elevate a tank on that same site, but is quite a distance away, and you would need major transmission lines to that location compared to feeder lines being smaller. Some lines in that area are already oversized in the area we are recommending.

Smith pointed out that the Marylhurst reservoir site is quite a bit lower than the site in Sunburst II, so the reservoir would have to be much taller.

Stowell asked if the tank can be built at ground level with something like a tennis court over it. Murray said you would need a higher piece of ground that was undeveloped.

McIntyre asked for Council's action. Lairson asked that staff take a look at our current water rates and how we would fund this phase of the project. She asked that the study come back to the Council in a couple weeks. Buol asked for time until the end of September to consider how to fund it and when to vote.

Jane Ohlemann, 2095 Sunray Circle, supported the installation of the elevated tank on Suncrest, saying that she lives on the highest point in West Linn, and it is in her back yard that they are going to place the elevated tank. She currently receives very poor water pressure, and the tank is badly needed not only for the current residents, but also for future development.

Sherry Clyman asked that Mr. Buol also look into two other things:

1. If applications come before the Council before we have acted upon this matter, it be brought to our attention immediately.
2. Notice be given that this is something that is going on in the City, so that applicants will be aware.

Buol assured Clyman that the Planning Department is currently informing applicants of this.

Clyman also asked if we could look into how to let the public know what is coming up in the next six months.

#5. Representative from the Park Board.

Bill Davis, Chairman of the Park and Recreation Board, presented Council with Exhibit "A", a annual report from the Board.

Davis asked for a member from the Planning Commission to attend the Park Board meetings.

#6. Item number six, representative from the Solid Waste and Recycling Committee, was continued to a later date to allow more time for their presentation.

#7. Open Period:

Information Items:

Thorn asked if there could be a worksession prior to their next regular meeting to review Comprehensive Plan changes.

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It was decided that the Council would meet at 7:00 P.M. prior to their regular meeting.

Thorn also asked for a staff report regarding Rosemont Road and the possible changes to the addendum approved at the last meeting.

- #8. Report and update information on implementing auditor's accounting recommendations - Gin.

Willie Gin did not have any further comments to add. Gin asked for questions.

Thorn referred to item number two, and asked if microfish had been considered. Gin answered that the Police Department has microfish equipment and we plan to use it when they are finished.

Thorn complimented Gin on his new P and L format.

- #9. Administrator's Reports:

First worksession for department heads and the City Council on the training session "Excellence in Local Government" is scheduled for September 4, 1985, 7:30 PM, at City Hall.

At the last meeting, the City Council requested that Mr. Buol and Mr. Castleman meet with Mrs. Horvath and discuss items that she had concerns about, regarding the Fire Department Bond Issue. That meeting occurred Monday, August 26, 1985. There are a couple questions that we are asking legal counsel an opinion on, and we will furnish you the information as soon as we get it.

- #10. Business from the Council:

Clyman announced that she had attended the staff meeting of the department heads last week and discussed the possibility of department heads offering their expertise in by assisting school teachers with different parts of their curriculum. Clyman said that department heads were receptive to the idea and school teachers were very pleased. Department heads will be contacting the various teachers about two weeks after school begins.

Stowell thanked staff and the Public Works Department for the response that he got concerning the deteriorating pavement on Cedar Oak Drive.

Lairson said that the tennis court and landscaping looks beautiful if they could catch that gofer.

Thorn thanked Jan Johnson who provided refreshments for the evening. She also thanked the staff for the facilities that evening.

Skee informed the Council that the laundrymat at Willamette Square had changed hands.

McIntyre participated in the Tri-County kick-off of United Way, and he wanted to call it to the attention of everyone that it was underway.

Hearing no further new business, the Council adjourned at 8:30 PM.

Diana J. Nicolay  
Diana J. Nicolay, City Recorder

September 11, 1985

Regular Council Meeting

Council members present: Joe Hart Mike Skee, Jill Thorn, Mayor Larry McIntyre, Kathy Lairson, Bob Stowell, Sherry Clyman.

Staff members present: John A. Buol, City Administrator; Jack Hammond, City Attorney, Diana J. Nicolay City Recorder, Mike Butts Planning Director, Mark Hess, Assistant Planner.



The meeting was opened at 8:00 P.M. by Mayor Larry McIntyre.

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- #1) McIntyre lead the flag salute.
- #2) The minutes of the August 14 and 28, 1985 City Council meetings were approved with a motion from Thorn, seconded by Stowell.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, Clyman.

Nays: None

- #3) Representative from the Oregon Tri-City Chamber of Commerce - Proposal on budget funds.

Jane Ohlemann, 2095 Sunray Circle, West Linn, and Manager of the Tri-City Chamber of Commerce, stated that Chamber of Commerce would be participating in the Own Your Own Business show, at the Memorial Coliseum. They would be attempting to solicit new businesses for the Willamette Square shopping Center.

Jane Ohlemann introduced Helen Liere and Ted Bottemiller from the Chamber, who presented two ideas for ways to use the \$3,000 the City of West Linn has budgeted for use by the Tri-City Chamber of Commerce, to promote West Linn. They proposed a study of businesses needed in the West Linn area, to include what businesses exist and are most successful in the area. They also proposed a West Linn City map, with other information listed, for citizens.

The Chamber group, and the Council discussed possible ways to finance one or the other of the projects so that both projects could be accomplished.

Skee was in favor of the map with advertising. It was pointed out by the Chamber group that the map could be paid for by advertising from businesses if forty businesses would by a \$75.00 ad. The Chamber was concerned that there wouldn't be forty businesses that could buy an ad.

Clyman liked the idea of the map, and wondered how many maps would be needed.

Lairson like both ideas, and like the idea of trying to offset the cost of either or both of the projects.

Bob Stowell like both projects.

Clyman felt that if the map had ads in it it should be a free item to the public.

The Council ultimately asked the Chamber to come back to them with more information regarding costs and funding of these projects. Council supported both ideas.

- #4) Public Hearing - amendments to the West Linn Comprehensive Plan, Inventories and Community Development Code.

Mike Butts, Planning Director, presented nineteen amendments to the Council. (See Exhibit A and B) Butts explained that numbers 9, 16, and 18, were not recommended by the Planning Commission, but the staff does recommend adoption.

Butts introduced Mark Hess, Assistant Planner, who reviewed the first suggested amendment, regarding the Historic District.

Mike Butts then reviewed the remaining eighteen suggested amendments. Council heard testimony from the public on items 9, 16, and 18.

On item 9, Free Standing Business Signs, Tim Conser, 2237 Lamplighter Ct., and Planning Commission member explained that the Commission wants to lay this item aside. Shirley Bissell of Bob Bissell Realestate, showed Council a map of the area of her business at Hwy 43 and Elliott, and pointed out that traffic passes her business at an angle and a sign can only be seen from one direction. She was in favor of allowing free standing signs so that her office building could have one.

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Kurt Anderson, representing Nancy Anderson, whose business was in the same building as Bissell Realestate also spoke in favor of free standing signs.

Mark Hess, Assistant Planner, explained that the sign the Andersons have at this time does not conform with the Code. They were given a temporary sign permit that was up April, 1985.

Carol Keicher 6105 Portland Avenue, owner of West Linn Hairport, also spoke in favor of free standing signs.

Brian Daum, 18304 Shady Hollow, West Linn, did not wish to speak.

Tim Conser, of the West Linn Planning Commission explained that the Planning Commission was afraid that free standing signs would create a commercial look in a residential area.

On item 16, Council entered a letter from the Homebuilders Association into the record. The Homebuilders Association supported this item. The Planning Commission was against.

On item 18, Tim Conser of the Planning Commission explained that the Commission wanted to research and dig into this issue before adding it.

After hearing all testimony, Lairson made a motion to close the public hearing. Stowell seconded the motion.

Stowell made a motion to adopt all amendments as presented, except numbers 16 and 18, and come back in January to consider those. Clyman seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman.  
Nays: None.

Hart then made a motion to adopt amendment number 18, (drop the petition for rehearing), Thorn seconded the motion. McIntyre concurred with the motion. Stowell concurred with the idea but want to give the Planning Commission a chance to come back to the Council with it. Skee asked if they could legally come back. Hammond concurred with the motion.

Ayes: Hart, Skee, Thorn, Lairson, and Clyman  
Nays: Stowell

Mark Hess was named employee of the month for his work on the Comprehensive Plan amendment regarding the Historic District. Hess was given a compensatory day-off to be granted by his Department Head and the City Administrator.

#5. Open Period:

Information Items:

Barbara Hartfeil asked for a copy of City Ordinances regarding off-site improvements. Buol asked Ms. Hartfeil to contact staff for that ordinance.

#6. Proposal to purchase software and data processing equipment.

John Buol, City Administrator, told the Council that staff recommends purchasing the equipment and proceeding to negotiate purchase of hardware.

Stowell and Thorn had questions of clarification. Thorn wanted to be more clear on provision number five, the third party programmer.

Mr. Donald K. Schultz, Data Processing Manager from the City of Beaverton, was present to answer questions.

After lengthy discussion, Hart made a motion to adopt Resolution No. 85-25 and Resolution No. 85-26 with Exhibit "A", Jack Hammond's suggested amendments, added. Skee seconded the motion.

Ayes: Hart, Skee, Lairson, Stowell, and Clyman  
Nays: Thorn

- #7) Proposed Intergovernmental Agreement between West Linn and Oregon City for Fire Services in Oregon City. 136

Councillor Joe Hart announced that he had a conflict of interest, and abstained from discussion and voting on this matter.

John Buol gave the Council and public a summary of the background of this agreement, and pointed out that the agreement would only go until June 30 1986.

Marie Horvath, Robinwood Neighborhood Association informed the Council that she had taken an informal poll of people in her area, and she found out that most people were not informed of the merger. She was in favor of letting the public vote on the merger.

Brian Daum, 18304 Shady Hollow, backed up what Ms. Horvath said, and asked for a vote of the public.

L.A. Linker, Sunset area resident, asked how we would evaluate the program; has a survey been done to see who needs what most; is there a limit on personnel in this agreement; and asked for a copy of the agreement.

<sup>lyn</sup> Ron Thallman, Bolton Neighborhood Association, took a neutral stand and asked questions of clarification. Thallman asked the Council to wait two weeks to make their decision so the public could be informed. Thallman also asked if the volunteers supported this move. He felt that if the people didn't want this, it shouldn't be done.

Clyman made a motion to adopt Resolution No. 85-24 effective immediately, and have Council start evaluation in April so that the evaluation would be done by the 1st of July. The motion was seconded by Lairson.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman

Nays: None.

Hart did not vote.

- #8) Proposed Ordinance No. 1171 - Prohibit indecent conduct in public.

Hammond explained that this was a "housekeeping" matter to be handled in house.

Mayor McIntyre read the Ordinance by title. Stowell made a motion to adopt Ordinance No. 1171, effective September 12, 1985. Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman

Nays: None.

Mayor McIntyre then read the Ordinance a second time by title. Stowell made a motion to adopt Ordinance No. 1171 effective 9/12/85. Thorn seconded the motion.

A poll of the Council showed:

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman

- #9) Consent Agenda:

Liquor License - Mark's Tavern (Change of Ownership).

Hart made a motion to approve Consent Agenda item "A". Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman.

Nays: None.

- #10. Administrator's Reports:

R.A. Lawrence has requested a rehearing of Condition 11, on the Hotel/Convention Center issue. Buol asked Council if they wanted to grant the rehearing. Skee made a motion not to rehear the issue. Hart seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman.

Nays: None.

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September 11, 1985

Regular Council Meeting

#1.) Business from the Council

Thorn asked for a report from staff on House Bill 2938, regarding Infrastructure.

Thorn asked about the Rosemont Road agreement. What protection do we have. Hammond felt that maybe the Council should re-evaluate the agreement at their October 1st meeting.

Thorn asked if the letter had been written to those employees who worked extra hours during the hot weather.

Thorn asked for an update on the Lind insurance claim. Buol updated Mrs. Thorn.

Thorn asked for an update on the 9-1-1 program. McIntyre updated Mrs. Thorn saying that we are getting close, but the program at this point, has one problem.

Stowell mentioned the letter from the Traffic Safety Commission regarding orientation sessions. The Council supported the idea.

The Executive Session was waived.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

September 25, 1985

Regular Council Meeting

Council members present: Joe Hart, Mike Skee, Jill Thorn, Mayor Larry McIntyre, Kathy Lairson, Bob Stowell, Sherry Clyman.

Staff members present: John A. Buol, City Administrator; Jack Hammond, City Attorney, Charlene Richards, Assistant to the Administrator, Diana J. Nicolay City Recorder, Earl Reed, Public Works Director, Mark Hess, Assistant Planner, and Art Enderlin, Chief of Police.

The meeting was opened at 8:00 P.M. by Mayor Larry McIntyre.

#1) McIntyre lead the flag salute.

Mayor McIntyre read two proclamations; Recycling Awareness week - and Metro Recycling.

#2) The minutes of the September 11, 1985 City Council meeting were approved with one correction on page 136 the name should read Ron Thallman. The motion was made by Stowell, and seconded by Lairson.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman

Nays: None.

#3) Public Hearing - Closure of dedicated alley between Beam Street and Lowry Drive.

Mayor McIntyre asked the audience if anyone objected to any member of the Council acting on this matter. No responses. The Mayor then asked if any member of the Council wished to abstain from action on this matter. None.

Earl Reed, Public Works Director, gave the staff report, stating that the City had no objections to the closure of the dedicated street. Reed pointed out the four findings in his 8/30/85 memorandum. Staff recommends that the alley be closed, and install traffic barricades and signs at a cost of around \$500.00.

The applicant, Mr. Irwin D. Olsen, requested that the Council grant the closure because of the traffic hazard that was present for pedestrians in the area.

Mr. Crawford, 6515 N.E. Lowry, supported Mr. Olsen's request for closure.

Mayor McIntyre read a letter from Patricia Tryon, supporting the request to close the dedicated street to everything except foot traffic.



Katherine Jernstedt, 6540 N.E. Lowry, also said that the alley is not a workable street and supported closure of the street to <sup>137</sup> except foot traffic.

Hearing no further testimony, Lairson made a motion to close the public hearing. Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Hart made a motion to accept the recommendation of the City Engineer, and barricade the alley to motor vehicles, and allow foot traffic and pedestrian powered vehicles to have access.

#4) Public Hearing - Review (appeal) of Planning Commission Denial of West Bank Subdivision.

Mark Hess, Assistant Planning Director, presented the staff report saying that the Planning Commission had denied the request on 8-19-85 because of access problems. Now the City Engineer has received revised plans, and the access has changed. Now the staff recommends that the City Council remand back to the Planning Commission, the entire decision.

Ryan Obrien, engineer for the developer, had no problem with remanding it back to the Planning Commission..

Joseph Koziol, 5990 West "A" Street, wanted to know why West Linn needs more housing.

Lairson made a motion to close the public hearing, Stowell seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

Lairson made a motion to remand the matter back to the Planning Commission, including the Conditional Use, the variance, and the tentative subdivision plan. Applicant should waive the State required 120 approval period.

#5. Open Period:

Information Items:

Stowell announced that he had recently picked up a mother dog and eight puppies, that had been left by their owner. He was looking for homes for the dogs.

#6. Report on Water System Improvements - Phase II.

Council accepted the report (Exhibit A) prepared by the Finance Department.

Council set a date of October 14, 1985 for a work session to discuss Phase II of the Water System Improvements.

Willie Gin, Finance Director, handed out revised Exhibits to the Council, and added Exhibit D.

The Report stated that the City could issue general obligation bonds, which require a vote of the citizens, and pay the bonds off with property tax revenues and/or water revenues over a period of 10 to 20 years, or the City could issue water revenue bonds, which does not require a vote of the citizens, and pay the bonds off with water revenue (water rate increases) over a period of 10 to 20 years; or, increase current water rates to pay for the improvements in the same year of construction... this alternative is not recommended, because water rates would have to be significantly increased in the first year(s) of construction; then followed by a significant decrease in water rates the following year(s).

John Buol mentioned that it was time for the City to review the ownership of the South Fork Water Board. The City of West Linn currently owns 42% of the South Fork, and should purchase an additional 4%. This will cost the City \$174,159.00. Buol wanted the Council to know that they face that expenditure also. The South Fork Water Board is meeting regarding this issue on October 4, 1985. Buol will be bringing this back to the Council soon.

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## #7. Report on Handicapped requirements for public facilities.

Charlene Richards, Assistant to the Administrator, presented her report dated September 19, 1985, (Exhibit B) to the Council, outlining two alternatives to comply with handicapped accessibility requirements, and asking for approval to obtain schematic design from an Architect. Council set a date of October 14, 1985 for a work session regarding this issue.

## #8. Report on Street Improvement Fund, Serial Levy and Storm Sewers.

Earl Reed, Public Works Director, presented his report dated September 25, 1985, discussing recommendations for a street lighting program, a street overlay program, street capital improvements, storm drainage maintenance, and storm drainage capital improvements. Reed asked Council to direct staff to develop and present more detailed information.

Council asked staff to prepare more detailed information. This item will also be discussed further at their October 14, 1985 work session.

#9. Ordinance No. 1172, Adopting Plan/Code Amendments of September 11, 1985.

Mayor McIntyre read Ordinance No. 1172 in full. Lairson made a motion to adopt Ordinance No. 1172 effective 9/26/85. Thorn seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

Mayor McIntyre read Ordinance No. 1172 a second time by title. Lairson made a motion to adopt Ordinance No. 1172 effective 9/26/85. The motion was seconded by Thorn.

A Poll of the Council showed:

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman.  
Nays: None.

## #10. Consent Agenda:

A. Request to use McLean House - South Park Unitarian Fellowship Church.

B. Old River Road culvert replacement contract award.

Hart asked that the two consent agenda items be handled separately. Council handled item A first.

Lairson made a motion to approve the South Park Unitarian Fellowship Church's request to use the McLean house for their services through September of 1986, at a cost to the Church of \$200 per month. Stowell seconded the motion.

Hart spoke against allowing a church to meet in a public facility. Mayor McIntyre also spoke against the Church using a public facility.

Lairson spoke in favor of allowing the church to meet at the McLean House.

Ayes: Skee, Thorn, Lairson, Stowell, Clyman  
Nays: Hart

The Council then discussed item "B" of the Consent Agenda. Buol explained that Colt Construction Company had the low bid for the job, and staff recommended awarded the job to Colt.

Hart made a motion to award the Old River Road Culvert Replacement job to Colt Construction Company. Stowell seconded the motion.

Skee wanted to clarify who would be doing the inspections. B121  
pointed out that Murray, Smith plans to do the inspections. 189

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#11. Administrative Reports:

Buol reminded Council that they have a work session scheduled for Wednesday, October 2, 1985, to meet with the Solid Waste and Recycling Committee, and the Traffic Safety Commission. There will also be an Executive Session, and a report from staff regarding the retreat at Silver Creek Falls Conference Center.

Buol also pointed out that the second meeting in October would be held at the Willamette Grade School.

#12. Business from the Council:

Lairson appointed Jon Buckley to the Metropolitan Transportation Committee.

McIntyre pointed out that Mr. Stowell had won second place in a watermelon spitting contest.

At 10:15 P.M. the Council went into Executive Session pursuant to O.R.S. 192.660 (D) (h), current and pending litigation.

At 10:30 P.M. Council came out of Executive Session and adjourned the regular meeting.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

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Council members present: Jill Thorn, Mayor Larry McIntyre, Kathy Lairson, Bob Stowell, Sherry Clyman.

Council members absent: Joe Hart, Mike Skee.

Staff members present: John A. Buol, City Administrator; Jack Hammond, City Attorney, Diana J. Nicolay City Recorder, Mark Hess, Assistant Planner, and Dennis Koellermeier, Operations Supervisor

The meeting was opened at 8:01 P.M. by Mayor Larry McIntyre.

- #1) McIntyre lead the flag salute.
- #2) The minutes of the September 25, 1985 City Council meeting were approved with a motion from Stowell, seconded by Thorn.

Ayes: Thorn, Lairson, Stowell, and Clyman  
Nays: None.

McIntyre announced that he and Mr. Buol had attended a luncheon sponsored by the Tri-City Chamber of Commerce early that day and Governor Atiyeh presented a Certificate of Appreciation to the City of West Linn on behalf of Clackamas County Recycling Awareness week. He said we actually received two awards, one was for West Linn Sanitary Service. McIntyre received the awards on behalf of the City.

Mrs. Spidal's fifth grade class from Cedaroak School was present, along with Dr. Livingston, the Principal of Cedaroak School.

- #3) Representative from the Solid Waste and Recycling Committee. No representative from the Solid Waste and Recycling Committee was present.
- #4) Public Hearing - Appeal of the Planning Commissions Condition No.1 for Woodhill Subdivision.

There were no challenges from the audience against any Council member taking action, and no Council member abstained from action on this matter. McIntyre pointed out that this was an appeal, so only evidence and testimony previously taken before the Planning Commission was admissible.

Mr. Paul Dewey deferred his testimony to Sandy Pember of Mountain West Enterprises.

Mark Hess reviewed his staff report saying that the condition that the Planning Commission placed on this approval states that the curb location on Upper Midhill Drive would be sited 16 feet from the center line of the right-of-way, and that the curb and half street improvement should extend to the intersection of Arbor Drive. Also, parking on the unimproved side of the hill would be prohibited. The extension of this half street improvement to Arbor Drive extends the improvement 200 feet past the development site.

Hess told the Council that they had four options:

1. Affirm
2. Reverse
3. Modify
4. Remand to Planning Commission

Mrs. Clyman asked Mr. Hess to explain the Planning Commission's reasons behind condition number one.

Hess explained that the Planning Commission vote was split and the Commission appeared to be interested in continuity of the traffic flow, and that there would be a wide spot in the road in this development that would then go back to a narrow stretch 200 feet before it hit the intersection of Arbor Drive. Hess also explained that the Code allows flexibility when there are topographic constraints on the property, but 32 to 36 foot is the standard width.

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McIntyre clarified that the original staff recommendation called for 14 feet, before the new City Engineer came on board, and then the new City Engineer came up with a 16 foot recommendation.

Hess explained that the Planning Commission took the two recommendations and meshed them to come up with their recommendation.

Clyman asked questions regarding the slope of the property written in the minutes of the Planning Commission meeting.

Hess said that the land slopes off of Upper Midhill, and when you place the curb 16 feet from the center line fill would be required. Hess said that it would be more of a cost factor than a safety factor. Some of the Planning Commission members felt that the narrower width would be more appropriate in that area. Hess added that some existing landscaping would need to be removed.

Sandy Pember, Mountain West Enterprises, 5493 SE Colony Cr. Milwaukie, spoke representing Paul Dewey. Ms. Pember said that Mr. Dewey was willing to accept the Engineer's proposal, to widen Upper Midhill 16 feet from the center line, and sidewalk it. The appeal of the Planning Commission decision was made for the following reasons:

1. It was determined that Upper Midhill widening should extend to Arbor an additional 200 feet across already developed property, and that property owner was given verbal permission to plant, landscape and maintain this land. Ms. Pember presented the Council with color pictures.

2. The house was built before the current setbacks were established.

3. The property owner has informed her that trees and shrubs have twice stopped traffic from going into the house. She also has a very heavy financial investment in this property.

4. The Planning Commission justification for the widening to the corner was directed at traffic flow from College Hill and Skyline Ridge which are located north of Woodhill. She did not feel that this would facilitate traffic flow due to the narrowing of Upper Midhill at the southern end of Woodhill II, which is two lights north of Robinwood. The road is narrow and the area is fully developed from Robinwood on to Marylhurst. Judging by the topography of the land in the existing locations of the improvements in this area, it would appear that future improvement would be highly unlikely. However widening the area right adjacent to the subdivision to 16 feet from center line would allow for consistency for future roads.

5. The Engineer's proposal was made to accommodate eight residents for on street parking, and was limited to the subdivision boundary.

Mountain West Enterprises proposes to widen to 16 feet from the center line, install curbs and sidewalks along the 8 lot area, and then to blend the areas into the existing street width to insure traffic flow and to prevent bottlenecks.

Since there are only eight lots affected, it is not felt justifiable that the developer should be responsible for improving two hundred additional feet of public right-of-way when there will be no real benefit to the traffic. Cost to the developer would be an additional \$19,000 to improve this additional two hundred feet.

Sherry Clyman asked if the developer was not aware of the 16 foot recommendation until it was too late to respond to it.

Pember answered "that's right", he will at this time accept the 16 feet along the eight lots, but he does object to the additional 200 feet to the corner of Arbor.

Clyman asked if parking was part of the appeal. Pember said that she was unsure. As a representative of the developer, she said she was not speaking to that issue.

Karen O'Malley, 18522 Upper Midhill Drive, across the street from the development, spoke against the proposal. Ms. O'Malley addressed the issue of the 200 foot extension to Arbor Drive. She felt that the neighborhood was a quiet and established neighborhood, that was developed fifteen to twenty years ago. Children and adults play and stroll. Speaking for the neighborhood she said they would like to see the Council approve a plan that would compliment the existing neighborhood. Landscaping in the area provides beauty, safety, and privacy. Wider roads would not be safe for the children of the area.

Stowell asked Ms. O'Malley how she felt about the widening to 16 feet with curbs and sidewalks.

O'Malley answered that it was very disturbing for the neighborhood.

Lairson made a motion to close the public hearing. Stowell seconded the motion.

Ayes: Jill Thorn, Kathy Lairson, Bob Stowell, and Sherry Clyman  
Nays: None.

Stowell stated that he was not interested in seeing the street narrowed any more. He wanted to see sidewalks and curbs installed. He would like to see the additional curbing and width along the entire length of that section. He found it difficult to widen the Arbor Drive end and not the Robinwood end. It should be both ends or neither end. The Planning Commission didn't even address the Robinwood corner. Stowell suggested remanding it back to the Planning Commission to have them look at both ends, or delete the widening all together.

Lairson was inclined to agree with the neighborhood that if you widen it all the way to the end of Arbor you encourage people to drive the full length of the street. She was inclined to delete the Arbor Drive end. She was against it being wide and then immediately going narrow. Clyman agreed with Lairson.

Questions of clarification followed. It was brought out that the existing pavement may not be in the middle of the right-of-way at this time. It appears that four to six feet of additional paving would be needed, into the garden area.

Thorn asked if we currently have any places in the City of West Linn where the center of the street is wider than the rest of the street. Hess answered yes, particularly in the Willamette area.

McIntyre was in favor of remanding it back to the Planning Commission to look at other possible solutions.

Clyman said she saw two issues, width, and the change of character. She thought the Planning Commission should find the exception to the code.

Lengthy discussion followed.

Lairson made a motion to affirm the Planning Commission's decision except that we remove the half street improvement from the northwest corner of the property to Arbor Drive, and in its place require a tapering down of the 16 foot improvement to the roadway. Thorn asked if that tapering down would be on both ends. Lairson asked staff if we could require it at both ends. Hammond answered that it should be remanded to the Planning Commission. Thorn seconded for the purpose of discussion. Hammond suggested that the motion include "and taper to the specifications of the Public Works Department." Lairson amended the motion to include "tapering to the standards of the City Engineer". Thorn seconded the amendment.

Ayes: Lairson and Thorn  
Nays: Stowell and Clyman

Mayor McIntyre voted because of the tie vote. McIntyre voted no. The motion failed.

Stowell made a motion to remand the matter back to the Planning Commission to reconsider widening both ends or nothing at all. The motion died for lack of second.

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Clyman made a motion to accept the Planning Commission's findings. Thorn seconded the motion.

Stowell was concerned that the traffic is going to be primarily traveling on that one side and it will be moving from the narrower section to the wider section. Traffic will not be turning down Arbor Drive, its going to continue on to College Hill Estates.

Ayes: Thorn and Clyman  
Nays: Stowell and Lairson

Mayor McIntyre voted because of the tie vote. McIntyre voted no. The motion failed.

After discussion and questions of clarification, Clyman made a motion to remand the issue back to the Planning Commission with a recommendation to examine alternate widths that would better accommodate the Barnes property at the corner of Upper Midhill and Arbor Dirve.

Stowell seconded the motion for the purpose of discussion. He then asked the maker of the motion if she would be willing to amend the motion to include both ends of the road. Clyman added the amendment to her motion, and Stowell seconded the amendment.

Lairson asked if they should give any direction on what kind of improvements, like curbing, or curbing and sidewalks.

Ayes: Lairson, Stowell, and Clyman  
Nays: Thorn

#5) Open Period:

Information Items:

Sparky the fire dog and the mascot from the West Linn Fire Department was present to demonstrate his stop, drop, and roll talents.

Bob Stowell wanted the public to know that he found good homes for all of the puppies he had found a couple weeks ago.

#6) Appointments:

Traffic Safety Commission - The applicant for the Traffic Safety Commission was not appointed. That appointment will be done in two weeks.

Park and Recreation Board - Clyman made a motion to appoint Eric Yoder to the Board. Thorn seconded the motion.

Ayes: Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#7) Consent Agenda:

A. Proposed Resolution No. 85-27, Transfer Budget for 1985-86 Fiscal Year.

B. Bid Recap - 1985 Tractor Backhoe and Front End Loader.

Buol clarified the budget transfer. Lairson made a motion to adopt Resolution No. 85-27, adopting the transfer budget, and making budget appropriations for the 1985-86 Fiscal Year.

Stowell seconded the motion.

Ayes: Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Mr. Gary Wright, Metro Ford Tractor, 11955 S.E. Highway 212, Clackamas, was present to speak to the Council about his backhoe bid. Dennis Koellermeier explained to the Council how the specifications were formulated. Staff recommended awarding the contract to Case Power and Equipment for a new Case 580SE at the price of \$28,134. They also recommend accepting their trade in bid of \$5,500. for a net price of \$22,634.



Thorn made a motion to accept staff's recommendation, and award the bid to Case Power and Equipment, in the amount of \$28,134 with a trade in price of \$5,500 for our Massey Ferguson backhoe.

Clyman seconded the motion.

Ayes: Thorn, Lairson, Clyman.

Nays: Stowell

#8) Administrator's Reports:

Buol announced that the next regular meeting will be held at Willamette Grade School on October 23, 1985.

Buol wanted some clarification from the Council about whether or not to hold council meetings on November 27, 1985 and December 25, 1985. Council voted unanimously to cancel both meetings due to the conflict with the holidays. The motion was made by Stowell and seconded by Clyman, to cancel the two meetings.

Ayes: Thorn, Lairson, Stowell, and Clyman

Nays: None.

Clyman asked that staff communicate with all members of boards and commissions whose terms end this year, to ask them if they wish to be considered for reappointment or appointment to another board or commission.

Mayor McIntyre read a letter from Robert Lohman commending Sergeant Dave Hill for the professional manner in which he presented the crime prevention program to the Bolton neighborhood.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

Regular Council Meeting  
Willamette Grade School

October 23, 1985

Members present: Joe Hart, Mike Skee, Jill Thorn, Larry McIntyre, Kathy Lairson, and Bob Stowell.

Members absent: Sherry Clyman.

Staff present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Jack Hammond, City Attorney, Art Enderlin, Police Chief.

#1. Scout Troop No. 239 presented the Colors, and Mayor McIntyre lead the flag salute.

#2. Thorn made a motion to approve the minutes of the October 9, 1985 City Council meeting. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, and Stowell

Nays: None.

#3. Employee of the month was awarded to Pat Rich, Development Services Secretary. Pat was given the award for performing exceptionally over an extended period of time. Pat began work during a difficult period of time for the City, at the start of the development season, when there was little time for training. She also was using a new word processor and the secretarial staff for Development Services had just be cut to one person. Pat was given a compensatory day-off, and will be added to the list of employees that will be considered for employee of the year at the end of 1985.

Diana Nicolay congratulated Pat and told the Council and audience that Pat deserved the award and she was happy to see her get it. Pat never shows signs of stress although she must be under a great deal, in that department.

#4. Solid Waste and Recycling Representative.

Jerry Herrmann, reported for the committee. Eight months ago a site was developed for a demonstration project for yard debris recycling, and it has operated successfully to this point. The committee made a recommendation to the Council that a permanent site be found for the recycling program. The Committee suggested that the site be the horse arena at Willamette Park. The Board requested that the composting project be continued.

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They asked that the existing site be continued through the last Saturday in November. The program should be closed for the months of December and January. During that interim period the Council could look at an alternative site, the horse arena at Willamette Park. They asked that staff be asked to work on some improvements to the site, gates and paving etc. They feel they have approximately \$8,000 available to help the City. If the new site at Willamette Park doesn't open in February, that want the old site continue to operate.

Jill Thorn asked if anyone had contacted the Fair Board, since they use that area heavily during the Fair. Herrmann was not sure that that contact had been made.

McIntyre had difficulties with the use of that site. He wondered if the proposal would include landscaping. Herrmann answered that it would include screening/landscaping. McIntyre asked if there would be an odor problem. Herrmann answered that if it was managed correctly there would not be any odor.

Thorn asked if other debris would be controlled. Herrmann said a part-time manager should be hired to manage the site.

Buol wanted the opportunity to discuss this proposal with PGE, the Fair Board, the Police Department, Planning, and the Park Board.

McIntyre suggested that we refer this proposal to staff and set up a time, as quickly as possible to hold a public hearing, or some format that allows us to hear from various groups. Buol said the next meeting would be the first meeting in November. Lairson suggested the 1st meeting in December. There was a consensus of the Council to hold the meeting in December. Skee asked for a letter addressed to PGE and a meeting at the site. He thought that you might get the support through a letter that you wouldn't get at the site.

McIntyre pointed out that the recycling program in West Linn has been praised. West Linn representatives are handling a session at the League of Oregon Cities Conference in November.

#### #5. Open Period

Informational Items: Ed Druback mentioned that the Department of Environmental Quality was holding a public hearing at the City of West Linn on November 19, 1985, at 7:00 P.M., regarding our request to be a separate reporting district and separate waste shed. Comments will be accepted by the hearings officer.

Items for future agendas: Mr. Dick Simantel, 1611 S.E. 6th, West Linn, spoke regarding a 74 year old gentleman that wanted to sell pumpkins in the public right-of-way in the Willamette area, and was stopped by the West Linn Police. After some discussion, it was decided that the man could continue selling this year but not sell next year. He would be issued a special permit by the Police Department and be required to have a red sign. Lairson asked that the City look at the City's Business License ordinance on this and possibly allow exceptions. It was decided that it should come to the Council at the first of the year.

#### #6. Proposed change of ownership of the South Fork Water Board.

John Buol presented a report regarding ownership of the South Fork Water Board, explaining that a change of ownership was called for. Currently, the City of Oregon City owns 58% and the City of West Linn owns 42%. The current distribution of population and usage indicates participation of each city at the following ratio: Oregon City 54% and West Linn 46%. If West Linn is to purchase an additional 4% ownership, compatible with these figures, a payment of \$174,159 would be required to the City of Oregon City. Buol asked the Council to inform the South Fork Water Board that in the event that water bonds are sold, during the 1985-86 fiscal year, payment will be made within 60 days of receipt of the bond proceeds; otherwise, West Linn will pay Oregon City in two installment payments during the 1986-87 fiscal year. (1/2 9-30-86 and 1/2 3-3-87)

After lengthy discussion, Hart made a motion to exercise in accordance with staff's recommendation. Skee asked to add that they look into making payments for two fiscal years, 1986/87 and 1987/88. Hart added to his motion that whatever is most equitable and beneficial to the City of West Linn be done. Lairson seconded the motion, and the addition to the motion.

Ayes: Hart, Skee, Thorn, Lairson, and Stowell  
Nays: None.

#7) Consent Agenda:

A. Intergovernmental Agreement - Rosemont Fire District - approved on a motion from Hart to approve signing by the Mayor and City Recorder, seconded by Lairson.

Ayes: Hart, Skee, Thorn, Lairson, and Stowell  
Nays: None.

#8) Administrator's Reports:

Council approved receipt of a grant from Metropolitan Service District for \$500.00 in the Intern Assistant Program. The City will match the funds and put the student on the City's payroll.

The student will be hired to develop a commercial and industrial properties information brochure. The brochure will identify all commercial and industrial properties, sewer, water, storm drainage, and transportation facilities available to each site, zoning and permitted land uses.

The motion to approve was made by Hart, seconded by Thorn.  
Ayes: Hart, Skee, Thorn, Lairson, and Stowell  
Nays: None.

Buol announced that the City held a city-wide staff meeting today in the Excellence in Local Government program, and it was felt to be very successful.

#9) Business from the Council:

Thorn made a motion to appoint Kathy Lairson to the Community Action section of the Department of Human Resources. Hart seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, and Stowell  
Nays: None.

Thorn wanted the Council to take look at the rates for senior citizens. It was decided that the Council would discuss these rates at their goal setting session to be held on November 16, 1985.

The meeting was adjourned at 9:25 P.M..

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

Members present: Joe Hart, Mike Skee, Jill Thorn, Larry McIntyre, Kathy Lairson, and Bob Stowell, Sherry Clyman

Staff present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Jack Hammond, City Attorney, Charlene Richards, Assistant to the Administrator, William Gin, Finance Director, Mark Hess, Assistant Planner, Dennis Koellermeier, Public Works Operations Supervisor, and Pam Barnes, Librarian.

#1. Mayor McIntyre lead the flag salute.

#2. Thorn made a motion to approve the minutes of the October 23, 1985 City Council meeting. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

EEB011

- #3. Mayor McIntyre made a proclamation for "Lights on For Peace", asking all West Linn citizens to turn on their porch lights from dusk to dawn during the Geneva Summit. Lairson made a motion to approve the Proclamation and have the Mayor sign it. Clyman seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None

Resolution No. 85-28, Proclaiming December 9 through the 15th, 1985, National Drunk and Drugged Driving Awareness Week.

Stowell explained that the Traffic Safety Commission supports the resolution. Lairson made a motion to adopt Resolution No. 85-28, Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None

#4. Discussion on Capital Improvements:

A. The Library Board presented a plan, to design, construct, and furnish a new single-level City Library building with 10,000 square feet and parking for approximately 50 automobiles, with landscaping. The plan would locate the building on a two acre site with planned expansion of the building to 18,000 square feet and additional parking. The presentation was made by Chairman Gary Olson who gave a slide presentation with a project description, cost of construction and other fees, cost of furniture, fixtures, equipment, and other items, cost of insurance, legal fees, and other miscellaneous fees, and contingency. Olson presented Council with Exhibit A. (attached)

Olson said that there is a need for more community meeting rooms, and in the current Library there is no longer shelf space available. The Board suggested several sites. Total cost was proposed to be approximately \$950,000. The Board asked for approval from the Council to apply for a Federal Grant and go for a bond issue.

Librarian Barnes pointed out that the Federal Funds could be contingent on the bond issue passing.

Clyman wanted to know if we had a reserve for matching funds. Barnes answered that we did.

Thorn asked if there would be any restriction on the use of the community meeting rooms? She wondered if Council meetings could be held there. Barnes said she would find out when they apply for the grant.

(For the record, most of the audience present was here for this matter. Most present supported the proposed new Library.)

McIntyre said that West Linn has such big money problems right now that for him, locking into this issue, at this meeting would be a problem.

Clyman felt we would be remiss to pass up funds available now. Clyman then made a motion to allow the Library Board to seek LSCA Title II grant money. Lairson seconded the motion.

Stowell supported the motion.

Thorn asked if this should go through the Planning Commission process. Could we ask for donations towards a Library fund?

Hammond said that the issue must relate to the impact of land.

Skee supported the Library, but felt Oregon was going through a bonding crunch. He felt that sharing the Library facility would be a good idea.

McIntyre supported the motion. The vote on the motion was unanimous.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.



Lairson announced that there would be a Library read-in from 12:00 noon Friday, to 12:00 Saturday.

B. John Buol pointed out that Murray Smith and Associates, our City Engineer, and City Administration, recommend five items to consider for the Rosemont Pressure Zone to avoid a moratorium.

1. Make preparations to implement a water use restriction program within the Rosemont pressure zone during the summer of 1986.
2. Continuously record pressure in the vicinity of Suncrest Drive and Hunter Drive during the summer of 1986 and monitor the results of those recordings.
3. Proceed with steps to obtain financing for implementation of the Phase II Water System Master Plan Improvements and complete those improvements within the Rosemont pressure zone prior to the summer of 1987.
4. Continue with normal planning, subdivision, and utility connection procedures and impose no special restrictions on water connections if completion of water system improvements within the zone can be assured prior to the summer of 1987.
5. No restrictions be placed on annexation within the time frame outlined in the attached letter provided all other recommendations of the letter (items 1 through 4) are implemented.

Mayor McIntyre referred to a letter from several residents from the Suncrest Drive area. The letter was answered by Earl Reed.

Hart had questions regarding the number of pumps operating in the area. Reed answered "four", but said that not all pumps would operate at one time.

Hart wanted to know how we would respond if one pump broke down.

Reed explained that we would do our best to repair any emergency. In a full use situation, we have no reserve equipment.

Thorn wanted to know how we would monitor an even/odd system. Reed said it would be voluntary compliance. Buol pointed out that Gladstone uses the same method, and it works well for them.

Clyman wanted to know what we would get for the \$1,695,000.00. Reed answered that this would benefit the entire City.

Skee wanted to know how much impact odd/even watering would have. Buol answered that there are a lot of sprinkler systems in that area.

Thorn pointed out that a resident, and member of the Planning Commission had stated that at 6:30 A.M. their family didn't have water pressure.

Phil Smith said that small changes in sprinkling habits would make dramatic changes in the water pressure.

Clyman asked if a bond issue is not passed before the summer, should we then place a moratorium? Smith answered "probably so".

Skee asked what would happen if someone files a claim because of inadequate water pressure, before we get it fixed.

Hammond answered that if we are attempting to do something about the problem ie. taking conservation efforts, we should be okay over the years period of time.

Clyman asked if the \$1,695,000.00 includes the \$174,159 for the 4% purchase of the South Fork. Buol answered no, but it includes \$55,000 for Bond Issue expenses.

Buol asked the Council to first address what they want to do next year, do they accept the staff's recommendation? Then they should address possible funding.

EEB011



Buol spoke against moratoriums. Lairson spoke in favor of avoiding a moratorium because it would stop business from coming into the City.

Hart wondered what impact it would have if we had no restrictions on annexations. He thought maybe we should place restrictions on annexations if it would affect water pressure.

Buol answered that it would not be a big impact.

Hammond added that the Boundary Commission would look at annexation requests one at a time anyway.

Lairson made a motion to accept the recommendation of staff, items one through five. Stowell seconded the motion.

Hart added that when the pressure drops he would like to see conservation measures go into effect.

Clyman asked Council to consider amending item number four to include the possibility of a moratorium. Lairson said that she was against having the word moratorium in her motion.

McIntyre asked if the maker of the motion would consider amending the motion to revise item number five to deal with annexations on an individual basis, instead of placing "no restrictions". Hart suggested that annexations be handled in a normal manner. He felt that item number five should be stricken from the motion.

Lairson revised her motion to read, "items one through four", Stowell seconded the revision. It was inferred that annexations would be handled on a case-by-case consideration.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Jeff Bacarach, attorney for the Homebuilders Association thanked staff for working with the developers, and spoke against moratoriums.

Willie Gin spoke regarding financing of water improvements. Gin recommended alternative A of his November 3, 1985 agenda bill. Gin gave a brief history of System Development Fees. They were only spent on growth, and he recommends not spending them all at once.

Hammond said that water rates should take care of debt for good bond rating.

Claire Yoder, 1595 Bland Street, stressed that how this bond issue is presented to the public is very important if they want this bond issue to pass. All citizens have to see the importance and the benefit to them.

C. The subject of street lighting, street improvements, and financing the operations of the Street Fund, were discussed. Willie Gin spoke advising the Council that the City's property taxes would increase by approximately \$1.00 per \$1,000 assessed value from 1987 through 1990 if a serial levy was approved to finance street lighting and overlay expenses.

Council advised the priorities they had discussed at their last work session.

- 1(a) Water
- (b) Street
- (c) Storm
- (d) City Hall
- (e) Library

Clyman pointed out that the Public Facility Task Force survey pointed out that the last priority was water.

1. Sewer
2. Storm
3. Roads
4. Water

Hammond expressed his fear that we could loose other types of Federal funding such as HUD, EPA, Department of Transportation, and Block Grants, if we did not adhere to the Federal handicapped requirements.

Hammond also pointed out that we have filed our plan showing our deficiencies, and we have said that we will improve them by October, 1986. If we don't it could affect other funding sources.

Clyman made a motion to list their priorities as follows:

- Water
- Street and Lights
- Storm
- City Hall
- Library

Skee seconded the motion. The vote was unanimous.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None

Clyman made a motion to direct staff to prepare a General Obligation Bond Issue to complete Phase II of the Water System Improvements in the amount of \$1.645 million dollars, and take it to the voters in March on a 20 year bond levy. (Buol urged the Council to offset \$50,000 of the total \$1,695,000.00 with the use of System Development Fees) Clyman added this to her motion and added that they would pledge water revenues to pay for it.

Lairson seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

There was a consensus of the Council that they needed a complete presentation on streets and street lighting, including storm, (Phase I) at the first meeting in December. Lengthy discussion followed.

#5. Open Period

Informational Items:

Mike Skee asked for citizen input about selection of Engineer for 7th Avenue job.

Sherry Clyman asked the City Recorder to advertise for openings on City Commissions and Boards.

Items for future agendas:

#6) Ordinance No. 1173 - Amending the Traffic Safety Commission ordinance, was postponed to next meeting. Council wanted terms staggered.

#7) Report on reduced utility rates for special classes of citizens.

Gin addressed extending reduced rates to renters.

Val West discussed rates for renters.

Willie Gin was asked to obtain ordinances from other local jurisdictions and find out what impact they have had on other cities, and is the program being abused?

#8) Consent Agenda:

(A) Request for Bancroft Bond Application - Nicholson

Lairson made a motion to authorize the Finance Director to apply for Bancroft Bonding for delinquent assessments. Clyman seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

(B) Purchase of computer and minor change in configuration.

EEB011

Hart made a motion to approve as suggested by the Finance Director's Agenda Bill. Skee seconded the motion.

Ayes: Hart, Skee, Lairson, Stowell, and Clyman  
Nays: None.

#9) Administrator's Reports:

(a) Hart made a motion to authorize the Mayor to sign a 1985-87 Maintenance Grant Agreement with the LCDC, to maintain West Linn's Acknowledged Comprehensive Plan. The grant provides State of Oregon funds. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

(b) Buol informed the Council of the Block Grant we had obtained to repair the roof at the McLean House.

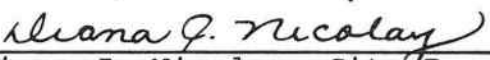
#10) Business from Council:

Thorn talked about the League of Oregon City's annual conference, and urged other Council members and staff to attend next year.

Lairson read a thank you from the Tindel family from England.

A work session was set for November 25, 1985, to discuss the Community Information Coordinator position. The work session will be held at 7:30 P.M. This work session will also be an Executive Session to further discuss goals for the City Administrator.

Hearing no further new business, the Council adjourned the meeting  
at 11:35 P.M.

  
Diana J. Nicolay, City Recorder

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Regular Council Meeting

December 11, 1985

Members present: Mike Skee, Jill Thorn, Larry McIntyre, Kathy Lairson, and Bob Stowell, Sherry Clyman

Members absent: Joe Hart.

Staff present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Jack Hammond, City Attorney, Charlene Richards, Assistant to the Administrator, William Gin, Finance Director, Dennis Koellermeier, Public Works Operations Supervisor, and Earl Reed, Public Works Director.

#1. Mayor McIntyre lead the flag salute.

#2. Thorn made a motion to approve the minutes of the November 13, 1985 City Council meeting. Stowell seconded the motion.

Ayes: ~~Hart~~<sup>Ag</sup>, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#3. Representative from Coopers and Lybrand CPA's - Report on examination of combined financial statement and supplementary data for the fiscal year ended June 30, 1985.

Mr. Dennis Powell, a partner with Coopers and Lybrand, and Mr. Bill Barker, presented the audit report for the fiscal year ending June, 1985 to the City Council.

Mr. Powell pointed out the exception paragraph in the Accountant's Opinion where it makes reference to the records on the fixed assets. He said this was not news to the City, it has been there for a number of years. The City is in the process of developing the necessary information to have sufficient records for that exception to be eliminated.

He reviewed the statement of revenues and expenditures. The City is extremely close, compared to other cities, in actual results to where they were budgeting. Powell said that this is a reflection of a good job in the budgeting process.

He drew the Council's attention to Page Fifty-seven of the report to the disclosure to the State of Oregon. Coopers and Lybrand is required to make this disclosure to the Secretary of State.

Bill Barker, Audit Manager, reviewed the Management Letter. He pointed out that this letter was greatly reduced from the previous year. Management has done a good job of cleaning up the accounting system. They brought three new points to the Council's attention.

1. Integrity controls should be put into place when the City acquires its new accounting system.

2. Budget appropriation - clarify how you appropriate. Right now we are appropriating at a departmental fund level, or by fund in total. The statutes require that operating contingency and fund transfers be appropriated separately.

3. New connection fees for sewer and water lines. This is an accounting concept, wherein connection fees are part of a contributed equity and are not used to fund the operation of the utility. They suggest that the City analyze the cost associated with this connection fee, record it as operating revenue, and the remainder goes to contributed equity and does not affect profits and loss, and can still be used for systems expansion.

4. Was an update of the prior years comments.

- #4. Representative from West Linn Business Group - Image Enhancement Program - Landscape Improvements to City Hall.

Steve Housel, President of the West Linn Business Group, explained that the group was planning an Image Enhancement Program for West Linn. There are three specific items that they plan to focus on.

1. Landscaping of City Hall, and awnings.
2. Renaming of Highway 43 as it passes through the City. They suggest "West Linn Blvd.
3. Street-Tree Program for the City.

The Group asked for Council's support in researching this further.

Housel presented the Council with preliminary plans for the landscaping in front of City Hall.

They would like to be able to finance this independent of public funding.

Maybe the City could come up with matching funds. Handicapped access should be taken into consideration.

Clyman asked that the Business Group work with staff on the landscaping, along with the Handicapped Access program.

Highway 43 is a State Highway so they would need to approve any procedure along the highway, and the Group would also work with Mike Butts and Ken Worcester.

Housel pointed out that the Street Program would be aimed at both the residential and commercial property along Highway 43. He felt it should start at City Hall and go north.

- #5. Adoption of West Linn City Council goals for 1986.

Mayor McIntyre explained that the City Council had met in a goal setting session on November 16, 1985, and had decided on twelve goals for 1986.

Thorn made a motion to adopt the twelve goals as presented. Lairson seconded the motion.

EEB011



Ayes: Mike Skee, Jill Thorn, Kathy Lairson, Bob Stowell and Sherry Clyman

Nays: None.

It was decided that the Council would meet on January 9th at 8:15 A.M. at City Hall, to present the goals to the City employees.

#### #6. Open Period

##### Informational Items:

Jane Tomlin, Loaves and Fishes, was present on behalf of West Linn Senior Citizens, with a petition containing ninety-two signatures requesting a senior transportation program.

Tomlin asked the Council to provide Loaves and Fishes with one time only funds of \$6,000 as a 20% match for an Urban Mass Transit Act 16 (2) (b) grant to secure a larger, 17 passenger van with a wheel chair lift. This will provide more rides for the same operating dollars.

She also asked the City to budget \$7,200 for Loaves and Fishes to provide a paid driver five days each week for a total of 22 hours each week. This will assure dependable transportation for West Linn seniors who can remain in their own homes only as long as they have adequate transportation. Currently, this van is the only transportation 20 West Linn Seniors have. With the current van and Green Thumb driver, additional seniors needing transportation can not be served. Tomlin projected that current donations and contributions will continue to cover gas, oil, repairs, maintenance, and insurance. The services provided by Loaves and Fishes are rides for grocery shopping, medical appointments, banking, to the post office, and to the Oregon City Senior Center; monthly recreational trips outside the Tri-City area; a newsletter; and staff support for the West Linn area senior.

Tomlin offered a couple other alternatives.

Council accepted the petition and John Buol said that this proposal could be supported in the 1986/87 budget.

##### Items for future agendas:

Mr. Ed Lind, 18940 S. Old River Drive, asked the Council if they planned to make a settlement on his claim of damage to his property from a ruptured water main, in 1982, which had been twice denied by the insurance company.

Lind said that in an August meeting the Council instructed the City Administrator to have an Engineer go by and look at the problem. They also asked him to re-submit a claim to the insurance company. The original insurance company is no longer the City's insurance carrier. Mr. Lind wanted to know if a report had come back from the City Administrator.

Mayor McIntyre reminded Mr. Lind that he had received a letter directing him to make some calls. Lind didn't think it was his responsibility, because the insurance should cover it. Lind just wanted to know if the City Council was going to do anything toward settlement of his claim.

Jack Hammond, City Attorney, said that JBL&K very forcefully presented a case to the carrier and they were totally non-responsive. He explained to the Council that there were a couple issues. 1) The carrier initially denied the claim because the claimant didn't submit a formal notice within six months of the date of the damage to their property. The Linds were notified of that about five months before the statute of limitations expired. 2) There is question as to whether or not there was constructive notice given to the City.

Mr. Lind said that he was not notified, only the Sherwoods were notified.

Lairson asked if we know what the dollar damage was. Hammond said we don't know. A neighbors claim was paid. The neighbor did not use his funds to correct the damage. There is reasonable surmise that because of them not doing so, that any damages to the Lind's property substantially increased because of that.

Lind said that the foundation has cracked more. And the claim will be increased.

After some discussion, Skee made a motion to take no action. Thorn seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Sherry Clyman presented her public information program for the City of West Linn, which was a goal of the City Council. Clyman was assigned this program as a project to work on. She presented a paper to Council showing what she has accomplished so far. She had examined other municipalities and obtained information on their most effective programs and an estimate of the cost of these programs. Her current focus is the election we are holding in March, 1986. Her priorities were: a monthly publication to all citizens, town hall meetings, and personal contacts (precinct walking). Clyman is working on putting together the monthly newsletter.

She said we need to reinstitute the citizen involvement committee. We also need to continue to use the cable television, and the newsletter. We need citizen handbooks, citizen training programs. She also suggested maybe a public information night, or service fairs. These can be held annually or more often. Council would be present for people to come and talk. She suggested that a city-wide survey was necessary.

Clyman made a budgetary request of \$2600 to \$2800.

Lairson made a motion to authorize staff to direct \$3,000 into Phase I of the Public Information Program as outlined by Sherry Clyman. Staff was directed to make a transfer budget. Bob Stowell seconded the motion.

Mike Skee asked if the Council would get a chance to review the publication prior to it going out. Clyman said that she would be sure to bring it before the Council.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#7.) Continued discussion on Street Improvement Fund Serial Levy and Storm Sewers.

Mr. Earl Reed, Public Works Director, briefly reviewed the four items in front of the Council.

1. Street Operations Serial Levy - There was a concern raised several weeks ago about the approximate \$90,000 shortfall. The Council directed staff to come back with a funding source. The Finance Director and Mr. Reed had put together a statement offering a possible solution. An operating levy for the purpose of making up for the shortfall. Council did not take action.

After lengthy discussion, the Council directed staff to create ballot titles for the March ballot for Water Improvements (Bond Issue approved at the last City Council meeting), Street Lighting, and Street Overlay. Three separate ballot titles, for ten year Serial Levies.

#8) Continued discussion on reduced utility rates for special classes of citizens.

Willie Gin presented the Council with the information that he had collected from other jurisdictions. The Council, after some discussion decided to table this discussion for three months.

EEBO II

## #9) Traffic Safety Commission proposed changes.

A. Proposed Ordinance No. 1173, amending Chapter 2.20 of the Municipal Code and creating and establishing a citizens's commission for the purpose of coordinating and assisting with traffic safety programs within the City of West Linn to be known and designated as the West Linn Traffic Safety Commission.

Mayor McIntyre read Ordinance No. 1173 by title. Thorn made a motion to approve the Ordinance effective December 12, 1985. Skee seconded the motion.

Ayes: Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

Mayor McIntyre read the Ordinance a second time by title. Lairson made a motion to adopt Ordinance No. 1173, effective December 12, 1985. Stowell seconded the motion. A poll of the Council showed:

Ayes: Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

Council considered an amendment to Policy No. 84-4

Stowell made a motion to adopt the amendment to Council Policy No. 84-4. Clyman Seconded the motion.

Ayes: Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

## #10) Report and recommendation on Community Informational Officer.

Council had met for a work session on this matter in November, 1985. This meeting was to take formal action regarding the proposed Community Informational Officer.

There was a consensus to go with staff's recommendation not to hire at this time.

## #11) Proposed Clackamas Cable Access Agreement.

The Council had lengthy discussion regarding this issue. Mike Skee was opposed to the idea of a tri-city studio. After discussion Lairson made a motion to approve Resolution No. 85-31 with one change. The Resolution should read and Oregon City, instead of or Oregon City. Thorn seconded the motion.

Ayes: Thorn, Lairson, Stowell, and Clyman <sup>Skee</sup>  
Nays: ~~Skee~~ None. <sub>Lyn</sub>

## #12) Proposed Agreement with County on 7th Avenue Improvements

Dale Querry presented the proposed agreement for Phase II of Improvements to 7th Avenue in the Willamette area. The area to be worked on would be from 10th to 12th. The cost would be \$159,000 and a match from the City of \$61,125 would come from System Development Fees.

After some discussion, and questions of clarification, Lairson made a motion to approve the Intergovernmental Agreement, and authorize the Mayor and City Administrator to sign on behalf of the City. Stowell seconded the motion.

Ayes: Thorn, Lairson, Stowell, and Clyman  
Nays: Skee

## #13) Letter from City of Oregon City regarding purchase of South Fork Water Board assets.

Buol explained that the City Administrator from Oregon City expressed concerns regarding the City of West Linn's purchase of the South Fork assets over two fiscal years starting with the 1986/87 fiscal year. The City of Oregon City would like to see the payments made over a period of two years, as previously decided by the West Linn City Council, but he would like the first payment to be made in the 1985/86 fiscal year and the second in the 1986/87 fiscal year. Buol said that the City of West Linn does have funds for this improvement funded in the 1985/86 fiscal year budget.



Skee made a motion to modify their previous recommendation, and authorize payment of 1/2 in the 1985/86 fiscal year, and the other half in the 1986/87 fiscal year, for a total payment of \$174,159.00.

#### #14) Proposed Resolutions:

Resolution No. 85-29, Establishing date for election for Water Bond Issue, was considered. Stowell made a motion to adopt Resolution No. 85-29, setting a March election date for the Water Improvements. Lairson seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Resolution No. 85-30, Establishing date for Public Hearing on vacation of River Drive.

Thorn made a motion to adopt Resolution No. 85-30, setting a public hearing date of January 22, 1986, for the vacation of River Drive in West Linn. Lairson seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#### #15) Appointments to various Commissions, Boards, and Committees.

Council decided to hold interviews of Planning Commission applicants on Wednesday, December 18, 1985, beginning at 7:00 P.M. and taken at fifteen minute intervals.

Lairson made a motion to re-appoint Robert Thorn to the Cable TV Board for a two year term. Thorn seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Council asked the City Recorder to forward all applicants names that were interested in the Traffic Safety Commission to the Police Chief so that those people could be invited to attend a Traffic Safety Commission meeting prior to appointments being made to the Commission. The Traffic Safety Commission is interested in making a recommendation regarding appointment.

Council asked the City recorder to look in the Library Board applicants from the past to see if there were any applicants that might still be interested in being appointed to the the Library Board.

#### #16) Consent Agenda: Council unanimously approved the following consent agenda:

- (A) Liquor License - Sentry Market - Change of Ownership
- (B) Proposals for roof repair Sunset Fire Hall

#### #17) Administrator's Reports:

- (a) Buol asked if any Council member was interested in being a nominee for the Regional Adult Corrections Task Force. No Councillor spoke up. It was decided that Mr. Buol would contact Judge Crist, and the Police Department for interested parties.

#### #18) Business from Council:

Thorn Call In West Linn will discuss Neighborhood Watch.  
Lairson Excellence In Local Government  
Clyman Citizens Committee Meeting 7:30 P.M. next Wednesday evening at Lions meeting.  
McIntyre Halley's Comet Repellent  
Xmas Tree Lighting

Hearing no further new business, at 12:30 A.M. the Council adjourned the meeting to 7:00 P.M. December 18, 1985.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

EEB011



Members present: Joe Hart, Mike Skee, Jill Thorn, Larry McIntyre, Kathy Lairson, and Bob Stowell, Sherry Clyman

Staff present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Jack Hammond, City Attorney, William Gin, Finance Director, Dennis Koellermeier, Public Works Operations Supervisor, Earl Reed, Public Works Director, and Mike Butts, City Planner.

#1. Mayor McIntyre lead the flag salute.

#2. Stowell made a motion to approve the minutes of the December 11, 1985 City Council meeting, with one change. Mike Skee voted in favor of item number eleven. Lairson seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Gary Madson, Planning Commission member for three years, and Chairman of the Planning Commission for the last two, was introduced by the Mayor. Mayor McIntyre read a letter of thanks to Madson for his service to the City. McIntyre also presented Madson with a City paperweight.

#3. Public Hearing - Amendments to the Community Development Code.

Mayor McIntyre explained that the Council would be considering Ordinance No. 1175, amending the Development Code, and Resolution No. 86-01 amending the fee schedule for development review.

There were no abstentions from the Council and no challenges from the floor.

Mike Butts, City Planner, reviewed the proposed changes to the Development Code. (Refer to Ordinance No. 1175, adopted January 8, 1986)

Butts then reviewed the proposed changes to the Development Fee Schedule. Most changes being proposed were from straight charges to fees. Fees currently charged are high for minor developments. The proposed deposit system would even out the burden. (Refer to Resolution No 86-01 with one exception. When the resolution was presented it had a \$250.00 appeal fee to City Council proposed.)

Clyman asked Butts if applicants will get estimates of the cost to them when they come in. Butts answered yes, and added that any funds not used would be refunded. The Development Services Department has set up a system for keeping track of their costs, and the Finance Department will do the refunds.

Patricia Tryon, 2365 Dillow Drive, spoke in opposition to the fee increases. She was against the increased fee for appeals to the City Council. She did not feel that they should be based on cost. She felt that appeal was a right not a privilege. Tryon thought that \$100 would be a fair fee to charge.

After some discussion, Lairson made a motion to close the public hearing. Thorn seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

Skee asked the City Attorney if the Council would be subject to criticism if they didn't raise that fee when they are raising all other fees.

Hammond answered it would be discretionary with the Council, and they could lower appeal fees with no legal problems.

Stowell asked about appeal fees in other communities. Butts answered that they ranged from \$150.00 to "0".

After some discussion McIntyre read Ordinance No. 1175 by title. Lairson made a motion to adopt Ordinance No. 1175 effective immediately. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None

Members present: Joe Hart, Mike Skee, Jill Thorn, Larry McIntyre, Kathy Lairson, and Bob Stowell, Sherry Clyman

Staff present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Jack Hammond, City Attorney, William Gin, Finance Director, Dennis Koellermeier, Public Works Operations Supervisor, Earl Reed, Public Works Director, and Mike Butts, City Planner.

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Nays: None.

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Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None



McIntyre then read Ordinance No. 1175 a second time by title. 18  
Lairson made a motion to adopt Ordinance No. 1175 effective immediately. Stowell seconded the motion.

A poll of the Council showed:

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

The Council then considered Resolution No. 86-01, amending the fee schedule for development review.

Lairson made a motion to adopt Resolution No. 86-01, except dropping the appeal fee for City Council to \$150.00. Stowell seconded the motion.

Ayes: Hart, Skee, Lairson, Stowell, and Clyman  
Nays: Thorn

#4. Continued discussion on proposed Serial Levy on Street Overlay and Street Lighting

John Buol explained that the Council had three options.

1. Go for a three year Serial Levy.
2. Exceed the 6% Limitation and include operation costs.
3. Go for a new tax base.

Stowell felt street lighting should be included in the budget, and he liked the idea of going for a new tax base.

Skee was interested in going for a new tax base.

Stowell suggested that if the tax base passes, we could just not assess the serial levy.

Hart was in favor of a separate levy for Street Lighting, because he felt it would be an easy decision for people.

Lairson asked Buol where, in the budget, he would put street lighting. Buol answered street lighting should be an assessment on a utility bill, should be an operational expense.

Skee felt that the vote-by-mail election to be held in March would give us a good reading.

Clyman also felt that street lighting should be in the operating budget.

After some discussion, Hart made a motion to cancel the previously set ten-year Street Overlay Serial Levy and make it a three-year Serial Levy to be held in June, 1986, with the addition that Street Lighting can be dealt with in a Tax Base or a Budget Proposal in May which would cancel the serial levy. Skee seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#5. Open Period

Informational Items: None.

Items for future agendas:

Thorn asked for annual reports from West Linn boards and commissions

#6.) Proposed Ordinance No. 1174, pertaining to the position of city surveyor.

Buol pointed out that this was a housecleaning change for the City. All costs will be paid by developer. This is simply adding the Public Works Director's designee.

Mayor McIntyre read the proposed ordinance by title. Lairson made a motion to approve Ordinance No. 1174 effective today. Thorn seconded the motion.

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Ayes: Hart, Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

Mayor McIntyre then read the ordinance a second time by title. Lairson made a motion to adopt Ordinance No. 1174 effective today, and Stowell seconded the motion. A poll of the Council showed:

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman.  
Nays: None.

#7) Appointments to various boards.

Lairson made a motion to appoint the following terms of office to the newly appointed Planning Commission members.

Romney Burke 1986  
Larry Dunstan 1987  
Jane Ohlemann 1989  
Charles Tryon 1989

Hart seconded the motion.

Ayes: Hart, Thorn, Skee, Lairson, Stowell.  
Nays: Clyman

Hart then made a motion to reappoint Mary Walsh to the Library Board, for a full term. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Clyman made a motion to appoint Spielman to the Library Board. Skee seconded the motion.

Ayes: Skee, Clyman  
Nays: Stowell, Hart, Lairson, Thorn

Lairson made a motion to appoint Lenore Buth to the Library Board. Hart seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell.  
Nays: Clyman

Diana Nicolay was asked to forward the names of other Library Board applicants that weren't appointed, to the Friends of the Library.

Clyman expressed interest in developing a time frame for committee appointments. After lengthy discussion, Clyman made a motion to appoint Michael Schlabach and Ellen Martin to the Cable Advisory Committee.

Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#8) Consent Agenda:

Skee made a motion to approve the Long Range Fiscal Projection as prepared by the Finance Director and presented to the Council, and authorize the Mayor to sign. Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#9) Administrative Reports:

Buol reminded the Council of the 8:15 A.M. Employees Meeting for presenting the Council's goals.

Clyman asked all Department Heads and City Council members remember to forward their profiles to the City Recorder, for the new newsletter, by January 22, 1986.

#10) Skee said that his first year on the City Council has been a good learning experience.

Clyman asked about the flyer that is being prepared by Earl Reed, for the election.

McIntyre thanked everyone involved for their work on the Christmas Tree.

Hearing no further new business, the meeting was adjourned at 9:36 P.M..

Diana J. Nicolay  
Diana J. Nicolay, City Recorder

EEB011

Regular Council Meeting January 22, 1986

Members present: Mike Skee, Jill Thorn, Larry McIntyre, Kathy Lairson, and Bob Stowell, Sherry Clyman

Absent: Joe Hart

Staff present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Jack Hammond, City Attorney, William Gin, Finance, Mark Hess, Assistant City Planner.

- #1. Mayor McIntyre lead the flag salute.
- #2. Thorn made a motion to approve the minutes of the January 8, 1986 City Council meeting. Lairson seconded the motion.  
  
Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

- #3. Public Hearing - Vacation of a portion of River Drive.  
  
The Mayor asked the audience if there was anyone who challenged any member of the Council from hearing this matter. None.  
  
The Mayor then asked the Council if anyone wished to abstain from action on this matter. None.

Mark Hess, Assistant Planner, referred to his September 13, 1985 Staff Report, in which the staff recommended approval of the street vacation, with a twenty foot utility easement centered on the existing water line.

Mr. Buol pointed out to the Council that he had received a phone call from Mrs. Jean Green, 3499 S. Walling Way, who was against the street vacation if it would create a lot that could be subdivided and sold.

Mark Hess felt it was possible that with this street vacation the lot could be divided into two parcels and sold.

Hearing no further testimony from the audience, Lairson made a motion to close the public hearing. Stowell seconded the motion.  
  
Ayes: Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

Lairson asked if the applicant could subdivide this lot without the vacation.

Hess answered that looked like it might be possible, but he would have to look at it more closely to be sure.

Thorn wanted to know if notice of the pending vacation was posted. Staff answered that it had been well posted. It was published as required by ORS four times in the newspaper, and posted two times on the property.

Thorn made a motion to adopt staffs recommendation of vacating a portion of River Drive with a twenty-foot utility easement centered on the existing water line, and authorized the City Attorney to prepare the necessary ordinance.

Skee seconded the motion.  
  
Ayes: Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

#4) Continued discussion on fiscal matters:

- (A) Resolution No. 86-02, establishing an election date for the Street Overlay Program, was considered by the Council.

Stowell made a motion to adopt Resolution No. 86-02, setting an election date of March 25, 1986 for \$285,000 on a ten-year Serial Levy for street overlay only.

The motion was seconded by Clyman.

Ayes: Thorn, Skee, Lairson, Stowell, and Clyman  
Nays: None.

- (B) Proposed Budget Schedule.

Willie Gin presented rough revenue projections, expenditures and cash carry over projections.

The Council, after discussion, accepted the budget schedule and decided to submit a new Tax Base to the voters in the May election. They will include two new Police Officers and one Fire Lieutenant, plus street lighting.

#5. Open Period

Informational Items:

Mike Skee said that he had been told that the quality of the sound going out over cable television during the showing of City Council meetings was poor and needed badly to be improved. After some discussion staff was instructed to look into needed improvements and costs.

Skee asked for a three minute limit on all speakers before the Council. Clyman pointed out that on public hearings, the form filled out by speakers specified a five minute limit for individual speakers.

Skee asked the Mayor for his report on any action taken at the Dome Commission meetings the Mayor had been attending in Portland. Mayor McIntyre had nothing to report yet.

Mike Skee asked about the progress of the formation of the new Administrator's Evaluation Form, and wanted to know how the Newsletter and Cable productions for the water bond election were coming along. He asked if Council was going to be able to review each of these, prior to the actual use of each of them. Skee was told that all three would come before the Council prior to the use.

- #6. Proposed Intergovernmental Cooperative Agreement - City of West Linn, Oregon City and the South Fork Water Board. This is an agreement that the City of West Linn will purchase South Fork Water Board assets from the City of Oregon City. After the purchase, the City of West Linn will own 46% and the City of Oregon City will own 54%. Adoption of Resolution No. 86-03, would authorize the signing of the purchase agreement.

Lairson made a motion to adopt Resolution No. 86-03 authorizing the Mayor and City Recorder to sign the purchase agreement. Stowell seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#7) Appointments to various boards.

- A. Thorn made a motion to reappoint Don Burton and Guy LaCesa, and to appoint Ernest Cassella, and Theodore McNulty to the Traffic Safety Commission. Clyman seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

- B. Stowell made a motion to appoint Robert Lohman and Ed Mulvihill to the Solid Waste and Recycling Committee. Skee seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#8) Consent Agenda:

- A. Liquor License Renewal - West Linn Thriftway
- B. Liquor License Renewal - Mark's Tavern
- C. Liquor License Renewal - Clyde's Tavern
- D. Liquor License Renewal - Morrow's Serv-U

Lairson made a motion to approve the issuance of Liquor Licenses for West Linn Thriftway, Mark's Tavern, Clyde's Tavern, and Morrow's Serv-U, Consent Agenda items A through D. Thorn seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#9) Administrative Reports:

Buol asked the Council for authorization from the Mayor and City Administrator to sign an agreement with OTAK for plans and specifications for the 7th Avenue Project from 10th to 12th Street.

After some discussion, Lairson made a motion to authorize the Mayor and City Administrator to sign the OTAK agreement for Phase II of the 7th Avenue improvements. Thorn seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#10) Business from the Council:

Thorn mentioned that "Call In West Linn" would be on Sunday night, and the Friends of the Library would be the guests.

Thorn pointed out that the Mayor would be giving his "State of the City" address at the West Linn Business Meeting, Uptown Deli.

Lairson asked if we could get the potholes repaired on Summit and Rosemont Rd. Buol said that it is a County road and we have brought the potholes to the attention of the County.

Lairson also mentioned that she had been receiving calls about citizens whos recycling was not being picked up by West Linn Sanitary. The latest call was from West "A" Street and Buse.

Stowell said he was ready to present his proposed Employee Recognition Program to the Council. He will probably have something for the next City Council meeting.

Clyman pointed out that the precinct lists that she provided to each Council member could be used to increase voter turnout, and could be used by each Council member in whatever manner they choose.

Hearing no further new business, the Council went into Executive Session at 9:45 P.M.

Council went from Executive Session back into their regular meeting at 10:08 P.M. and then adjourned.

Diana J. Nicolay  
Diana J. Nicolay, City Recorder

Regular Council Meeting

February 12, 1986

Members present: Mike Skee, Jill Thorn, Sherry Clyman and Bob Stowell,

Absent: Joe Hart and Larry McIntyre

Staff present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Jack Hammond, City Attorney, William Gin, Finance, Charlene Richards, Assistant to the Administrator, and Dennis Koellermeier, Public Works Operations Supervisor.

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Also present: Hal Murray, and Phil Smith, of Murray Smith and Associates.

Kathy Lairson, Council President acted as Mayor in the absence of Larry McIntyre who recently had back surgery.

#1) Kathy Lairson opened the meeting at 8:00 P.M. and lead the flag salute.

#2. Thorn made a motion to approve the minutes of the January 22, 1986 City Council meeting, with one change. Thorn did not seconded the motion in item number three. Skee seconded the motion. Stowell seconded the motion, to approve the minutes.

Ayes: Skee, Thorn, Stowell, and Clyman

Nays: None.

#3. Representative from the McLean House - Annual Report to Council.

Ed Zuk and Judy Nelson were present to give the report to Council. Exhibit "A" attached.

#4) Report on employee recognition program, as recommended by Council member Bob Stowell, as part of the 1986 Council goals.

Bob Stowell presented Council with his proposal for an employee recognition program for City employees. Exhibit "C" attached.

Council asked that the proposal be presented to the employees i their input, and returned to the Council with their comments, at a later date.

#5) Discussion on Expo '86, Vancouver British Columbia

After some discussion, Council decided, at this time, not to participate in Expo '86.

#6) Open Period:

Informational Items: Frank Kalinowski, spokesperson for residents in the Sunburst II area, near the proposed water reservoir, presented a petition to the Mayor, against the above ground water tower. The group feels that other alternatives have not been explored. They asked that it be dropped from the March ballot and other alternative be explored. The issue could be submitted to the voters at a later date. They urged the Council to find another location for the water tower, and if another location could not be found they urged the Council to consider an underground tank.

Mr. Kalinowski testified that he personally had not experienced an water pressure problems at his residence.

John Buol referred the Council to the City Attorney's legal opinion in this matter, and pointed out that the Consulting Engineers on the water issue were present to answer questions.

Buol reviewed his memo to Council dated February 12, 1986. Buol also pointed out that Earl Reed, Public Works Director, was present to answer questions.

Hal Murray, Murray Smith and Associates, said that this site was the most economical site at the time of the Water Plan. A ground storage reservoir would not give enough water pressure to ease the current situation. Pumping would still be required with an underground tank. The next most feasible site was located 1,500 feet west of the proposed site, on lower ground, and would cost the City an additional \$239,000.

Hammond said that the current site is dedicated and couldn't be used for anything else. He could see that the alternate si across Rosemont would cause any particular problems, except a higher cost the City. The Boundary Commission will extend permission to us to go outside the City limits.

Hal Murray showed a topo map of the alternate site.

Hammond said that this site was shown as a reservoir site on the recorded plat. He felt the chances of someone filing a claim of inverse condemnation against the City was not very great.

Mike Skee suggested that the City go ahead with the Bond Issue, and the citizens in the area of the proposed water tank organize a Local Improvement District to move the tank across Rosemont.

Clyman spoke about treating the entire community fairly. The entire city should not have to pay for the alternate site for the water tower, when it would benefit only the residents in the Sunburst II area.

Kathy Lairson shared the Mayor's feelings in the issue, in his absence, and gave her personal knowledge of the history of the issue.

Doug Jackson, 19764 View Drive, directly behind Ed's Muffler Shop in the Robinwood area, spoke regarding the retaining wall behind the muffler shop. Council asked staff to look into this matter and get back to Mr. Jackson.

#### Future agendas:

Skee asked that his proposed Charter amendment regarding the election of Council members and the Mayor be considered by the Council. Skee asked that this matter be placed on the agenda of February 26, 1986. Council agreed to look at the proposal.

#### #7) Proposed Transfer Budget No. T-86-02 for 1985/86 Fiscal Year.

Gin explained his Transfer Budget No. T-86-02 that would reallocate, reappropriate, and transfer budget appropriations in the City's General, Street, Sewer and Water Funds, as shown and explained in Exhibit "A" attached.

Stowell made a motion that the Council adopt Resolution No. 86-04 with the stipulation that money for the feasibility study regarding the Urban Growth Boundary not be spent without first coming in front of the Council again for their approval. Skee seconded the motion.

Ayes: Thorn, Skee, Stowell, and Clyman

Nays: None.

#### #8) Consent Agenda

A. Bid Recap - Gasoline and Fuel Oil - Staff recommended that the City Council accept the bids from the two lowest bidders: Don Thomas Petroleum and Carson Oil Company.

B. Resignation of Alan Scally from the Cable TV Advisory Board.

C. Liquor License Renewal

Cheerios Inc.  
Cantonesia  
7-11 Store  
Plaid Pantry  
A & L Market

Thorn made a motion to approve Consent Agenda items A through C5. Clyman seconded the motion.

Ayes: Skee, Thorn, Stowell, and Clyman

Nays: None.

#### #9) Administrator's Reports:

Buol mentioned that the microphones that the Council was using tonight were lapel microphones and the City was considering buying them for the Council so that the quality of the sound over the Cable TV would improve.

#### #10) Business from the Council:

Thorn pointed out that the Fair Board is off and running and that their first meeting for the year will be held on February 20th, 7:30 P.M. at the McLean House. Anyone interested in attending is welcome.

Clyman said that the brochures for the March election are ready to be assembled and mailed. They will go out to the public on March 3rd. The Newsletter has been put on the back burner for now.

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John Buol asked the Council for permission to attend a public relations class that was being given in San Francisco. Council felt that it would be too expensive. Buol is to continue looking for a class in Portland.

Lairson said that the evaluation form for City Administrator would be ready for Council review by the next meeting.

Council adjourned to Executive Session at 10:15 P.M., regarding Labor Negotiations and Litigation. Council came out of Executive Session at 10:45 P.M., and went back into regular session. Council set a date of March 19th, 7:30 P.M., for another Executive Session regarding Land Acquisition. Council adjourned their regular meeting at 10:45 P.M..

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

Regular Council Meeting

February 26, 1986

Members present: Joe Hart, Mike Skee, Jill Thorn, Larry McIntyre, Kathy Lairson, Bob Stowell, and Sherry Clyman

Staff present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Jack Hammond, City Attorney, Charlene Richards, Assistant to the Administrator.

#1) Larry McIntyre opened the meeting at 8:00 P.M. and lead the flag salute.

#2. Kathy Lairson pointed out that she should have been listed as present at the meeting of February 12, in the minutes. Lairson made a motion to approve the minutes as written with that one change. The motion was seconded by Stowell.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#3. Girl Scout - Proclamation

Mayor McIntyre proclaimed the week of March 10th through the 16th Girl Scout Week in West Linn. McIntyre had the girl scouts come forward and introduced each one. The Councillors were each presented a box of Girl Scout cookies.

#4. Representative from the Traffic Safety Commission.

Chairman Don Burton was scheduled to be present to give an annual report for the Traffic Safety Commission, but Mr. Burton did not show up, so the Council continued this item to a later date.

#5. Proposed Fee Schedule - McLean House

Charlene Richards explained that the Friends of McLean House are requesting a fee schedule increase for the use of the McLean House. The proposed fee schedule would increase the private party flat fee and cleaning deposit and limit maximum hours of usage to eight hours. The proposed schedule would still be below comparable facilities. The last fee change was done in January of 1985.

Thorn made a motion to adopt the fee schedule increase as proposed (Exhibit "A" attached). Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#6) Open Period:

Informational Items:

Barbara Hartfeil, 4230 Terra Vista Ct., expressed that she felt that the Water Bond Issue is primarily for the use of the developer. Hartfeil read the systems development ordinance and made the comment that the developers should pay for the needed reservoir. She asked about \$50,000 that was paid to the County for Rosemont Road, asked why it was not shown in the expenditures of the System Development Fees.

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She also asked about \$7,000 paid to the developer for Hidden Springs Road, and asked why it was not shown in the expenditures of System Development Funds. She asked the City to put the fees back where they belong.

Hart asked that this item be placed on a future agenda because he felt it was unfair to expect staff to respond to Hartfeil's questions without being able to review their files.

Barbara Hartfeil asked that the Intent of System Development Fees be discussed on the agenda of March 12, 1986.

Hartfeil also pointed out that the School Board has not decided "not" to build on the Oppenlander property. She said some day there might be a school on that property.

#7. Proposal from the Solid Waste and Recycling Committee.

Jerry Herrmann explained that the original temporary site for the composting of yard debris was approved until November 30, 1985. The Solid Waste and Recycling committee was asking for an extension of the temporary approval to use the Wilderness Drive site, until an alternate site is chosen.

Mike Skee wanted the Committee to canvas the neighborhood around the site to see if anyone had problems with it. Hart felt that there haven't been any complaints, so he was in favor of proceeding with the temporary extension. Lairson was in favor of contact the neighbors for their comments.

After some discussion it was the consensus of the Council to hold a public hearing after so advertising, and also to have the Solid Waste Committee canvas the neighborhood for their comments. The hearing will be held on March 12, 1986.

Skee made a motion to survey the area, and hold a public hearing on the question, on March 12, 1986. Lairson seconded the motion.

Ayes: Lairson, Thorn, Skee (McIntyre)  
Nays: Hart, Stowell, and Clyman

Because of the tie vote, Mayor McIntyre voted, and his vote was in favor of the motion.

Jack Hammond will prepare the notice for the newspaper and for mailing to the neighborhood.

#8. Proposed Collective Bargaining Agreement - IAFF - International Association Firefighters. July, 1985 through June, 1987.

Charlene Richards explained that this was a brand new contract. Wages in the contract would be retroactive to 7-1-85. It represents 10% for two years. Richards thanked staff for their hard work on the contract.

Skee made a motion to approve the Collective Bargaining Agreement between the City of West Linn and the City of West Linn Firefighters. Lairson seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

John Buol commended Charlene Richards for her work on the contract.

#9. Discussion on Amendment to the West Linn Charter - Election of Mayor and City Council members.

Mike Skee presented his suggested Charter amendment to the Council for their consideration. This would change the number of Council members on the Council from seven to five, and change the manner in which a Mayor is selected and the length of his office. It would also do away with the current Ward system. The proposed amendment also suggested that it would be good to have members of the Council act as liaison with the different City departments.

Lairson felt that the suggested amendment should go through the petition process.

Stowell agreed with Lairson.

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Skee said that he would proceed with his initiative petition.

Thorn said that the people she had spoken with liked to elect their own Mayor, and most of them also like the Ward System. She was supportive of the liaison with City departments.

#### #10) Consent Agenda

Liquor Licence Renewals:

- A. Willamette Sentry
- B. Zupans
- C. Roundtable

Lairson made a motion to approve Consent Agenda items A through C. Clyman seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#### #11) Administrator's Reports:

Buol said the Governor is required to appoint members of the Local Government Boundary Commission from a list of names provided by cities, counties, and districts within the commission's jurisdiction. The Council was asked for names of candidates to be considered to fill upcoming vacancies. The Council had none at this time.

Buol told the Council that the State of Oregon, Highway Division Six Year Improvement Plan had been received by the City. Several West Linn locations are planned within the next few years.

The Cedaroak Boat Docks were washed away by deep water, and Willamette Western has been hired to return them to West Linn. They will be out of commission for awhile.

Lake Oswego has used the first water from the new Emergency Intertie between Lake Oswego, West Linn, and Oregon City. West Linn sold 7,000,000 gallons of water at a price of \$4,200 to Lake Oswego.

#### #10. Business from Council:

Skee thanked City staff for their handling of the recent sewage problems in the Willamette area.

Thorn asked about the renumbering and renaming of Highway 43 programs. Thorn also asked for an update on the Dispatch center.

Mayor McIntyre told the Council that there would be a public hearing 3-11-86 on the Highway Department Six Year Plan, 7:30 P.M. 902 Abernethy Road, Oregon City.

Lairson said that the Council members would be receiving the proposed Administrator's Evaluation Form in the mail in the next few days.

Clyman was pleased with the Improvement Request Form that the City was now using. Clyman also announced the town hall meetings to be held in March regarding the Bond Issue and the Street Overlay Levy.

Mayor McIntyre announced that Rick Gustafson chose Rich Crist to be on the Adult Correction Task Force. McIntyre mentioned an awarded received from the Environmental Quality Commission - Recycling Commission.

Hearing no further new business, the Council adjourned at 9:45 PM.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

Staff present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Jack Hammond, City Attorney, Charlene Richards, Assistant to the Administrator, Art Enderlin, Police Chief, Ken Worcester, Parks Crew Chief, William Gin, Finance Director.

#1) Larry McIntyre opened the meeting at 8:00 P.M. and lead the flag salute.

#2. Minutes of the February 26, 1986 Council meeting were approved by a motion from Thorn, seconded by Clyman.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman

Nays: None.

#3. Presentation - "Outstanding Citizen Award"

Mayor McIntyre and Police Chief Art Enderlin, presented two West Linn citizens with Outstanding Citizen awards. Enderlin explained that on February 17th Walter Buskiewicz and Marlin Mueller responded to a request for help from a neighbor, Mrs. George Milliken. Without regard to their personal safety the two men entered an unknown situation, wrestled a violent man to the ground and were instrumental in the restraint and custody of the assailant. Mr. Milliken was unable to be present at this meeting but he sent his thanks to the two men.

Mayor McIntyre presented the two men with beautiful plaques for their contribution to society.

#4. Public Hearing - Proposal for temporary re-opening of yard debris composting site at Wilderness Park.

There were no challenges from the audience of any Council member acting on this matter. No abstentions on the Council.

Mayor McIntyre explained the history of the requested extension. Ed Druback explained that as requested the Recycling Committee had surveyed the homeowners in the area of the site, regarding their comments on the site.

26	had no problem
14	were not home (Committee left flyers at these homes)
4	were opposed to the site
2	had no opinion on the subject

Druback spoke in support of the request for extension to use the site.

Mike Skee wanted to know what date the Committee would like on this extension. Druback said November 30, 1986, if they don't get a new site approved sooner.

Buol spoke regarding the negotiations for the Willamette Falls Drive site. There have been some complications.

Bob Mountain, member of the Recycling Committee, spoke in favor of the requested extension.

Larry Bollinger, 2592 Hillcrest Ct., said that the site has been working, has momentum, and asked Council not to delay the momentum that has developed. Bollinger spoke in favor of the extension.

Frank Navratil spoke in favor of the extension, because seniors can take yard debris close to home and put them to good use.

Charles and Samantha McAllister, Norfolk Street, also spoke in favor of the site.

Hearing no further testimony either for or against, Mike Skee made a motion to close the public hearing. Thorn seconded the motion. Hart made a motion to approve the re-opening of the Wilderness Park Composting Site, on a temporary basis until a permanent site has been found. Lairson seconded the motion. Lairson and Skee spoke in support of the requested extension.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman

Nays: None.

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## #5. Discussion - Liquor in West Linn Parks

Buol explained that Council member Skee had received requests from citizens to ban the use of alcohol in West Linn parks. Buol had also received a letter from an Oregon City man, Henry Schm, asking that liquor be banned from parks. Police Chief Art Enderlin recommends that the Council consider prohibiting liquor in the parks. Enderlin would not ask for a total ban on alcohol, he would allow it during the West Linn Fair. Enderlin said that West Linn is one of the few areas that still allows alcohol in their parks. The West Linn Parks Department feels that banning alcohol will not solve the problem that exists. It would however decrease the revenue received by the Parks Department for use of the parks.

Clyman asked if most of the drinking problems are with minors. Enderlin answered yes. John Markell, West Linn Police Officer also responded that most violations are from people between the ages of 18 and 21. Clyman asked if this problem has been brought up with the neighborhood groups. The answer was no.

Gayle Rutledge, reminded the Council that most of the revenue from the West Linn Fair is generated at the beer tent. She was against banning alcohol in the parks.

Tom DeJardin, 5680 Hood Street, spoke against the proposed ban.

Skee pointed out that a ban on alcohol would make enforcement harder. He was in favor of addressing the youth problems in a different way. He was in favor of increasing the Police Department money for enforcement in the area of the parks. He asked that it be funded from the General Fund.

Enderlin thought that he would need approximately \$3,000 for the summer.

Skee made a motion approve money for extra enforcement in the parks for the balance of this fiscal year, and authorize the Finance Director to transfer funds to pay Police Officers and appropriate funds in the 1986/87 fiscal year budget. Also to include the neighborhood groups in finding a solution to the problem. Thorn seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: Hart (did not vote)

Lairson asked that the Council consider changing the ordinance to allow for consumption of wine in the parks. Lairson asked that the question be put on a future agenda.

## #6) Open Period:

## Informational Items:

Betty Mountain informed the Council and audience of a debate to take place, on whether or not to change the Clackamas County Commission to a five member board.

Clyman announced that the final Town Hall Meeting on the Bond Issue and Street Levy would be held tomorrow night at the Willamette Fire Hall.

## #7. Discussion - System Development Fees

McIntyre defined the term "System Development Fees".

John Buol explained that at the last Council meeting, Barbara Hartfeil asked about \$50,000 being dispersed for a Rosemont Road project, with Clackamas County, K and F Development and the City of West Linn. Buol explained that the City's contribution to this project will be \$40,000. West Linn has agreed to make time payments to the County. Clackamas County has agreed to bill the City for payments over two fiscal years. To date the City has not paid any money on this project.

Buol also addressed a second question asked by Barbara Hartfeil. A question regarding payment of \$7,000 to K & F Development for road construction on Hidden Springs Road. The funds for this project were not disbursed from the System Development Fund, so they do not appear in the report prepared by William Gin.

Jack Hammond explained that System Development Fees are like a tax on development to offset the impact that development has on our public facilities. Hammond explained that we are not site specific as to where the expenditures have to be made.

Mayor McIntyre clarified that the list that had been provided by Willie Gin was only showing expenditures of System Development funds, and did not show commitments for expenditures of future funds.

Buol pointed out that we had made commitments for expenditures of funds for Highway 43 and Hood Street, and Hidden Springs Road and Highway 43. Both are Federal or State projects funded through the Highway Department's Six Year Plan.

McIntyre pointed out that the question was raised about the improper transferring of System Development Fees from one fund to another.

Hammond reviewed his March 7, 1986 memorandum saying that we have found an allocation error, made in 1984, and the City will have to reimburse the sub-funds. We must rectify the problem. Coopers and Lybrand was unaware of the problem. The reimbursement may take three to four years to accomplish. Coopers and Lybrand must approve any plan that the City comes up with to reimburse the funds. Hammond recommended that the City do away with allocations by percentages, and reimburse the affected sub-funds.

John Buol explained that the ordinance was changed so that money from System Development Fees could be used for storm drainage improvements that were badly needed because of law suits.

Willie Gin, Finance Director, explained the history of System Development Funds, and audits by Coopers and Lybrand.

Marie Horvath, Robinwood Neighborhood Association, accused the City of breaking the law. She said that the Robinwood Neighborhood Association has talked about the transfer of the funds, and from the two letters that she received from Willie Gin, it appears to her to be a cover-up. She asked for a District Attorney's opinion on what has gone on. She would also like to hear about other alternatives to what has gone on.

Brian Daum, Robinwood Neighborhood Association, and participant on the Public Facilities Task Force representing the Robinwood Neighborhood Association, asked that the City reassess its position regarding System Development Funds. He felt that with our cut-off of Federal and State funding the City owes it to itself to carefully examine every nickel that we are spending. He said the days of flagrant spending of \$70,000 to \$80,000 here or there has got to end. Attention has to be paid to what System Development charges are for, how they are determined, and exactly what level they should be at. He felt they were too low now, and that the fees should cover the cost of new developments. He feels these fees should be pay as you go rather than be subsidized by the City. He felt taxpayers money should not fund new development. We should endeavor for a pay-as-you-go system.

Mike Skee wanted to know if this improper allocation brought about our inability to fund any necessary programs. Buol answered "Not that he was aware of".

Buol said the Council could take two to five years to pay back the funds, or we could take money from the street fund or general fund to repay it. Council could also take the interest money from the 1968 Bond Issue and repay it.

Marie Horvath read Oregon Law regarding the use of funds from Bond Issues.

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Hammond said that interest money from the 1968 Sewer Bond Issue can be used to pay back to sub-funds, and referred to Ragan, Roberts opinion on the matter.

Lairson took offense to anyone suggesting that the City was trying to cover anything up.

Stowell pointed out that there was going to be a meeting at City Hall the next day between interested citizens, Council, and staff, to look into this matter. He did not feel there was a cover-up.

Thorn was concerned that this was not the first time this has happened. In late 1984 Ted Phillips asked for an audit of the Franchise Fees, and at that time it was found that there were some accounting errors. She wondered what could be done to prevent this from happening again?

Stowell thought that with the new Finance Director, new computer, and new employees these problems would be solved.

Brian Daum took exception to comments made by Lairson and Stowell.

Mayor McIntyre asked that we get on with correcting the problem.

Mike Skee made a motion that we make a transfer of funds using the interest money from the 1968 Bond Issue to straighten out t' records as soon as possible, and not have it draw out over four or five years. Lairson seconded the motion.

Clyman supported the motion, and clarified that this was an error in moving from one ordinance to another, which they were here to rectify. She reassured the public that they have no need to worry about what happened to these funds. The money was never gone.

Ayes: Hart, Skee, Lairson, Stowell, and Clyman  
Nays: Thorn.

#### #8) Discussion - Proposed Tax Base

Willie Gin, Finance Director, presented two tax base proposals the Council to consider. On proposal added new employees in Police and Fire, and the other funded street lighting.

After some discussion, Thorn made a motion to go for Tax Base "A", by adopting Resolution No. 86-05, for a \$2,080,077 tax base beginning in the 1986/87 fiscal year. Skee seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#### #9) Administrator's Reports

John Buol presented a request from the West Linn Fire Department for a temporary Liquor License for the West Linn Fair Beer Tent.

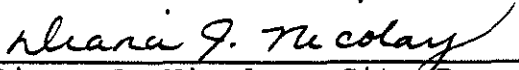
Lairson made a motion to approve the request for a temporary license for the West Linn Fair Beer Tent. Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Lairson asked for comments on the proposed City Administrator's evaluation by March 21st.

Skee suggested a debate on the Ward System, for the next program of Call-In West Linn.

Hearing no further new business, the meeting was adjourned at 11:10 P.M.

  
Diana J. Nicolay, City Recorder

Members present: Mike Skee, Jill Thorn, Larry McIntyre, Kathy Lairson, Bob Stowell, and Sherry Clyman

Members absent: Joe Hart

Staff present: Diana J. Nicolay, City Recorder, Jack Hammond, City Attorney, Charlene Richards, (Acting) City Administrator, William Gin, Finance Director, Russ Castleman, Fire Chief.

#1) Larry McIntyre opened the meeting at 8:00 P.M. and lead the flag salute.

#2. Minutes of the March 12, 1986 Council meeting were approved by a motion from Stowell, seconded by Clyman.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman

Nays: None.

#3. Recommendation from meeting on System Development Fees

Mayor McIntyre gave a brief summary of the history of this discussion.

Lairson summarized the meeting that had been held on March 14th, with Lois Haatia, Marie Horvath, Janie Nafsinger, John Buol, Willie Gin, Mike Skee, Bob Stowell, and Kathy Lairson. The group's recommendation was to ask Council to authorize an audit of the System Development Fund from 1976 through 1986, and after the audit is completed, the group is to meet and discuss any concerns about the accounts which anyone feels is still not clear.

Clyman asked Gin what the scope of the audit should be, and what would be needed for this situation.

Gin said that the audit could encompass one of two things. A complete audit of System Development Funds, reviewing documentation, reconstructing fund balances, or Audit the Finance Director's work papers and reports, and give their opinion.

Gin estimated the audit would cost up to \$1600.

Thorn asked why Coopers and Lybrand didn't find the bookkeeping error, and why did an independent citizen find it.

Gin explained how Coopers and Lybrand audited the System Development Fees. Gin explained that Coopers and Lybrand did not ask for a legal opinion at that time.

Skee said that he had been told by Dave Rood, Building Official, that he could reconstruct the records using his records, and it could be done in-house.

Marie Horvath, Terra Vista Ct., wanted the audit to cover how much money was involved in the System Development Fund. Which year the money was transferred out of the fund, and which year Coopers and Lybrand suggested that the system development fund be closed down. She also wanted to know where the money went.

Mayor McIntyre recommended that we go with an independent audit of the years 1982 through 1985.

Stowell made a motion to ask for an independent audit for the years 1982 through 1985, to address four points:

1. How much money came into fund?
2. Which year funds were transferred out of System Development Fund and into Water, Street, and Sewer Funds?
3. Which year Coopers and Lybrand suggested reallocating the money?
4. Where did the money go?

Thorn seconded the motion. Clyman asked if the maker of the motion would add that the bids be put out to competitive bid. Stowell added it to his motion and Thorn added it to her second.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman

Nays: None

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The Council then took a five minute break.

#4) Discussion on street re-addressing and renaming program.

Mayor McIntyre gave a brief background on the street renaming and renumbering program. Fire Chief Russ Castleman read a press release to be mailed out. (Exhibit "A" attached) There was a consensus of the Council to authorize the press release.

Castleman then referred to his March 11, 1986 memorandum regarding the renumbering and renaming of Highway 43. Castleman asked the Council to adopt a policy that addresses within the City would be in compliance with City standards. If the City standard is changed to say Highway 43 will be on the Portland Grid, then it should be uniform throughout Highway 43. That action, at this time, would not preclude us from using other grids in the City until some later date when we want to address those grids.

Kathy Lairson asked how much of Highway 43 is on the Portland Grid.

Castleman answered "from Mary S. Young Park north".

Castleman said another possible policy would be that addresses along Highway 43 would be coordinated with the Portland Grid. Renaming of Highway 43 should be done through public hearing. Staff should not be involved in the choice of the name, other than any conflicts that the name would have with other names in the surrounding area. Regarding the renaming and renumbering of Highway 43, Castleman said that the citizens will need to know their role in the suggested changes. Castleman asked for the okay for the Fire Department and the Planning Department to start to work on address conflicts. He asked that staff be given the ability to correct address conflicts that arise as they work on the problems they are already aware of.

McIntyre added that Oregon City Loop and a couple other streets should be addressed with this address conflict correction.

Craig Allen, a representative from the W.L. Fire Department who is working on the address conflicts, said that letters would be going out to the citizens involved in the address changes.

Council wanted to know how anyone who objected to the change would voice their complaint.

Clyman was in favor of giving the staff the authority to carry out the procedure of correcting address conflicts, but she was interested in seeing that people had some recourse if this was a hardship for some reason. She also was interested in seeing that all West Linn citizens were notified of the change, not just those directly involved.

Allen said that personal contact would be made to anyone who had a problem. Final problems that were unresolved would be handled by the Council.

Hammond explained Gladstone's procedures for renumbering addresses in their city. He said that there were no legal requirements regarding the renaming of public streets, but he felt the Council should hold a public hearing.

Skee made a motion to set the 2nd meeting in May for a public hearing for anyone who has input regarding address changes.

Clyman asked if the motion should include who specifically should be notified of the public hearing.

Hammond said we should notify anyone involved in the address changes, by letter. He said staff should give notice that the City is proposing that their address be changed to (such-and-such), and there will be a public hearing held the second Council meeting in May, to consider remonstrances.

Castleman asked if the motion would include street name changes also.

Hammond said that they could be included as long as we gave ten day prior public notice.

Skee added to his motion that staff is directed to give notice that the City is proposing to change their address to \_\_\_\_\_ and there will be a public hearing held on May 28, 1986 to consider remonstrances. He also added to the motion that ten days prior notice should be given to those who would be affected by street name address changes. Thorn seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

The Council then began to discuss Highway 43. Castleman told the Council they needed to discuss renumbering of the highway, and renaming.

McIntyre asked the Council if they wished to work on renaming, readdressing Highway 43. There was a consensus that the Council did want to rename and readdress Highway 43. He then asked the Council if they wished to go with the Portland Grid or the West Linn Grid.

Lairson made a motion to address the full length of Highway 43 on to the Portland Metropolitan Grid.

Stowell asked if this decision should be incorporated with the general public. The Council decided to go ahead with the decision since the business group supports going with the Portland Grid, the Bolton Neighborhood Group's officers were also in favor of going with the Portland Grid. Thorn seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

The Mayor then began the discussion on the renaming of Highway 43.

Castleman suggested that two public hearings be held. One on the name itself, and then following the choosing of the name, hold another public hearing on the name change.

Hammond suggested that the State Highway Department should be included in those public hearings.

Council discussed ways to take input of suggested names from the public. It was decided that the City would accept suggested names until the first meeting in May.

Castleman pointed out that we have to coordinate with 9-1-1. Craig Allen said that we need to implement the number and name changes at essentially the same time, to the phone company. It should be in to 9-1-1 a minimum of three weeks prior to the time anyone changes their address. We can do that any time we want. We could take three months if we want.

Lairson asked when the phone company's book goes to print every year. Betty Mountain told the Council that August might be the cut off date.

Lairson made a motion to complete the renumbering and renaming of Highway 43 by August 1, 1986, to develop a three person name collection committee to collect suggested names (one Council member, two at-large, appointed by the Mayor) by the first City Council meeting in May, and public hearings regarding the name change and renumbering change should be held in the month of May.

Stowell seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Kathy Lairson was chosen as the representative from the Council to work on the name collection committee.

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#5) Open Period:

Betty Mountain, 1381 Buck Street, handed out buttons to the Council that said "I Beautified West Linn", in support of the tree planting to be done along Highway 43. The West Linn Business Group, the Christmas Tree Committee, and other people, including the State Highway Department are going to plant double white blossoming cherry trees along Highway 43. They are starting at City Hall on the far side of Highway 43 and going to the on-ramp of I-205. Then they will go from the off-ramp to the Shell Station. They want to see both sides of Highway 43 done some day. They are selling the buttons to anyone who wishes to contribute to the cause. Mountain asked the Council to buy a tree, sell buttons or do whatever they can do.

Craig Allen updated the Council on the progress being made toward the implementation of E9-1-1. The system should be on-line by July 1, 1986.

Kathy Lairson asked staff to formulate a policy on how agenda items are established, and how people are notified.

Stowell asked for the formulation of a policy on tree cutting in the public right-of-way.

#6) Continued discussion on Employee Recognition Program.

Charlene Richards submitted a memorandum to the Council regarding Stowell's suggested Employee Recognition Program, as refined by the Excellence Sub-Committee.

Thorn made a motion to have staff develop the costs for implementing the suggested Employee Recognition Program in the Fiscal Year 1986/87, and asked staff to come back to Council with the figures. Stowell seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman

Nays: None.

#7) Proposed Resolution No. 86-06, re-distributing interest money from the 1968 Sewer Bond Issue.

Skee made a motion to adopt Resolution No. 86-06. Stowell seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, Clyman

Nays: None.

#8) Administrative Reports:

Charlene Richards asked for Council permission to sign a Barrentine, Bates, and Lee Agreement for a space needs study of City Hall.

After some discussion, Lairson made a motion to accept the agreement with two changes. The fee is not to exceed \$3,500 and there should be a deadline of the end of May for completion of it. The motion also authorized the Mayor to sign the agreement with these changes. Thorn seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman

Nays: None.

#9) Business from the Council:

Stowell spoke regarding the poor quality of cutting being done by West Linn's mowers.

Clyman thanked citizens for their support of the Street Overlay Levy. Clyman also asked staff to start addressing the need for water rationing, our fire situation, moratoriums, and alternative funding, since the Water Bond Issue failed. Mayor McIntyre suggested that we start the process over again and involve the public.

Thorn asked staff to set up a work session with the public and different interested groups.

Staff was asked to find a location, find an evening, and by next Council meeting be able to advertise the date.

Hearing no further business, the Council adjourned at 10:50 P.M..

Diana J. Nicolay  
Diana J. Nicolay, City Recorder

Regular Council Meeting

April 9, 1986

Members present: Joe Hart, Mike Skee, Jill Thorn, Larry McIntyre, Kathy Lairson, Bob Stowell, and Sherry Clyman

Staff present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Jack Hammond, City Attorney,

#1) Larry McIntyre opened the meeting at 8:00 P.M. and lead the flag salute.

#2. Minutes of the March 26, 1986 Council meeting were approved with minor changes. There was a motion from Skee, seconded by Lairson.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#3. Mayor McIntyre presented letter awards to two young West Linn residents who had achieved the rank of Eagle Scout. Ryan Mosses, and Jeff Spanks were present to receive their awards. Both young men are also involved in sports at school, and both have very high grade points.

#4a Public Hearing for rate increase - West Linn Sanitary Service.

Mayor McIntyre opened the public hearing. McIntyre asked if any one from the audience had any objection to any member of the Council taking action on this matter. None. He then asked if any member of the Council wished to abstain from action on this matter. None.

John Buol reviewed the request for rate increase that West Linn Sanitary had submitted.

Buol pointed out that the Solid Waste and Recycling Committee had been asked for their recommendation on the matter, however the committee had been unable to meet to discuss the request prior to this meeting, so there was not a recommendation at this time.

Jack Caldwell, attorney for West Linn Sanitary Service, was present to answer any questions from the Council. Caldwell explained that the garbage collection rates in West Linn are lower than almost any location in Clackamas County. His client's reasons for requesting an increase were to recover recycling costs, pay wages, and cover dumping fees. The requested rate would be \$6.70 per can.

Hart asked Caldwell if there were any unusual expenses that occurred in the last six months. Caldwell answered no. Hart also wanted to know if West Linn Sanitary Service could pick up the recycling in West Linn in two days. With the assistance of Ernie Klein, President of West Linn Sanitary Service, Caldwell answered that they are planning on realigning the service areas in West Linn so that it will be easier to pick up recycling in two days.

Questions of clarification from Skee, Thorn and McIntyre were answered by Klein and Caldwell.

Hearing no further testimony, Lairson made a motion to close the public hearing. Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

After some discussion, Lairson made a motion to grant a rate increase to \$6.70 per can to West Linn Sanitary Service as requested, effective May 1, 1986. Skee seconded the motion.

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Clyman asked if the Council should be putting a time limit on this increase. Hammond felt it could be done without imposing a hardship on West Linn Sanitary.

Lairson, Thorn, and Stowell spoke against putting a date on the rate increase.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#4b Request for franchise renewal and rate increase - Keller Drop Box, Inc.

Mayor McIntyre opened the public hearing. There were no challenges from the audience, no abstentions from the Council.

Douglas Kooyman, President Keller Drop Box, was present to answer any questions from the Council. Kooyman explained to the Council that the last rate increase for Keller Drop Box was in April of 1982. Keller has tried to keep the rates down.

Hearing no opposition to the request, Lairson made a motion to close the public hearing. Clyman seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

The Council decided to act on Ordinance No. 1176, renewing a ten-year franchise for Keller Drop Box.

Because more discussion was needed, Clyman re-opened the public hearing for additional testimony. Lairson seconded the motion to re-open the hearing. Unanimous. Hart asked questions regarding Keller Drop Box's opportunity to recycle. After lengthy discussion, Hart made a motion to close the public hearing. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Mayor McIntyre read Ordinance No. 1176 by title.

Stowell made a motion to adopt Ordinance No. 1176 effective April 10, 1986. Lairson seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: Hart

Because there was one decending vote, the Ordinance must be read a second time at the meeting of April 23, 1986.

#5. Open period:

Woodrow and Edna Brown, 1773 Christy Ct., asked the Council to look into the necessity of a street light for their street. It appeared to Mrs. Brown that the developer had put in a stub for a street light and then never completed the installation. Mayor McIntyre asked Mrs. Brown to contact staff regarding the matter.

Kathy Lairson asked staff to review the existing skateboard, roller skate, and ski skate ordinance, with regard to our liability insurance.

Stowell reminded the staff that the Council was scheduled to review the Fire Agreement in April. Buol said it would be on the next agenda.

#6. Council noted the official election abstract from Clackamas County, for the March 25, 1986 election, and made them part of t' official record. The results were as follows:

Measure 51 - Water Bond Issue  
Yes 1,452                      No 2,194

Measure 52 - Ten-Year Serial Levy for Street Overlay  
Yes 1,932                      No 1,727

Official Election Results will be on file in the office of the City Recorder, in the March 25, 1986 Election folder.

#7. Council set a date of April 30, 1986, 7:30 P.M., for a work session on Economic Development. Staff and Council will attend the work session. The City Recorder will advertise for the work session.

#8. Administrator's Reports:

Buol reminded the Council of the regional conference of the League of Oregon Cities, to be held at the Monarch Hotel on April 26, 1986. Registration is due by April 10th. Mike Skee was interested in attending. Jill Thorn was already signed up to attend.

Buol mentioned the Friendship Run to be held in conjunction with Expo 86. Bob Stowell will represent the City of West Linn.

The Council discussed the Scope of Work prepared by Willie Gin, regarding the audit to be performed by an independent auditor, on the System Development fees. Lairson felt that all questions asked by Marie Horvath were addressed the Scope of Work as prepared. There was lengthy discussion regarding whether or not to just go ahead with the audit using this Scope of Work, or whether to show it to Marie Horvath for her approval first. After long discussion the Council decided to have John Buol meet with Marie Horvath to show her the Scope of Work as prepared. If Horvath agrees that her questions are being addressed in the scope they City will go ahead with it.

Thorn thanked the citizens who assisted in the tree planting program on April 5th, and announced that another tree planting is planned for the Fall.

Lairson presented the Council with the new evaluation form for the evaluation of the City Administrator, which included the actual form and the process for using it. The next evaluation for the Administrator will be held in May. After the form is used the first time it may be refined. Lairson asked for Council approval of the evaluation form and process.

Clyman made a motion to approve the use of the new evaluation form, and hold the next evaluation in May. Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Cyman  
Nays: None.

Clyman suggested that forms for recommending a new name for Highway 43 within West Linn be sent over to the Library. Clyman also suggested that an ad be put in the Tidings, using the W.L. Logo. Clyman also suggested that the entry blank be included in the May Newsletter if possible.

Lairson suggested a city-wide clean-up day in West Linn, and a party afterwards for the participants. Staff is to find a date within the next five to six weeks and talk to the drop box people.

McIntyre pointed out that June 14 is National Flag Day. Kathy Lairson will see that West Linn participates.

McIntyre invited everyone to the Master Gardeners "Garden Fair".

Hearing no further new business, the Council adjourned at 9:35 P.M.

Diana J. Nicolay  
Diana J. Nicolay, City Recorder

EEB011



Regular Council Meeting

April 23 1986

Members present: Joe Hart, Mike Skee, Jill Thorn, Larry McIntyre, Kathy Lairson, Bob Stowell

Members absent: Sherry Clyman

Staff present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Jack Hammond, City Attorney,

#1) Mayor Larry McIntyre opened the meeting at 8:00 P.M. and lead the flag salute.

#2. Minutes of the April 9, 1986 Council meeting were approved by a motion from Thorn, seconded by Lairson.

Ayes: Hart, Skee, Thorn, Lairson, Stowell

Nays: None.

#3. Review of Administrative Fire Service Agreement with Oregon City.

Councillor Hart abstained from discussion and action because he is an Oregon City Fire Department employee.

Fire Chief Russ Castleman presented the Council with his 4-18-86 memorandum saying that West Linn continues to provide exceptional service in a cost-effective manner. The joint administrative services have strengthened the ability of both cities to handle emergency situations through effective utilization of available resources. Cooperation between the cities has given each the ability to make progress without duplicating their efforts. The memorandum also stated goals. Castleman recommended that the agreement be continued indefinitely with the understanding that the current agreement retains the City's right to terminate the agreement at any time with 120 days notice, and the re-negotiation of the service fee annually.

John Buol pointed out a letter from Noel Klein, City Manager from Oregon City, supporting a twelve month extension of the agreement, through the end of the 1986/87 fiscal year.

Buol said that Don Mills, Assistant Fire Chief from Oregon City was present in support of extension of the agreement.

Thorn asked Castleman why there were target dates for the City of Oregon City, but not the City of West Linn.

Castleman answered that the City of Oregon City has been through the budget process, and the City of West Linn has not.

Thorn also asked Castleman why he recommended a location in Oregon City for the main office.

Castleman answered that many West Linn locations had been surveyed and the location in Oregon City seemed more suitable.

Mayor McIntyre read the letter from Noel Klein.

Buol told the Council that if they approve the extension, the City Attorney will prepare a new agreement for execution.

Thorn said she would be interested in looking at this agreement on an annual basis.

There was a consensus of the Council to authorize staff to proceed with a one year agreement for Administrative Fire Services with Oregon City. City Attorney Hammond will prepare a new agreement and resolution authorizing signing.

#4. Open Period:

None

Bill Jackson, Water Superintendent, City of Oregon City, wrote a letter to the City of West Linn asking them to give the old West Linn Water Line on Molalla Avenue between Dewey and Division Streets to the City of Oregon City. This water line is no longer in use, and has not been for several years. The State Highway Division is in the process of repairing Molalla Avenue and the City would like to do the major hookups of this line to the City's system before they do the resurfacing.

Buol gave background on the water line, and asked Council for authorization. After some discussion, Lairson made a motion to authorize giving the West Linn Water Line on Molalla Avenue between Dewey and Division Streets to the City of Oregon City. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell

Nays: None

#6. Proposed Ordinance No. 1177, changing distribution of System Development Fees.

Willie Gin, Finance Director, and John Buol, City Administrator, asked for permission to change the distribution of System Development Fees after July 1, 1986 to 70% Streets, 10% Water, 10% Sanitary Sewer, and 10% Storm Sewers. Buol explained that the main reason for the requested change was for a means of financing projects that have already been proposed for the 1986/87 fiscal year, such as the following:

7th Avenue Improvements  
Rosemont Road Improvements  
Highway 43 McKillican and Hood  
Pimlico and Highway 43  
Guardrails at Skyline and Marylhurst

Buol explained that they did not recommend a permanent change in the fee distribution. The money should be used where it is needed, and we already have Federal funds available on some of these projects that we would not want to lose.

Hammond supported the idea that the short term projects that were already planned need to be funded so we do not lose Federal funding. Lengthy discussion followed.

Jeff Bachrach, Attorney for the Home Builders Association, spoke to the Council in opposition to the proposed distribution of System Development Fees. Bachrach felt that these fees should be used to cover the impact of new development, and not used in the General Fund, or subsidizing the General Fund.

Jack Hammond explained that the proposal would not change any System Development Fees previous to July 1, 1986, and would change the allocation of the fees for the next year only. The distribution would revert back to the original distribution in one year.

Buol pointed out that the project the City has already committed to do in FY 1986/87 were all necessitated by growth.

Mayor McIntyre said that he had some difficulty changing the the System Development Fund to a discretionary fund. He did not feel that was the spirit of the original reason for charging System Development Fees, it was to cover the impact of new development on City services.

Lengthy discussion followed. Stowell suggested that we add a sunset clause to the proposed ordinance to revert back to the original distribution in one year, automatically.

Hammond drafted a Section 2 for the ordinance, saying that the amendment would remain in force and effect until July 1, 1987, whereupon it shall revert to an allocation of 35% for water, 25% for streets, 20% for sanitary sewers, and 20% for storm sewers, unless that allocation formula has been previously amended.

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Tom Kelly, citizen, asked questions of clarification of Jack Hammond, and proposed that the City slow down on the special projects and prioritize.

Mayor McIntyre read Ordinance No. 1177, adding the amendment to section II, by title. Lairson made a motion to adopt Ordinance No. 1177, effective July 1, 1986. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell  
Nays: None

Mayor McIntyre read Ordinance No. 1177 a second time by title. Lairson made a motion to adopt Ordinance No. 1177 effective July 1, 1986. Stowell seconded the motion. A poll of the Council showed the following:

Ayes: Hart, Skee, Thorn, Lairson, Stowell  
Nays: None.

- #7. Proposed Resolution No. 86-07, stating the City's eligibility to receive State Revenue Sharing Funds.

Lairson made a motion to adopt Resolution No. 86-07, stating the City of West Linn's eligibility to receive State Revenue Sharing Funds. Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell  
Nays: None.

- #8. Second reading of proposed Ordinance No. 1176, Keller Drop Box extension of franchise and fee increase.

Mayor McIntyre read Ordinance No. 1176 a second time by title.

Thorn made a motion to adopt Ordinance No. 1176, effective April 23, 1986. Stowell seconded the motion.

Hart felt that a letter should be written to Metro Council regarding the cost of dumping recyclable materials at the Metro site.

Ayes: Hart, Skee, Thorn, Lairson, Stowell  
Nays: None.

- #9. Administrator's Reports:

Buol reminded the Council of the Clackamas Cities Association dinner meeting scheduled for April 28, 1986, 7:00 P.M., at the Monarch Hotel on I-205 at the Sunnyside Exit.

Buol reminded the Council of the Economic Development Work Session to be held on April 30, 1986, 7:30 P.M. at West Linn City Hall.

Buol is renaming a portion of Horton Road to Santa Anita Drive, unless the Council has some objection. We plan to put this in the hearing at the end of May.

Hart mentioned that the people on Failing Street have been interested in changing their street name for some time.

It was decided that both names would be considered on May 14th and a public hearing would be held on the chosen names on the 28th of May.

Buol then told the Council that the City would be holding a City-wide clean up day on May 31, 1986, 9:00 A.M. to 4:00 P.M.. Thorn announced that she would be out of town on that weekend.

Jack Hammond brought up a letter that the Council had received from the Robinwood Neighborhood Association. The question was raised by the association, of how \$40,000 Fire Bond Issue money will be utilized, now that the fire site is not needed. Hammond said that it was his recommendation, and the recommendation of Dick Roberts, Bond Counsel, that other uses for the money are authorized in the ballot title, such as the acquisition of fire equipment for other facilities, or payment of the bond interest or principle. The neighborhood association had provided a portion of a letter from Legislative Counsel saying that you can only use monies from a bond issue for the purposes authorized. Thorn was in favor of possibly paying the bond off early, or letting the City Clerk handle what to do with the money.

Buol said the Fire Chief is recommending some additional expenditures. 45

Skee was interested in seeing the \$40,000 used to retire the bond.

Willie Gin, Finance Director, spoke regarding using the money to pay back the bond.

Lairson and Thorn agreed that the Council had previously decided to call the Task Force back together to make a recommendation about the money. Stowell agreed. Buol will talk with Russ Castleman.

Buol brought a proposal to the Council from Mr. Richard Leonard, to do a study of the City's System Development Fees, to answer the questions, are we collecting enough money? Are we appropriating correctly? How do we compare with other jurisdictions? How have system development fees been handled over the years? Mr. Leonard has done studies of this nature before. Buol said this study could be completed some time in June. Buol asked the Council for permission to proceed with the study.

Lairson, Stowell, and Thorn spoke in favor of the study. Skee was opposed to the study. Skee didn't feel it was going to be worth the money we would be spending.

Lairson mentioned the possibility of including the school district in the study. It was decided that the Council would only address the City's needs, but the school district would have access to the study.

Stowell made a motion to go with the study. Thorn seconded the motion.

Ayes: Thorn, Lairson, Stowell  
Nays: Skee and Hart

Marie Horvath responded to the Scope of Work that had been prepared by Willie Gin for the System Development Fee Audit. Council asked staff to compare the original scope with her response. Buol wanted Gin to compare the two. Skee said Council should make the comparison. Willie Gin approached the podium and made a comparison of the two documents. Horvath felt there were discrepancies, so it was decided that Horvath's memorandum would be used as the scope of work. Gin suggested Pauleen Rogers, CPA for the City of Tigard, be hired to do the audit. Skee was in favor of John Merina doing the audit. Gin was concerned that Merina may have a conflict since he is on the Budget Committee. Stowell was in favor of having someone that is totally detached from the City. Skee said Merina has professional integrity. Stowell still wished to go to someone who wasn't connected to the City in any way.

Skee then made a motion to hire John Merina to do the audit. Thorn seconded the motion.

Hart asked if anyone else in the city was qualified to do the audit.

Ayes: Hart, Skee, Thorn  
Nays: Lairson, Stowell

If there is a conflict with Merina's code of ethics he should let the Council know, and if that happens, Willie Gin's suggested auditor will be hired.

Jill Thorn invited everyone to the Sunset School Carnival Friday evening from 6:00 to 9:00.

Lairson reminded everyone that we are still accepting suggestions for a name for Highway 43 in West Linn.

Stowell asked what was going on with the Cedar Oak Boat Ramp. Buol will check with Koellermeier.

Hearing no further new business, the meeting was adjourned at 10:05 P.M..

EEB011



Members present: Joe Hart, Mike Skee, Jill Thorn, Larry McIntyre, Kathy Lairson, Bob Stowell, and Sherry Clyman

Staff present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, John H. Hammond, City Attorney, Michael V. Butts, City Planner, and Charlene S. Richards, Assistant to the Administrator.

#1) Mayor Larry McIntyre opened the meeting at 8:05 P.M. and lead the flag salute.

#2. Minutes of the April 23, 1986 Council meeting were approved by a motion from Lairson, seconded by Thorn.

Ayes: Hart, Skee, Thorn, Lairson, Stowell

Nays: None.

#3. Betty Mountain was present as an American Business Women's Association representative. Mayor McIntyre read a proclamation naming the month of May "American Business Women Association's Month" in West Linn.

Mayor McIntyre then read a second proclamation, proclaiming May 16, 1986 "Wilmer Gardner Day" in West Linn, for his contribution to the preservation of the historic past in West Linn. Gardner will be honored at a dinner this coming Friday evening. Council President Kathy Lairson will be attending on behalf of the City.

McIntyre then read a third proclamation, proclaiming May 18 through 24, 1986, "National Public Works Week" in West Linn.

Kevin McMurdo, Clackamas Community College, was present to announce that this was the 20th anniversary of the college. They have scheduled a thank you for the public. They have created the Pioneer Spirit Awards, which will be awarded to community leaders within Clackamas County. The Chamber helped in the selection. He announced that Larry McIntyre was the award winner from the City of West Linn. He also invited everyone to a banquet to honor all Pioneer Spirit Award winners. It will be held at the Monarch Hotel and will not only honor the Pioneer Spirit Award winners, but also celebrate Clackamas Community College's 20th Anniversary. That evening there will be an unveiling of a commemorative poster entitled "Oregon City, on the Willamette River".

#4. Public Hearing - Amendments to Comprehensive Plan Inventories and Community Development Code.

Mayor McIntyre opened the public hearing by asking if anyone from the audience challenged any member of the Council from acting on this matter. None. He then asked if any member of the Council wished to abstain from action on this matter. None.

Mike Butts, Planning Director, gave the staff report, reviewing the requested changes and the Planning Commission's recommendation on each amendment. He said there were seven basic areas that were being addressed. 1) An amendment to the Historic District Boundary. 2) Change required side yard setbacks in R-7.5 Zone from 7-1/2 feet to 5 feet. Planning Commission does not recommend that we go forward with this amendment. Staff does not take exception to this change. 3) Change detached single-family residences from a "Conditional" to an "Outright" use in the R-4.5 Zone. 4) Clarify allowable uses in Neighborhood Commercial Zone and define "Nursery" uses. Change the definition "Garden Store" to "Nursery". 5) Revise parking standards. 6) Sign Code Amendments: Temporary Construction Sign Standards, Changeable Copy Signs for directory purposes, Changeable Copy Signs for service stations, for the purpose of advertising prices of fuel. Planning Commission endorses this, staff has some real concerns with it. If you allow this at service stations, it is only fair that you allow it at other businesses. Free-standing identity signs shall not exceed seven feet in height. Staff wanted to add a setback requirement, the Planning Commission was against the setback requirement. Staff takes exception to this change. 7) Clarify sidewalk improvement obligations on double frontage lots.

Questions of clarification by Hart, Skee, McIntyre. Discussion followed.

Steve House1, President of the West Linn Business Group, supported 4; the Planning Commission's decision on proposals 1,3,5 as amended by staff, and 7. The group took no position on 4,2 (reserved right for conversation on this later), and 6, Section 52.400, A1, they take exception to the statement of "central location" as recommended by staff. They also take exception with the 60 foot set-back that is recommended by staff. They support the Planning Commission's 20 foot set-back recommendation, and the 24 foot total square foot size. They suggested one solution would be to measure that 20 foot back from the right-of-way. Maybe you could say "not to exceed 40 feet from the actual road edge". They also suggested some time limitation on how long the signs could be up. They requested that Council delay action on section A3 until the Business Group has a chance to review that proposal.

Jill Thorn asked how the business group would propose policing the time limit. House1 did not have a method for policing.

Additional questions of clarification from McIntyre. Discussion followed.

Charles Awalt, 1847 S.E. 5th Avenue spoke in favor of the boundary change in the historic area.

DeAnn Troutman wrote testimony to be presented. Awalt passed her letter to the Council. It became Exhibit "A".

Hearing no further testimony, Lairson made a motion to close the public hearing. Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Lengthy discussion and clarification followed.

Skee made a motion that we approve proposals 1,4,5, and that we amend proposal 3, section 52.400 A3, where it starts "and one" and ends with "readerboards", and that we give that grace period and bring it up in September, and that proposal number 6 we amend 52.400 L1 to read 20 feet as opposed to the 60 feet, and that we deny proposal number 2.

Hart seconded for discussion.

Clyman asked for clarification of proposal number 2, to "deny what the Planning Commission has done, or to affirm the denial". Skee answered that we would be affirming the Planning Commission's denial.

Hart pointed out that Skee had some discussion on proposal 3 that was not in proposal 3, but was in proposal 6. Thorn said that proposal 3 was to make single family outright in a 4.5. Skee amended his motion by adopting proposal 6, deleting section 52.400 A3 beginning at "and one" and going through "readerboards", and bring that back before the Council in September, and approve number 3. Hart seconded the amendment to the motion.

Hart asked a question about the setbacks for large signs.

Discussion followed. Lairson clarified that the motion was to affirm all of the Planning Commission's recommendations, deleting the one section on the wall copy sign. Skee said yes, and reviewing the other one (52.400 A3 - not approving, or denying it, but putting it off) in September.

Mike Butts pointed out one other area. Under the parking standards, Planning Commission left it "gross floor area" staff recommends going with just "floor area". After some discussion, Mike Skee added to his motion on proposal number 5, to use the term "gross floor area" and drop the words "leasable".

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

City Attorney will prepare ordinance.

- #5. Public hearing - Supplemental Budget No. S-86-01 for the Fiscal Year 1985/86. Resolution No. 86-09, adopting Supplemental Budget No. S-86-01 for the 1985-86 Fiscal Year, and making appropriations.

10 John Buol explained that the Supplemental Budget is recommended by the Budget Committee. It adjusts Franchise Fees, adds in revenues from the joint fire agreement with Oregon City, adding a grant from the State Library, Parks, and also makes adjustments to the cash carry-over for the Fire Improvement Fund, and Street Fund, State and Federal Revenue Sharing, Library Levy Fund, 9-1-1 Fund, Cable T.V. Public Access Fund, Street Improvement Fund, Bancroft Bond Fund, Debt Service Fund, Water Fund, Sewer Fund, Caufield Expendable Trust. It also phases out Caufield Expendable Trust, and it phases out the Water Bonded Debt and Sewer Bonded Debt. There are a couple line item changes in particular expenditures.

Hearing no testimony, Thorn made a motion to close the public hearing. Clyman seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Lairson then made a motion to adopt Resolution No. 86-09. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#6. Representative from Kendall Community Center.

Russ English told the Council that Kendall Community assists eleven families in the West Linn area with such needs as clothes, utilities, housing, prescriptions, etc. He also said that the center is losing revenues. He asked Council for assistance in the amount of \$400.

No action was taken on this request at this time.

#7. Open Period:

Sherry Clyman complemented staff on the production of the new city newsletter.

#8. Naming of Oswego Highway No. 43.

McIntyre gave a history of the reason for changing the streets name.

Kathy Lairson gave the recommendation from the Sub-Committee to choose a name for the Highway. The committee recommended waiting, and including other jurisdictions in the decision so a common name for the Highway could be chosen by all jurisdictions affected. Lairson pointed out that the City had received a letter from the City of Lake Oswego asking to be included in the decision making process.

Council discussed several alternatives.

Nadine Milne, 4905 Willamette Falls Drive, spoke in favor of the name Willamette Falls Drive. She read a letter from the Historical Society.

John Forsloff and Andy Roccia also spoke in favor of the name Willamette Falls Blvd. for several reasons, some of them historic.

Elizabeth Roccia was also in favor of Willamette Falls Drive for the name.

Charles Awalt suggested that the Highway be named Willamette Falls Blvd. rather than Drive. Forsloff was against the name Blvd. and suggested "Way".

Clyman spoke against Blvd.

Stowell was in favor of including other jurisdictions in the naming.

Hart made a motion to name the Highway Willamette Falls Bl. . Skee seconded the motion.

Ayes: Hart, Skee, Thorn  
Nays: Lairson, Stowell, and Clyman

Because of the tie vote, the Mayor was asked to vote. The Mayor<sup>4</sup> voted Aye. The new name of the Highway is Willamette Falls Blvd. There will be a public hearing on the chosen name, May 28, 1986, at Sunset Elementary School.

Buol was asked to notify the other jurisdictions of the choice.

#9) Review of Final Order - Hutchison/Walsh Design Review

City Attorney Jack Hammond announced that he would not participate in this item because of a conflict of interest.

Sherry Clyman explained why this item appeared on the agenda. Clyman was concerned about the method in which a tree was removed from the construction site. She was not sure that removal of the tree was justified. She asked that the tree be located and the removal be justified by a surveyor.

There was a consensus of the Council to locate the tree.

#10. Discussion on Proposed Tri-Met Income Tax.

Council passed this item..did not discuss.

#11. Consent Agenda:

- A. Resolution No. 86-10, receiving a quote for membership in City/County Worker's Compensation Self Insurance Group
- B. Proposed Intergovernmental Cooperative Agreement between the Cities of West Linn and Gladstone - Equipment use. Resolution No. 86-11
- C. Proposed Intergovernmental Cooperative Agreement between West Linn and Lake Oswego relating to basic 9-1-1 Service. Resolution No. 86-12.

Thorn made a motion to approve consent agenda items A,B,and C. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#12. Administrator's Reports:

Buol asked for authorization to make emergency repairs to the Bolton Pump Station. It would be necessary to transfer \$15,500 from the water contingency.

Hart made a motion to authorize the transfer of \$15,500 to cover the emergency repairs. Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, Clyman  
Nays: None

Ted McNulty has resigned from the Traffic Safety Commission. Staff was asked to advertise to fill the position.

Buol told the Council that the Stein Oil appeal would be on the June 11 agenda.

If the information the Council received on the skateboard ordinance is okay we will send it on to the Park Board. Council asked that Chris Venti is notified that it is coming up on the Park Board agenda.

Clackamas Cities Association dinner will be held May 27.

He got a call today on Buck Street. Should we put it on the agenda? Council said no.

Jon Buckley sent the Council a memo asking for clarification on two questions. 1) Does the Council want annual or semi-annual reports from the Commission? Council answered annual. and 2) What letters from the Commission need approval of the Council before they can go out? Council answered, if it is a letter to staff Council would not need to approve, but Council wants to approve any letter going to other governmental entities or another private party.

EEB011



Proposed Water Shut-Off Procedure. Council approved asked staff to implement.

Buol reminded the Council of City-wide clean up day, May 31.

Thorn complemented Willie Gin on the new check register.

Lairson invited anyone to the Flag Day Celebration which is scheduled for Hammerle Park, June 14, 1986, 3:00 to 5:00 P.M.

Council set a date of June 4th, 7:30 P.M. for the City Administrator's evaluation.

Council adjourned to an Executive Session at 11:50 P.M. Executive Session ended at 12:05 A.M. and went back into regular session to adjourn.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

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Regular Council Meeting

May 28 1986

Members present: Mike Skee, Jill Thorn, Larry McIntyre, Kathy Lairson, Bob Stowell, and Sherry Clyman

Absent: Joe Hart

Staff present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, John H. Hammond, City Attorney, Russ Castleman, Fire Chief

#1) Mayor Larry McIntyre opened the meeting at 8:00 P.M. and lead the flag salute.

#2. Minutes of the May 14, 1986 Council meeting were approved by a motion from Lairson, seconded by Thorn.

Ayes: Skee, Thorn, Lairson, Stowell, Clyman

Nays: None.

#3. Public Hearing - Proposed street name and number changes.

Mayor McIntyre opened the public hearing by giving background on the street renaming and renumbering program.

Consultant, Craig Allen, volunteer from the West Linn Fire Department, explained the process he had used to change the conflict street names and addresses, and the procedure he used to notify the public of the changes. Allen said he found one hundred and sixteen necessary changes that were unrelated to Highway 43. He reminded the public that Highway 43 had already been put on the Portland Grid by the City Council at an earlier meeting.

Renner Winston, 2319 Athena Road, claimed that the City had given him two different addresses in the last five years. He said friends did not have trouble locating his home as it is currently addressed. Craig Allen addressed his comments by saying that Winston's address needed an even number to be in sequence with the other addresses in the area. Winston claimed that he has two businesses in his home and it will be expensive to change his address. Clyman asked how often he purchases stationary for his businesses. Winston answered "once a year". Clyman reminded Winston that he would have a year before he would have to use the new address. Winston was in favor of keeping his address on Athena. He was assigned the address 2336 Athena.

Thomas Parvis, 6335 Atkinson, told the Council that he lives on an unimproved street, that is not a through street. He wanted to know what would happen to Atkinson Street if his address changes. Craig Allen explained that Mr. Parvis really lived on a long driveway off of Tompkins Street, so the new address would be on Tompkins, so that police and emergency vehicles could better locate the house. John Buol said that the City could initiate vacation of that portion of Atkinson Street. City will look at possibility of vacating that portion of Atkinson Street.

Craig Baumann, 19494 L. Midhill, was opposed to his suggested address change because he did not feel there was a sequential problem in his area on Midhill. Craig Allen explained that those streets on Midhill were numbered backwards to the existing grid system.

Mrs. C.G. Murphy, 19076 Midhill Drive, told the Council that her address on Midhill Drive had changed five times since they moved in. She wondered why Midhill Drive is called a circle. She felt it was a pain to change addresses. She presented a petition with forty-two signatures (Lower Midhill area). Craig Allen explained that the existing numbering system was way off the grid. He also explained that the street is a large circle, and not directly a part of the other Midhill streets.

Catherine McNicol, 3830 Robinview Drive, objected to the public hearing being held after already being assigned the new address. She said she received mail from Portland General Electric at the new address already. She also received someone else's mail at her new address. Ms. McNicol was also opposed to using the Portland grid. Mayor McIntyre explained the Portland grid. Ms. McNicol said she was representing three neighbors who are also opposed to the change, the Deardorfs and the Schniedly Jr. family. They were opposed to the Calaroga Drive name because there are so many Calaroga streets in the area. Craig Allen explained to McNicol that her address was already on the Portland Grid, and that the street name should be changed so that it is named at an intersection, not a creek.

Gay Gillespie, 21210 Summit Drive, told the Council that she has two professional people working at her home. She felt that the address change would create lots of work for her. She claimed the address could be changed in the future if the street ever connected. She said the owner of the property Mr. Hibbard will not sell his property, so the road will not be connected. Craig Allen said that we are correcting a problem that needs to be addressed some time in the future.

A petition to change the name of Failing Street in West Linn to Edgewater Drive, was submitted. The petition contained sixteen signatures from the immediate area.

Betty Mountain, 1381 Buck Street, suggested that the name of Highway 43 be "Willamette (Way)" instead of "Willamette Falls Blvd." McIntyre explained that Lake Oswego will not change State Street's name at this time.

Jan Johnson, 2931 Carriage Way, and a member of the sub-committee that considered names for Highway 43, complained about the way the Council hadn't considered any of the advice the subcommittee had given them. She said that the size and length of the name chosen would be important for visibility. Was in favor of a shorter name than "Willamette Falls Blvd" for the Highway. Urged Council to take their time in deciding on a name for the Highway. She was also in favor of an historic name. She asked the Council to wait another year, do their homework, and then make a decision.

Craig Allen didn't have a problem with waiting a year.

Dr. Roberta Ekholm, 18654 Pacific Highway, spoke regarding the cost of changing addresses, as far as a doctor is concerned. She said it was awesome. She was against the name "Willamette Falls Blvd." In favor of an easier name to spell and pronounce. She was also in favor of a historic name. She wanted to know when the maps at the service stations change. Ekholm also spoke in favor of correcting name and number conflicts, to aid emergency response teams.

Louise Morgan, 6640 N.W. Portland Avenue, was in favor of naming Highway 43 "Willamette Falls Way", instead of "Willamette Falls Blvd.". She read a letter from the Oregon Historical Society who also prefers "Willamette Falls Way".

Ernie De La Cruz, 5948 S.W. Portland Avenue, felt this name change went a long way beyond just a name change. He was in favor of leaving his street without a name. His house is up on the terrace across the street from Bolton School, and is currently called Portland Avenue.

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Craig Allen told De La Cruz that City had to identify this common access by one name. He said a separate name was chosen because those addresses don't show from Portland Avenue.

Carl Wright, resident next door to Mr. De La Cruz, said he did not want a separate street name. He was in favor of keeping the Portland Avenue address. He complained that emergency vehicles cannot go to the top of his hill anyway. He said the name "Bol' i Terrace" wouldn't fit planning standards. Fire Chief Castleman said that the fire department can't make the corner at the top, but they can get up the hill.

Clyman then read two letters into the record regarding Portland Avenue. One name suggested the name "Robert Moore".

Kathy Lairson then read a letter from Mimi Urbigkeit asking the City to please take more time to make their decision about the name.

Mayor McIntyre introduced the following letters into record:

Leona Patterson, Ryerson, Lake Realty, Robert J. Monson, Pyrch, Brandon Bryce.

Thorn made a motion to close the public hearing. Stowell seconded the motion.

Thorn was against continuing the public hearing since the city had already waited three years to make these changes.

Stowell spoke in favor of waiting, and Clyman spoke in favor of waiting. Clyman suggested that in the meantime we contact other municipalities, collect more suggested names, and give everyone more time to prepare for the change.

Thorn mentioned that the businesses in the area had been aware of the potential change for some time. She thought one year was too long to wait for the change. She proposed sixty days.

Lairson was in favor of waiting one year.

Hammond was asked if the City would have to re-publish a notice if they changed the name they had chosen. Hammond answered that if the name were changed, a public hearing would have to be held on the chosen name.

McIntyre read the deadlines for the phone book, for addresses and phone numbers.

After discussion, Thorn made a motion that the issue of Highway 43's name be put aside, and the committee be allowed to seek additional suggestions for names for twenty days, and in thirty days, the committee come to the City Council with at least three names.

This motion died for lack of second.

Clyman then made a motion to reject the name Willamette Falls Blvd. for Highway 43. Thorn seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Thorn made a motion that the street name committee meet and have a report to City Council by August 13, at which time the Council will choose a name and schedule a public hearing for August 27, with an effective date of June 1, 1987. Clyman seconded the motion.

Stowell supported a ninety day extension versus sixty days as in the motion.

Ayes: Skee, Thorn, Clyman  
Nays: Lairson, and Stowell

Thorn then made a motion that the City adopt the Portland Avenue number changes as found in staff's report labeled Exhibit "C", except Bolton Terrace. Skee seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Staff is to meet with the residents of Bolton Terrace and come up with a name for that street.

Stowell then made a motion to adopt staff's recommendations found in Exhibit "A" with the following changes:

1978 8th will be 1975 8th Avenue  
2319 Athena will be 2336 Athena Road  
the City will also look into the vacation process for Atkinson Street.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Stowell then made a motion to adopt staff's recommendations found in Exhibit "B". Thorn seconded the motion.

Ayes: Skee Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Mayor McIntyre thanked Craig Allen for a job well done.

Lairson asked that staff draft a policy for street name changes for the next meeting.

#### #4. Report and recommendation from Fire Protection Task Force.

John Buol explained that the Task Force met and recommends that the City Council return the \$40,000 (money from the Fire Bond Issue that won't be used to purchase property for a new fire station) and pay off the bonds.

Lairson made a motion to accept the recommendation of the Fire Protection Task Force and return the \$40,000 to the voters by paying off the bonds. Thorn seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#### #5. Open Period:

Informational Items: Thorn said the West Linn Fair Board would be riding in the Starlight parade.

Clyman asked for more clarification on the City-wide clean up day. What discards will the City take? How many Councillors will be present? Buol clarified that the City is not advertising for tire, refrigerators, etc., but we can take some. Lairson, McIntyre, Clyman, Stowell, and Thorn plan to participate.

Lairson spoke in favor of the Council getting involved in the Excellence In Local Government Program. Buol told Council that the Excellence Committee is meeting with the entire staff for a meeting on June 13th. We will have more for the Council after that meeting.

Lairson also announced that June 14th was Flag Day and reminded everyone to attend the celebration.

#### #6. Proposed Ordinance No. 1178, changing control of Liberty Communications.

Hammond explained that this ordinance was a housekeeping ordinance. Mayor McIntyre read Ordinance No. 1178 by title. Lairson made a motion to adopt Ordinance No. 1178 effective May 29, 1986. Stowell seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, Clyman  
Nays: None.

Mayor McIntyre then read Ordinance No. 1178 a second time by title. Lairson made a motion to adopt Ordinance No. 1178 effective May 29, 1986.

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Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#7. Consent Agenda

- A. Proposed animal control contract
- B. County road maintenance needs
  - Findings
  - Committee

Item "B" was taken off the Consent Agenda to be handled as a separate item.

Thorn made a motion to adopt the Clackamas County Animal Control Agreement as presented. Clyman seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Earl Reed explained that the Clackamas Transportation Coordinating Committee has prepared a study that summarizes the road maintenance needs for the cities and county. Dale Harlan has requested that the West Linn City Council adopt, by resolution, the findings of the Joint County Road Maintenance Study findings and that one or two persons be recommended to serve on the ad hoc group. Reed recommended that the Council adopt the findings and appoint someone to the committee.

Stowell made a motion to adopt the findings, have the City Attorney prepare a resolution, and appoint Jill Thorn to a Committee. Lairson seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#8. Administrative Reports:

Lairson presented a memorandum asking Council to set up a Task Force to look into the manpower and equipment needs of the Police Department. Lairson asked that the Task Force report back to the Council on August 13, 1986. She suggested that the Task Force consist of seven members. After lengthy consideration, Stowell made a motion to accept Lairson's proposal and establish a Police Task Force. Clyman seconded the motion. Thorn asked if the Council would consider adding that the Task Force look into the needs of the Department until the year 2000.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

The Council suggested Val West, Bob Liddell, John Markell, Stephen Blake or Bill Caulder, and the High School Principal (or someone that works with children) to serve on the Task Force. Staff will begin to set up the Task Force.

Buol reminded the Council of the presentation to be made by the University of Oregon School of Architecture, regarding waterfront design, June 5, 1986, 7:30 P.M..

Hearing no further new business, the Council adjourned at 12:15 A.M..

*Diana J. Nicolay*  
Diana J. Nicolay, Recorder

Regular Council Meeting

*6-11-86*

Members present: Joe Hart, Mike Skee, Jill Thorn, Larry McIntyre, Kathy Lairson, Bob Stowell, and Sherry Clyman

Staff present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, John H. Hammond, City Attorney, Mike Butts, Planning Director, Art Enderlin, Police Chief, and Earl Reed, Public Works Director.

#1. Mayor Larry McIntyre opened the meeting at 8:00 P.M. and lead flag salute.

George Milliken, 5475 Rhone St., whos mother owns the property in question said that they were not aware of the one year time period, because the Planning Commission didn't say anything. He felt that the Council appeal of the Planning Commission decision was not in the best interest of the Planning Commission.

Some questions of clarification.

R. L. Stein, applicant in this matter, told the Council that he did not intend to circumvent any codes. He was not aware of the one year time period.

There were no proponents in this matter.

Hearing no further testimony, Hart made a motion to close the public hearing. Skee seconded the motion.

Hart asked questions of clarification of Mr. Butts, and then stated that he felt that staff had acted correctly in this matter.

Skee supported staff and added that he felt that the conclusions did not support the findings of the Planning Commission.

Stowell asked how staff notifies applicants of the one year time limit.

Clyman felt that the applicant should have known of the deadline. She feels it is incumbent on the person opening a business to know requirements.

Clyman made a motion to reverse the Planning Commission's decision of April 21, 1986 on Stein Oil, and reaffirm the Planning Department's order. Thorn seconded the motion.

Lairson gave the benefit of doubt to the applicant.

Hart felt the applicant showed intent to open the business because planning for the business was going on. Hart asked attorney Kelly how we would determine if they were back in business. Kelly answered that they would be open and operating.

Ayes: Skee, Thorn, Clyman  
Nays: Hart, Lairson, Stowell

Because the vote was a tie vote, the Mayor voted. He vote was in favor, so Stein Oil will not be allowed to reopen.

#6. Discussion on allowing wine in the parks.

Buol explained that the Parks Department had no opinion on the subject, and the Police Department had no opposition. Police Chief Enderlin was present to answer questions.

Tom DeJardin, resident of Holly Street in West Linn, spoke in favor of allowing wine in the parks.

Lairson made a motion to authorize staff to prepare the necessary ordinance to allow wine to be consumed in West Linn parks in its original containers, and exclude the use of fortified wines, and bring the ordinance back to the City Council for approval. Council added to the motion that alcohol percentages be obtained from Portland's ordinance. Thorn seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: Hart

#7. Discussion - Metro allowing franchisees to dispose in garbage items that should be recycled.

Tom DeJardin and another representative from Metro were present to answer Council's questions, and to explain a new program Metro was undertaking in this area.

After lengthy discussion, it was decided that Metro representatives would meet with West Linn staff. Metro left copies of their planned program with the Council.

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54 #8. Open Period

Tom DeJardin asked for Council representatives to sit in the dunk tank at the July 19th Street Dance at the West Linn Shopping Center.

Kathy Lairson read a letter from President Ronald Reagan to West Linn students, regarding academic fitness excellence awards.

Clyman spoke regarding Highway 43 names.

McIntyre said the City-wide clean-up day was a success. The City collected 13.87 tons of refuse in one day.

Skee requested that Council reconsider approval of the continuance of the 7th Avenue project. Thorn agreed to a rehearing. Staff was asked to put this item on the next agenda.

#9. Resolutions:

- A. Resolution No. 86-13, establishing Odd/Even Sprinkling Regulations within the Rosemont Pressure Zone.

Earl Reed explained that approximately 900 connections were affected in this zone.

Council decided that the words "residences" in the proposed ordinance would be changed to read "structures".

A penalty of termination of water service was considered for households that do not comply with the restrictions on watering, but a penalty was not implemented.

Lairson made a motion to adopt Resolution No. 86-13, with the word structures used in place of residences. Stowell seconded the motion.

Ayes: Hart, Skee, Lairson, Stowell, and Clyman  
Nays: Thorn

- B. Resolution No. 86-14, setting a hearing date for consideration of a street vacation for a portion of Atkinson Street, was considered.

This request for vacation came up during the conflict address changes, and was being presented by the City of West Linn.

Lairson made a motion to adopt Resolution No. 86-14, setting a public hearing date of July 23, 1986. Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

- C. Resolution No. 86-15, establishing a public hearing on the renaming of Failing Street.

Lairson made a motion to adopt Resolution No. 86-15, setting a public hearing date of July 9, 1986 for the renaming of Failing Street. Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

- D. Resolution No. 86-16, adopting findings on road maintenance study by Clackamas Transportation Coordinating Committee.

Lairson made a motion to adopt Resolution No. 86-16, adopting the findings on road maintenance study by Clackamas Transportation Coordinating Committee. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#10. Ordinances:

- A. Ordinance No. 1179, relating to water turn-on procedures and regulating bulk water sales.

Buol explained that with this ordinance water will not be turned on until the next morning or Monday A.M.. The City won't go out and turn on water after 5:00 P.M. or on Saturday or Sunday. This Ordinance also keeps people from taking water without a permit. Full Council acknowledged this change.

Mayor McIntyre read Ordinance No. 1179 by title. Lairson made a motion to adopt Ordinance No. 1179 effective June 12, 1986. Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Mayor McIntyre then read Ordinance No. 1179 a second time by title. Lairson made a motion to adopt Ordinance No. 1179, effective June 12, 1986. Thorn seconded the motion.

A roll call vote showed the following:

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

B. Ordinance No. 1180, Community Development Code and Comprehensive Plan amendments.

Buol pointed out that this ordinance had not be posted. Skee asked if there was a grandfather clause in this ordinance for the Lietz property. Hammond answered that the grandfather clause was in the original ordinance, and was still there.

Hearing no opposition from the Council, Mayor McIntyre read Ordinance No. 1180 by title. Lairson made a motion to adopt Ordinance No. 1180, effective immediately. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Mayor McIntyre then read the ordinance a second time by title. Lairson made a motion to adopt Ordinance No. 1180, effective immediately. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

A poll of the Council showed the following:

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

C. Ordinance No. 1181, summary of address and street name changes.

Buol explained that this ordinance had not been posted. Buol also made reference to a Portland General Electric letter he sent, regarding these address changes.

The Council having no objection, Mayor McIntyre read Ordinance No. 1181 by title. Lairson made a motion to adopt Ordinance No. 1181 effective June 30, 1986. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Mayor McIntyre then read Ordinance No. 1181 a second time by title. Lairson made a motion to adopt Ordinance No. 1181, effective June 30, 1986. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#11. Analysis of City's telephone system - removed from agenda to later date.

#12. Consent Agenda:

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00 Bid Recap and Recommendation 7th Avenue Sidewalk Repairs.

Mike Skee spoke against continuing this project. Earl Reed filled the Council in on the project.

Skee pointed out that there were problems on DeBok Road that needed attention more than 7th Avenue sidewalks. Skee suggested the 7th Avenue money be used for the DeBok problem.

Stowell made a motion to accept staff's bid recap and recommendation to go with Coverdale Concrete Company. Lairson seconded the motion.

Ayes: Hart, Thorn, Lairson, Stowell, and Clyman

Nays: Skee

#13. Administrative Reports:

Buol reminded Council that they had a Work Session with the City staff the following night, June 12, 1986, 8:00 P.M., at the McLean House.

Buol also reminded Council of their June 18, 1986 Work Session on Economic Development.

Lairson made a motion to include the following official election results from the May 20, 1986 Tax Base Election:

Yes:	1,710
No:	1,992
Overvotes:	8
Undervotes:	177
Total Votes Cast:	3,887

Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman

Nays: None.

It was decided by the Council that we should change the deadline for submittal of suggested names for Highway 43 to August 6, 1986. The City Recorder will see to it that the ad is changed.

The Council addressed a letter received from the Police Union Members. It was decided that Mayor McIntyre would write a response to the letter clarifying the purpose of the newly formed Police Task Force and inviting the Union to choose their own representative on the Task Force.

It was decided that they would postpone Phase II of the Police Task Force at this time.

- #14. Business from Council: Thorn asked why they had not been receiving reports from the various City Boards and Commissions. Buol will check into this and find out who needs to give their annual report. Lairson reminded the Council and the public of "Pause for the Pledge Day", Saturday, in Hammerle Park. Clyman suggested strengthening Planning procedures to prevent concerns brought up recently regarding the Building Code. The meeting was adjourned at 11:45 P.M.

Diana J. Nicolay  
Diana J. Nicolay, Recorder

Regular Council Meeting

June 25, 1986

Council present: Joe Hart, Mike Skee, Jill Thorn, Mayor Larry McIntyre, Council President Kathy Lairson, Bob Stowell, and Sherry Clyman.

Staff present: City Administrator John A. Buol, City Recorder Diana J. Nicolay, City Attorney John H. Hammond, Public Works Director Earl Reed.

Mayor McIntyre opened the regular meeting at 8:00 P.M.

#1) Mayor McIntyre lead the flag salute.

#2) Minutes from the May 28, 1986 City Council meeting were approved as distributed, with a motion from Thorn, seconded by Lairson.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman.  
Nays: None.

- #3) Proclamation - Recycling Awareness Week - June 28 through July 5, 1986

Mayor McIntyre read a proclamation declaring June 28 through July 5, 1986 Recycling Awareness Week.

- #4) Kathy Lairson presented three awards from Flag Day. The young West Linn Citizens, Valerie Rhode, Jeff Adams, and Tim McCauley, received trophies for their essay regarding the United States Flag.
- #5) Public Hearing - Proposed Budget for the Fiscal year 1986-87 (includes proposed use of Federal and State Revenue Sharing).

Resolution No. 86-17.

Mayor McIntyre opened the public hearing. There were no challenges from the audience, no abstentions on the Council.

John Buol introduced William Gin, Finance Director, who was present to answer any questions. Gin told the Council that the Budget Committee had accepted the Budget and recommends that the City council adopt it. He told the Council that they could alter the budget as presented by 10%. John Buol said that they Council needed to consider adding funding for the neighborhood associations, and Kendall Community Center. Buol said that the Center was asking for a \$400 contribution, and that the Police Department and Fire Department had reviewed the amount and felt that it might be high, considering the amount of aid citizens of West Linn would get out of the Center.

Hart made a motion to close the public hearing. Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Thorn made a motion to increase the general fund general services department of the budget by \$1,200 for the neighborhood associations, and reduce the contingency fund in the general fund by \$1,200. Also, to increase the general fund department of the budget by \$400 for Kendall Community Center and reduce the contingency by \$400. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Lairson then made a motion to adopt Resolution No. 86-17 adopting the 1986/87 Fiscal Year Budget as amended. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

- #6) Report and recommendation on Public Facilities Space Needs Analysis.

Charlene Richards was present to answer questions. Ms. Richards introduced Rod Barrentine, architect.

Skee, and Clyman had questions of clarification, asked about options, cost, and handicapped access.

Barrentine defined the City's needs. After lengthy discussion Bob Stowell made a motion to accept the public facilities space needs report. Lairson seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

It was decided that staff should set up a work session to discuss whether we should look for a new location, consider a

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new building, add on to the existing building, or possibly buy the church in the Willamette area.

#7) Report and recommendation on System Development Fees

Richard Leonard, consultant, 9999 S.W. Wilshire St., Portland, Oregon, presented his report and recommendation on System Development Fees, dated June, 1986. Leonard looked at the fees in comparison to other jurisdictions, compared fees to projected growth, and considered future facility needs. He then decided whether the existing fee structure is too high, to low, or at the right level. Leonard recommended raising the System Development Fees by \$500, revising the distribution to 35% water, 5% sewer, 35% streets and 25% storm drainage, preparing a Sewer Master Plan, securing more funds from user fees, and keeping one City-wide System Development Fee rate, to give the City maximum flexibility to allocate resources to the highest priority projects.

After some discussion, Lairson made a motion to accept the study as presented, and have staff review the study and make recommendations for its adoption. Clyman seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

It was decided that this should come back to the Council at the first meeting in August.

Council then awarded a trophy to the mother of the third child (who was unable to attend the Council meeting) who had won the essay contest for Flag Day.

#8) Open Period: Stowell would like to support Oregon City against Metro's proposed dump. Washington County could take their place, since they voted for Metro.

#9) Discussion on 7th Avenue project.

John Buol explained that Councillor Mike Skee was interested in providing a forum for citizen input on the 7th Avenue project because he feels that some citizens believe there are other projects that should have priority. Skee said that the business owners and residents in the area of 7th Avenue do not support the project.

Betty Mountain, 1381 Buck Street, representing the West Linn Business Group, submitted a letter supporting continuation of the project, and encouraging the appointment of a Commercial District Task Force to review zoning and design criteria for 7th Avenue.

Councillor Mike Skee read a letter from Mr. and Mrs. Andy White of A&L Market on 7th avenue. The Whites were not present, but their letter stated that they were in complete opposition to the 7th Avenue project as planned. The Whites feel that they have seen no benefits since the project began. They feel that they have experience considerable problems and disadvantages during and after completion of 7th Avenue. They feel the plans are unattractive, impractical, and inappropriate to the style of the downtown Willamette area. They feel they have lost considerable parking. The improvements so far have created a place for kids to hang out. They would be more in favor of taking out what has already been done.

Bob Stowell pledged his continuing support to the 7th Avenue Improvement Project, feeling that it was a needed improvement to the area.

Mr. Don McCauley, a resident of the Hidden Springs area, supported going ahead with the project. He felt that the 35 MPH speed limit in the area should be looked at.

After some discussion, Skee made a motion not to continue with the 7th Avenue project as designed due to a general feeling in the community that there is not a need. Skee's motion died for lack of a second.

## #10) Final Order - Stein Oil Appeal

Clyman made a motion to accept the Final Conclusions and Order in the Stein Oil Appeal and authorize the Mayor to sign it effective June 26, 1986. Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, and Clyman  
Nays: Lairson and Stowell

## #11) Transfer Budget No. 86-03, F.Y. 1985/86

John Buol explained that this transfer budget had been prepared to close out the 1985/86 fiscal year budget. He explained that this was the third transfer budget this year.

Lairson made a motion to adopt Resolution No. 86-18, approving transfer budget number T-86-03 for the fiscal year 1985/86. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

## #12) Discussion on proposed civic calendar.

Betty Mountain, 1381 NE Buck Street, spoke representing the West Linn Business Group who was interested in buying an alphabetical listing of business names in West Linn who have business licenses. The Business Group would be interested in paying for the space. They already have funds allocated for the listing.

Councillor Clyman had a problem with the listing. She felt that it would be advertising, and she was not in favor of seeing business ads in a City publication.

Councillor Lairson said that she didn't object to the listing.

Thorn supported the listing, because businesses are part of the community.

Skee spoke against business names in the civic calendar.

After lengthy discussion, the consensus of the Council was to allow the alphabetical listing of business names in the calendar.

## #13) Letter from Jill Thorn regarding signing for odd/even sprinkling for Rosemont Pressure Zone.

Councillor Thorn was in favor of installing signs in the area of the Rosemont Pressure Zone where odd/even watering would be taking place. After some discussion the Council decided five to one not to install signs. Thorn votes yes.

## #15) (Handled out of order) Proposed Addendum to Service Charge Sharing Agreement.

John Buol presented an addendum to the Tri-City Service District Agreement to the Council. Buol explained that it was simply a formality, adopting the rate increase recently adopted by the Board of County Commissioners. The rate increases July 1, 1986 to \$8.00 per month from \$7.00 per month. The City will receive \$3.50 of the \$8.00 per month.

Buol asked for authorization for the Mayor <sup>25 N Nicolay</sup> and City Recorder to execute the addendum to the agreement.

Hart made a motion to authorize the Mayor and City Recorder to sign the addendum to the Tri-City Service District Agreement. Lairson seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

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## #14) Administrative Reports:

Charlene Richards, Assistant to the Administrator, presented a job evaluation and salary survey she performed for management and non-union/non-management positions. She explained that the survey was conducted to establish internal alignment and to remain competitive with the local public market. Richards asked the Council to adopt the plan.

Stowell made a motion to adopt the plan using implementation plan. Clyman seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

## #16) No business from the Council.

The Council went into Executive Session at 10:25 P.M. regarding labor negotiations.

The Council came out of Executive Session at 10:55 P.M. and went back into general session.

Lairson made a motion to pay up to \$193.13 per month for hospital and medical insurance, and \$44.70 for dental insurance effective August 1, 1986. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

The meeting was adjourned at 11:00 P.M.

## Regular Council Meeting

July 9, 1986

Council present: Joe Hart, Mike Skee, Jill Thorn, Mayor Larry McIntyre, Council President Kathy Lairson, Bob Stowell, and Sherry Clyman.

Staff present: City Administrator John A. Buol, City Recorder Diana J. Nicolay, City Attorney John H. Hammond, Fire Chief Russ Castleman

Mayor McIntyre opened the regular meeting at 8:00 P.M.

- #1) Mayor McIntyre lead the flag salute.
- #2) Minutes from the June 25, 1986 City Council meeting were approved with one change by a motion from Lairson. Mike Skee wanted the minutes to reflect that in item number nine, he wished to provide a forum for citizens to speak regarding the 7th Avenue Project, instead of saying he was interested in stopping the project. The motion was seconded by Stowell.
- Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman.  
Nays: None.
- #3) Public Hearing - Proposed name change of Failing Street to Edgewater Drive.

Mayor McIntyre opened the public hearing by asking if any member of the audience had any objection to any member of the Council acting in this matter. No objections. McIntyre then asked if any member of the Council wanted to abstain from action.

Buol explained that the City received a petition signed by the residents of Failing Street asking that the street be renamed. Council called for a public hearing. Buol added that all Failing Street residents have been notified of the possible change.

Joy Bates, 6591 Failing Street, testified that since she had lived on Failing Street she had noticed that no one understands the name of her street when she gives out her address. She always has to spell it and even then they think she is saying Sailing Street. Mail is misdirected. She was in favor of the name change to Edgewater Drive.

Una Schmidt, 6545 Failing Street, spoke in favor of the renaming of Failing Street to Edgewater Drive, because she was in favor of descriptive names to point out the City's assets. She also felt that the name Edgewater would be easier to understand, and would save the City money, because Failing Street was so hard to understand, and also had so many jokes about it. Schmidt said that of twenty-three residents that live on Failing Street, nineteen are in favor of the name change.

Jerry Ross, 6254 Failing Street, testified that his family had lived on Failing Street for sixty-two years, and that the street was named after the Failing family. Henry Failing was at one time the president of Oregon State University, and a very historical figure. Ross was concerned that we would so quickly forget Mr. Failing. Ross urged the Council to retain the name Failing Street.

Mrs. Melva Stevens, 6255 Failing Street, a twenty-year resident of Failing Street, had no problem with the name Failing Street. She spoke in favor of keeping the name, for its historical value.

Mrs. Joy Bates, 6591 Failing Street, testified that the street was not named for Mr. Henry Failing. Bates claimed that the street was named Failing Street as a joke. Another street in the original plat was named Success.

Councillor Hart asked what Mrs. Bates thought about the name Fellows Street, after an old riverboat captain. Mrs. Bates was in favor of Edgewater Drive because it was descriptive of the area.

There being no further testimony, Mike Skee suggested that they Council keep the public hearing open to accept additional input regarding the history of the street name. This item is to come back to the Council at their July 23rd meeting.

Joe Hart did not feel that it mattered how the street was named, so he made a motion to close the public hearing. The motion was seconded by Kathy Lairson.

Ayes: Hart, Lairson  
Nays: Skee, Thorn, Stowell, and Clyman

Clyman then suggested that staff locate the original plat. Skee didn't feel that it was necessary for staff to look for it, he asked that the citizens come back with more proof of how the street was named.

Skee made a motion to continue this item to the next City Council agenda, July 23, 1986, to hear more about the history of the street name. Stowell seconded the motion.

Ayes: Skee, Thorn, Stowell, and Clyman  
Nays: Hart, Lairson

#4) Proposed Ordinance No. 1182

City's Election to receive State Shared Revenues

Buol explained that the City had to submit this Ordinance every year in order to receive state revenues.

Mayor McIntyre read Ordinance No. 1182. Lairson made a motion to approve Ordinance No. 1182, effective July 9, 1986. The motion was seconded by Thorn.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

McIntyre read Ordinance No. 1182 a second time by title. Lairson made a motion to adopt Ordinance No. 1182, effective July 9, 1986. The motion was seconded by Stowell.

A poll of the Council showed:

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

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## #5) Open Period -

Chris Patton, 2765 Carriage Way, testified that her water pressure at home was very poor. She said she had contacted many of her neighbors in the area and found out that they had similar problems. Patton read a petition signed by her neighbors. She felt that the odd/even watering regulation was not working. Patton was in favor of a building moratorium for the Rosemont area.

Lairson asked that this issue be put on the Council agenda in two weeks. She asked for input from the City Attorney on moratoriums, and input from the staff.

Mrs. Patton said that the City already has a copy of the petition she read.

Thorn asked if anyone had been monitoring the odd/even water system. Buol answered that Public Works had been checking, but we haven't caught anyone in violation.

Skee suggested that the automatic sprinkling systems in the area could be causing a problem. They come on in the night and early morning when no one is monitoring.

Council asked that this item be on their July 23, 1986 Council agenda. Lairson asked for input from the City Attorney regarding moratoriums.

## #6) Proposed Intergovernmental Agreement for Dispatch services.

John Buol gave a brief history of the consolidated dispatch services, and said that we have recently negotiated a new agreement with the City of Oregon City. Our Police Chief and Fire Chief recommend renewal of this one year agreement. Buol asked the Council for authorization for the Mayor and City Recorder to sign the agreement.

Stowell had questions of clarification of the Fire Chief. A lengthy discussion regarding 9-1-1 followed.

Lairson made a motion to adopt Resolution No. 86-19. Clyman seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

## #7) Administrative Reports:

Buol reported that the Building Department has problems. One Building Inspector is out with a back injury and we do not know when he will return. In the meantime, we are lagging behind in plan checks and need more secretarial assistance. The Planning Director's memorandum suggested that we hire a full-time plans examiner, and a part-time temporary Secretary to ease the situation. Buol added that the department is generating adequate revenues to pay for this addition.

Hart felt that since the City collects fees for inspections, it is our responsibility to see that those inspections are done. Hart made a motion to Implement the Planning Director's plan. Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

## #8) Business from the Council:

Thorn asked if the \$40,000 had been paid back to the citizens before the end of the fiscal year. Buol said he would ask William Gin, Finance Director. Thorn also wanted to know when Enhanced 9-1-1 in Lake Oswego would start up.

Stowell brought up DeAnn Darlings memorandum suggesting a charter change to require that anyone running for the position of Judge be a member of the State Bar Association. Council took no action.

Clyman felt that John Buol's request to attend the Creative Manager Seminars through the Oregon Section of the City Managers Association was good idea. Clyman made a motion to allow Mr. Buol to attend the session from July 29 through August 1, 1986. Lairson seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

McIntyre reminded everyone that the West Linn Old Fashioned Fair would be on from July 25th through July 27th.

The meeting was adjourned at 9:30 P.M.

*Diana J. Nicolay*  
Diana J. Nicolay, Recorder

Regular Council Meeting

July 23, 1986

Council present: Mike Skee, Jill Thorn, Mayor Larry McIntyre, Council President Kathy Lairson, Bob Stowell, and Sherry Clyman.

Council absent: Joe Hart

Staff present: City Administrator John A. Buol, City Recorder Diana J. Nicolay, City Attorney John H. Hammond, Public Works Director, Earl Reed, Finance Director Willie Gin, and Assistant to the Administrator, Charlene Richards.

Mayor McIntyre opened the regular meeting at 8:00 P.M.

- #1) Mayor McIntyre lead the flag salute.
- #2) Minutes from the July 23, 1986 City Council meeting were approved with a motion from Lairson. The motion was seconded by Thorn.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman.  
Nays: None.

- #3) Continued Public Hearing - Proposed name change of Failing Street.

Mayor McIntyre asked if any member of the audience was against any member of the Council acting on this matter. None. McIntyre then asked if any member of the Council wanted to abstain from action.

Mr. John Whitney, 6530 Failing Street spoke in favor of the petition asking that Failing Street be changed to Edgewater Drive. Mr. Whitney showed the Council the original plat for the subdivision showing the name Failing Street, and also another planned street called Success.

Joy Bates, 6591 Failing Street, spoke in favor of changing the street name to an easier name. She suggested the historical name Franklin, after Josia Franklin one of the first pioneer farmers, who won a prize in the 1869 Fair. Mrs. Bates was opposed to the name Fellows, and opposed to the name Failing.

Mayor McIntyre reminded the audience that the continued public hearing was to discuss the history of the name of Failing Street, only, and no new testimony regarding any other subject would be accepted.

City Attorney Hammond reminded the Council that the only name they could consider that night was Edgewater. If they had another name they wished to consider they would have to advertise another public hearing.

Mr. David Bates, 6591 Failing Street, spoke in support of using an historical name for the street. Mr. Bates supported the name Franklin.

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Una Schmidt, 6545 Failing Street, said that of the people polled, most supported the change to Edgewater Drive.

Skee asked Schmidt how she felt about the name Franklin, or Freeman. Una Schmidt supported either of those names.

Jerry Ross, 6254 Failing Street, testified that he had spoken with Wilbur Gardner, historian in Clackamas County, and Mr. Gardner had stated that the street was named after the Failing family. Ross was in favor of preserving history, and opposed to any name change.

Skee asked for proof that Failing Street was named after the Failing family. Ross only had the word of Mr. Gardner, no other proof.

Melva Stevens, 6255 Failing Street, a nineteen year resident of the area, had no problem with the name Failing. She felt that the people opposed to the name Failing shouldn't have ever purchased property there.

Dawn Barnes, 1765 S.W. Buck Street, also spoke to Wilbur Gardner, and confirmed that Mr. Gardner felt the street was named after the Failing family. She did not feel there was any need for a change.

Mr. John Whitney, 6530 Failing Street, testified that he knew the name of the street when he purchased his property, but he also knew that street names can be changed. There is a process for giving a street a new name. He didn't care if the name was historical or not. He has problems with the name because over the phone people misunderstand the name, think it is sailing, or make a joke about the name. He said he gets many comments. People from out of state don't know the history of the area, they simply hear the name of the street.

Skee made a motion to close the public hearing. Lairson seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None

Skee asked Hammond what the Council's options were. Hammond answered that the residents of Failing Street could come up with another name and the Council could advertise another name for a public hearing. The only other option was to approve the name Edgewater Drive tonight.

Lairson made a motion to reject the petition requesting a name change for Failing Street to Edgewater Drive. Clyman seconded the motion. Council added that other names may be suggested by the residents on Failing Street, but a public hearing must be held on any name chosen.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

- #4) Public Hearing - Street Vacation Atkinson Street. This item was removed from the agenda.
- #5) Discussion and recommendation on landfill sites near West Linn city limits.

Mayor McIntyre explained that the Department of Environmental Quality is considering two sites near West Linn's city limits for landfill sites. He explained that the purpose of this discussion was to collect testimony to assist the Mayor in making a statement for the City as to the impact such a facility would have on the City of West Linn. The City's statement would be heard at a DEQ public hearing on August 13, 1986.

Senator Joyce Cohen asked the City Council to direct staff to document the negative impact that this proposal would have on the area. Cohen said that these proposed landfill sites wouldn't last long enough. Our statement should protect Clackamas County for at least fifteen years so that we don't have to address this problem again soon.

Councilor Skee asked questions of Cohen. Cohen stated that she had voted against the proposal.

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John Buol reported that the Planning Department had pointed out in their July 23, 1986 memorandum that one-quarter of the proposed C-40 site was in the Willamette River Greenway, and number six of the Landfill siting criteria states that the landfill site will not be sited on lands with clearly incompatible uses such as greenway.

Earl Reed, Public Works Director, said that the roads in the area were not built to accommodate heavy truck traffic, and the problem would be exacerbated by the narrow, winding, steep grades and small radii turns. This area is also subject to ice and snow conditions. School buses also use these roads. 10th Street, 7th Avenue, and 8th Avenue, near the sites could not accommodate heavy trucks, and would have to be posted with signs saying "Through Trucks Prohibited". Reed suggested rejection of both sites for the reason stated.

John Buol pointed out that the DEQ hearing was scheduled for August 13, 1986, at Frog Pond Grange Hall off of I-205, south about five miles on left, towards Canby. The hearing will run from 4:00 to 9:00 P.M.

Jan Kaiser, 28333 S.W. Mountain Road, owner of Sandelie Golf Course which would be affected by the choosing of site C-40, spoke in opposition of the site for a landfill, and urged the Council to represent the residents in that area by conveying the negative impact such a facility would have on the area.

Donal O'Connor, 2520 S.W. Gregory Drive, was also opposed to the landfill because of safety problems and public access.

Kathie Steele, 1205 Swiftshore Circle, was opposed to site C-40 because of the noise factor and odors that would prevail. She had contacted DEQ about one-quarter of the site falling in the Willamette River Greenway, and DEQ didn't seem to believe her. She asked the Council to document the public's concerns and represent them at the August 13 hearing.

Susie Oswald, 2636 S.W. Schaeffer Road, was also opposed to the landfill sites. She does not want an landfill site in her back yard. It would devalue her property, and quality of life.

Joyce (and Frank) Hammond, 2350 Gregory Drive, testified that they go for long walks in the area being considered for a landfill site. She said it is a beautiful area and she can't believe that anyone would consider putting in a landfill site. It would ruin the area. Mrs. Hammond was very upset by the proposal.

Bernard Newland, 26850 Pete's Mountain Road, was opposed to the sites because of odor, noise, garbage trucks, and West Linn as a livable city would suffer.

Larry Bollinger, 2592 Hillcrest Drive, thought that suggesting that Clackamas County be the home of the next landfill site was asking a lot of Clackamas County, because we already have the Metro Transfer Station in Oregon City, and West Linn leads the State in Recycling. He said it would be like "Odious Bookends". We have done our share.

Richard Cook, 28742 Petes Mountain Road, urged the Council to help defeat this proposal. Mr. Cook agreed with previous testimony and wanted to go on record.

Syd Haagenson, 25265 Petes Mountain Road, also an engineer, testified that he felt there would be a drainage problem on C-40 landfill site. The drainage would have to be treated, and DEQ proposes that the drainage would have to go through a sanitary treatment plant.

Councilor Lairson made a motion to notify DEQ of our opposition to the proposed landfill site on Pete's Mountain, site C-40, for the following reasons:

1. That approximately one-quarter of this site is in the Willamette Greenway.

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2. That this site is small, with an extremely short life span, approximately eight years. With the deletion of the portion in the Willamette Greenway possibly only five years.
3. That road access to the site is of poor quality for the size and number of trucks it would have to handle.
4. That the safety of the traffic on these roads would be adversely affected by the volume of truck traffic. This area has multiple school bus traffic and is also a recommended scenic bikeway area.
5. That this site being at the top of Pete's Mountain could make travel to this site extremely hazardous during periods of ice and snow.
6. Air quality in the surrounding area would be adversely affected.
7. Soils on site.
8. Noise that would be created from traffic.
9. That the City of West Linn is not desirous of annexing this area and would not look favorably on extra-territorial water and sewer extensions.

Stowell seconded the motion.

Clyman asked if we could add to the motion that staff be directed to prepare a statement for presentation on August 13th. Lairson added to motion. Stowell added to second.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman

Nays: None.

#6. Discussion on Odd-Even Sprinkling Program and related concerns.

Burton Weast, 2951 Ascot Circle, and author of the original moratorium bill, testified that he appreciated Mr. Hammond's memorandum of July 18, 1986. Mr. Weast agreed with the City Attorney's recommendation against a moratorium.

Weast urged Council to take some action on the Water Bond Issue. He felt it was time to put something back on the ballot.

Mike Glanville, 6211 Tack Ct., felt that the City needs a solution for the area on top of the hill.

Brian Dawm, 18304 Shady Hollow, urged the City to do something, more research is needed, more system development fees are needed. System Development Fees in the future must be adequate to pay their way. Dawm spoke against the alternate water tower site because the City does not own it.

Arlene Clanton, 21180 Sweetbriar Rd. looked at the problem from a financial standpoint. Clanton presented a petition against the alternate site proposal. (Exhibit "A").

Don Schwindt, 6251 Tack Ct., spoke in favor of the original water tower site, and asked where the money already collected from the owners of houses in the Hidden Springs area is, and why some of that couldn't be used to solve the water pressure problem.

John Buol offered some information regarding the money the City received from System Development Fees.

Chris Patton, 2765 Carriage Way, felt that she had been misquoted by the Tidings newspaper. She was in favor of the \$500 per lot fee for new lots purchased. She felt that the City Council should be more loyal to the present homeowners than those that will buy in the future.

Sherry Clyman went into an explanation of what the Council is currently doing about the water problems, and asked Council to act immediately. Clyman suggested that maybe the City should put two alternatives on the ballot.

John Buol filled in with some of the history of happenings since the ballot measure failed; what staff has been doing. He also mentioned that staff is working on a report, but it is not completed yet.

Skee announced that he would not support a water tower site outside the City limits.

McIntyre suggested that the Council wait for more information from staff, and move on to the next agenda item.

#7) Open Period.

Stowell asked that the Council hold a discussion on whether or not the Charter should state that anyone running for the position of Judge should be a member of the bar association.

Thorn asked for more board and commission reports. Buol will check with the different boards and commissions.

#8) Request for waiver of water and sewer user fees.

Mr. Ole Olsen, 3993 Kenthorpe Way, asked the Council to consider waiving his water and sewer user fees in exchange for the upkeep he has been providing on the bike path near his home.

Staff recommended denial of the request. Mr. Olsen said that he had not received a copy of staff's recommendation.

Skee made a motion to deny Mr. Olsen's request, and told Mr. Olsen to pursue it further with pictures and documentation at a later date if he wished.

Clyman felt that Mr. Olsen should have received a copy of the staff's recommendation. Buol explained that the City Recorder was away at school and another person prepared the agenda and overlooked sending the recommendation to Mr. Olsen.

Stowell seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#9) Discussion on City Council goals.

Thorn has been working on her goal, to look into obtaining a sister city. She said that it looked like an expensive goal. Thorn will have more to report by this Fall. Thorn expressed interest in creating a pamphlet to educate youth about local government.

Lairson's goal was to create a new performance evaluation for the City Administrator's position, and that goal has been achieved. In September the Council will take another look at the evaluation format.

Skee's goal was to create an orientation program for new Council people. Skee said he had everything ready but it has not been presented yet.

Clyman spoke regarding her goal to implement a public information program. She said that a new newsletter is now going out to all citizens, town hall meetings have been held, and we have the funding. She is in favor of hiring expert staff to assemble the newsletter.

Stowell's goal was to create an Employee Recognition Program. Stowell had been successful in creating a new program and it is in use at this time.

Thorn asked Buol how we are coming on the city picnic. Buol explained that it was planned for September 14, 1986.

#10) Consent Agenda:

Items for the Consent Agenda were continued to another date.

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#11) Administrative Reports:

Buol explained that the Planning Director had prepared the scope of work for expansion of West Linn's Urban Growth Boundary to the West of the City limits, and had mailed it out to various consulting firms. Buol asked for three volunteers from the Council to serve on the selection committee. The selection committee will consist of the Planning Director, the City Administrator, and three Councilors.

Many councilors were interested in serving, so the Mayor put all Council names in the hat and drew out three. Kathy Lairson, Jill Thorn, and Bob Stowell.

Finance Director, William Gin, made a brief presentation regarding the City's ability to "defeace" all its outstanding Bancroft Improvement Bond debt, saying that in doing so the City could declare a \$208,000 cash surplus in its Bancroft Bond Fund and use this surplus for just about any purpose. Kathy Lairson asked if it could be used for water improvements. Gin said "yes". Council requested a staff report.

Gin explained to the Council that the \$40,000 from the Fire Improvement Bond had not been paid back yet because the action had not been taken through the proper process. Gin explained the proper procedure for dispersement of the money.

Gin also asked the Council for authorization to proceed with establishing a methodology for water rates. Council asked Gin to prepare a scope of work showing the purpose of the water rate study.

- #12) Thorn pointed out that she had seen some early morning sprinkling systems in the Rosemont pressure zone violating the odd/even sprinkling ordinance. Buol said he would have staff check this out.

Thorn also asked members of the Council to respond to Rev. Olsen's letter to each of them.

Lairson thanked everyone for their support of the Image Enhancement Program. There was a good turn-out on July 19th at the West Linn Shopping Center Street Dance.

Mayor McIntyre mentioned that he had been contacted by Clackamas County Health Department who was asking the City of West Linn for a representative from the Council to serve on the Ambulance Task Force. The County has a County-wide ambulance ordinance, and the Task Force will set ambulance boundaries. McIntyre was asked to find out more about the Task Force such as how often it would meet and what its scope of work is.

Hearing no further new business, the meeting was adjourned at 11:20 P.M.

  
Diana J. Nicolay, Recorder

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Regular Council Meeting

August 13, 1986

Council present: Joe Hart, Mike Skee, Jill Thorn, Mayor Larry McIntyre, Council President Kathy Lairson, Bob Stowell, and Sherry Clyman.

Staff present: City Administrator John A. Buol, City Recorder Diana J. Nicolay, City Attorney John H. Hammond

Mayor McIntyre opened the regular meeting at 8:00 P.M.

- #1) Mayor McIntyre lead the flag salute.  
#2) Minutes from the July 23, 1986 City Council meeting were approved with a motion from Thorn. The motion was seconded by Lairson.  
Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman.  
Nays: None.

## #3) Report and recommendation on Police Department Task Force.

Lairson gave the Scope of Work. Bob Liddell, Task Force member presented the recommendation of the Task Force to the Council. Liddell said that manpower was the critical need that the committee dealt with. The committee suggested that the City needs three additional sworn officers, and one additional sworn officer per every 1,000 population growth. The City also needs one Crime Prevention Officer and a full-time Detective.

Questions of clarification from Hart, Thorn, Lairson and Clyman. Hart wanted to know how we compare with other cities. He was told that we have fewer policemen per capita. Thorn said that they would support the recommendation. Clyman wondered if they task force had examined relationships with other jurisdictions. Liddell said that the Task Force had looked into that, and had decided that they wanted the West Linn Police Department to stand on its own.

Liddell pointed out that the recommendation of the Task Force was to put three police officers on the ballot in November.

Clyman asked why the Task Force suggested a three year levy. Liddell responded that the Task Force was in favor of allowing the voters to decide if they wanted additional coverage without any other items on the same ballot.

Finance Director William Gin then explained why the Task Force had chosen to recommend a three year operating levy versus a one year serial levy.

After some discussion, Lairson made a motion to accept the Task Force report and pass it on to the Budget Committee on August 20th for their consideration. It was also suggested as part of the motion that the Task Force be present to support the recommendation.

The motion was seconded by Bob Stowell.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

## #4. Report and recommendation on Committee to rename Highway No. 43.

Being a member of the committee who reviewed names, Lairson gave the committees three recommended names to the Council along with the reasons for choosing those names. West River Drive or Road, Willamette Way, and Park Avenue.

Craig Allen, spoke regarding the three suggested names. Allen had worked on the readdressing and renumbering program for the entire city. Allen said that West River Drive would be a conflict name because there is a city street named Old River Drive. If someone thought that West was a directional and left it off, you would have River Drive, and an emergency vehicle could respond to the wrong location.

John Forsloff, 6552 Portland Avenue, spoke in favor of the name Willamette Falls Drive. He didn't feel that the name Park Avenue had much imagination. He said that the river didn't show along most of this highway, so it would be inappropriate to name it River Drive.

Clyman made a motion to name the street Willamette Drive and hold a public hearing on August 27, 1986 to hear remonstrances against the chosen name. Stowell seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: Hart

Stowell wondered if we should consider changing Willamette Falls Drive's name at this time. No action was taken.

## #5. Request and proposal from Allen B. Pynn.

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Mr. Allen Pynn asked the Council for their approval as adjacent property owners, to put a heliport on his property out on Pete's Mountain.

Skee felt that they heliport would have a negative impact on the property value in the area.

After lengthy discussion John Buol reminded the Council that they did not need to represent all of the property owners out in that area, they were simply being asked to speak as owners of one piece of property that was adjacent to the proposed heliport. After more discussion, the Council decided not to take a stand for or against the proposal.

#6. Open Period

Thorn thanked the Fair Board for their fine job on the W.L. Fair and the Highway 43 name committee for their work.

Thorn also asked for thank you letters to be sent to the Police Task Force Committee members.

The Mayor complemented the Pete's Mountain residents on their presentation in front of DEQ on the landfill issue. McIntyre said that they did an exceptional job of presenting the facts without getting emotional. McIntyre also thanked Earl Reed for his letter to DEQ.

#9. Appointment of Library Building Task Force Committee.

This item was handled out of order. Gary Olson, of the Library Board, presented the recommendation that the following people be appointed to a Library Building Task Force Committee:

Janet Williams, Linda McIsaac, Alan Brickley, Alan Lewis, and John Hooley.

Olson said that this Task Force would serve during the Library Building Program. Olson also presented the Library Task Force Scope of Work containing six items.

Lairson made a motion to appoint the Task Force as recommended, and accept the Scope of Work for the Task Force. Stowell seconded the motion.

Lairson added that a work session would be set within thirty days.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#7. Staff Recommendation: System Development Fee Study.

Earl Reed, Public Works Director, reviewed Leonard's study and found it to be accurate. Staff recommended that the City Council accept the study with modifications to item number one and item number two.

On item number one, staff recommended that the System Development Fees be adjusted annually to correspond to the Consumer Price Index.

On item number two, staff agrees that that the West Linn City Council should adjust the System Development Fee to reflect the needs for the different categories, but not set the values and then maintain those same values for a twenty-year period. Staff recommended that the Council adjust the System Development Fee to reflect the needs of water, sewer, streets, and storm drainage annually and adjust the percentage to reflect the current needs.

Discussion was held regarding the Consumer Price Index.

Charles Hales, Home Builders Association, and representing developers, spoke against the fee increase. He urged Council to sent staff back to the drawing boards. A lengthy discussion and questions followed:

Craig Allen, 2325 Marylhurst Drive, spoke in favor of raising System Development Fees.

Dave Edwards, Barry Larson, Greg Heinz, Jerry Palmer, and Herb Koss spoke against increased System Development Fees.

Skee made a motion to adopt staff's recommended fee and the allocations, and add to it that this sunset each year at the first meeting in February. Stowell seconded for discussion.

Ayes: Skee

Nays: Thorn, Hart, Lairson, Stowell, and Clyman

Lairson asked how the Facilities Task Force was coming. Buol answered that he thought it would be a year away.

Thorn then made a motion that a task force be formed of two Council members, two Planning Commission members, two members from the Home Builders Association, and West Linn Staff, to explore ideas discussed with a deadline of sixty days, and the committee will make a recommendation on whether System Development Fees, should be increased or decreased? Lairson seconded the motion.

Lairson asked if the Facilities Task Force would be involved. Stowell felt that the Facilities Task Force should be involved.

Ayes: Hart, Thorn, Lairson, Stowell, and Clyman

Nays: Skee

Several Council members wished to serve on the Task Force as Council representatives, Clyman and Thorn will be the representatives.

Buol said that he felt item number three should be postponed, and it was so directed by Council. Item three dealt with a sewer system master plan that needs to be developed.

- #8. Discussion on qualifications for Municipal Judge. Alan Brickley spoke regarding what he remembered the action taken was when he was Mayor and the Charter was changed to reflect that the Judge would be elected. Brickley said that he felt that the Judge should be a member of the bar association. Stowell also felt that they Charter should state that the Judge should be required to be a lawyer. City Attorney, DeAnn Darling said she felt this person should be an attorney just because of the potentially heavy impact decisions could have on a person. After lengthy discussion Council decided this was not an appropriate time to take action on this discussion. This item was held over to after this current election. Stowell had a letter from the Oregon Bar Association who also supported the Judge being required to be an attorney.

- #10. Report on Intergovernmental Agreement for Fire Service with Oregon City.

The Council discussed the fact that the Intergovernmental Agreement with Oregon City for Administrative Fire Services had been broken. Council commended Fire Chief Russ Castleman and Ron Kellmer for their participation in the agreement. Council felt that it was too bad that they agreement was not being renewed by Oregon City. They felt the agreement could have worked.

Stowell wondered what we would be exploring if the 1-1/2% property tax limit passes.

- #11. Administrative Reports:

John Buol invited the Council to the staff picnic to be held at McIver State Park on Sunday, September 14, 1986, from noon until dusk.

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## #12. Business from Council

Thorn felt that November 22nd was too soon for the new Council to have a goal setting session. After some discussion it was decided by the Council that the meeting would be an informal orientation session instead.

Buol invited the Council to a meeting of the Excellence Committee to discuss the proposed Mission statement. The meeting will be held tomorrow at the McLean House from 2 to 4 P.M..

The Council adjourned to an Executive Session at 11:35 P.M. pursuant to O.R.S. 192.660 (D) (e) to negotiate real property transactions.

*Diana J. Nicolay*

Diana J. Nicolay, City Recorder

## Regular Council Meeting

August 27, 1986

Council present: Joe Hart, Mike Skee, Jill Thorn, Mayor Larry McIntyre, Council President Kathy Lairson, Bob Stowell, and Sherry Clyman.

Staff present: City Administrator John A. Buol, City Recorder Diana J. Nicolay, City Attorney John H. Hammond

Mayor McIntyre opened the regular meeting at 8:00 P.M.

#1) Mayor McIntyre lead the flag salute.

#2) Minutes from the August 13, 1986 City Council meeting were approved with one correction with a motion from Lairson. The motion was seconded by Thorn. The one correction was in item number four, the last paragraph was suggested by Stowell rather than Lairson.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman.

Nays: None.

#3) Proposed Mission Statement for the City of West Linn. Council continued this item to the next Council meeting to allow minor changes.

#4) Public Hearing - Proposed name change of Highway 43.

Mayor McIntyre opened the public hearing. There were not abstentions on the Council. No one from the audience challenged any member of the Council from acting on this matter.

No testimony was heard from the public, so Lairson made a motion to close the public hearing. Thorn seconded the motion. The vote was unanimous.

Thorn asked when this action would be effective. Hammond suggested June 1, 1987. Hart was in favor of making the effective date sooner. Lengthy discussion followed.

Thorn then made a motion to authorize the City Attorney to prepare a Resolution naming Highway 43 "Willamette Drive", effective June 1, 1987. Lairson seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman

Nays: None

#5) Open Period - None.

#6) Proposed Tax Base Recommendation - John Buol explained to the Council that the Budget Committee recommended that the City go out for a \$395,564 Tax Base in the November, 1986 General Election. Buol pointed out that this would include three new Police Officers as suggested by the Police Task Force, Street Lighting, and Federal Revenue Sharing Replacement. Buol asked the Council for adoption of Resolution No. 86-20 calling for the Tax Base Election. The Resolution would need to be filed by the City Recorder by next Thursday.

Thorn had questions about submitting two tax bases on one ballot, with one of them adding only the money for the Police Department. Finance Director William Gin explained that it would not be to the City's benefit to go for a tax base with additional money for Police only, because we would be receive less money for operation of the City than if we accepted our automatic 6% limitation.

After lengthy discussion, Lairson made a motion to adopt Resolution No. 86-20 calling for a Tax Base Election in the November 1986 General Election. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Lairson suggested a public information program to educate the public regarding the proposed tax base. The Council decided that a committee should be formed to address public education. It was decided that the committee would consist of two City Council members, two citizens from the Budget Committee, and two Police Task Force members. Buol will send out a news release regarding the tax base.

#7) Proposed Intergovernmental Agreement with Clackamas County regarding Adult Foster Homes.

Buol explained that Clackamas County Managers and their City Attorneys have been meeting for the last two-and-a-half years with Clackamas County Human Resources regarding Adult Foster Homes in the County. The County has come up with their own regulations and an intergovernmental agreement for the cities in the county to use. Buol asked Council to either adopt the County regulations or the Oregon State Administrative Rules. He said that both were quite similar at this point. Work had been done to the Oregon State Laws.

Stowell asked if it wouldn't be faster for the County to respond to a violation than the State. Buol agreed that the County could probably respond much faster than the State.

Mayor McIntyre read proposed Ordinance No. 1183 by title. Stowell made a motion to adopt Ordinance No. 1183, effective August 28, 1986. Lairson seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Mayor McIntyre then read proposed Ordinance No. 1183 a second time by title. Lairson made a motion to adopt Ordinance No. 1183 effective August 28, 1986. Stowell seconded the motion.

A poll of the Council showed the following vote:

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#8) Proposed Defeasance of Bancroft Improvement Bonds.

Finance Director Gin explained that the City's Bancroft Bond Fund is in a position of being able to use a portion of its money to "defease" all of its outstanding improvement bonds (\$275,000). This defeasance would have the effect of releasing the remaining money in the Bancroft Bond Fund for any legal purpose determined by the City. (see agenda bill for further description)

Gin asked that the Council authorize the City Administrator and Finance Director to proceed with and execute a financial plan to informally defease the City's Bancroft Improvement Bonds.

After questions of clarification and some discussion, Lairson made a motion to authorize the City Administrator and Finance Director to proceed with and execute a financial plan to informally defease the City's Bancroft Improvement Bonds. Stowell seconded the motion.

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Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#9) Consent Agenda:

- A. Use of McLean House - by caretakers
- B. Use of McLean House - Annual Craft Sale
- C. Bid Recap - Cab and Chassis - Public Works
- D. Bid Recap - Overlay Program - Asphaltic Concrete

Item 9A was removed and handled separately.

Stowell made a motion to approve consent agenda items B through D. Clyman seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Item 9A was then discussed. Clyman wanted to know if there was any constitutional issue involved. Hammond said that we have allowed other church groups to use the facility in the past and it has worked out well. The Council discussed the separation of church and state, and equal protection laws. Lairson was supportive of allowing the church group meet at the McLean House.

After some discussion, Lairson made a motion to approve the use of the McLean House for the Bible Study Group. Stowell seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: Hart.

#10) Administrative Reports:

Buol asked the Council for their comments on the proposed mission statement so they may be considered prior to next Wednesdays work session.

Nicolay asked the Council for formal approval to proceed on the 1987 City Calendar. Nicolay presented the Council with estimated costs for the project, \$8,762.50, and also asked for permission to create a transfer budget to transfer \$4,000 into the fund for the calendar. After some discussion and clarification of the project's scope, Lairson made a motion to allow Nicolay to move ahead with the 1987 City Calendar for an estimated cost of \$8,762.50. Stowell seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, Clyman  
Nays: Hart.

Lairson then made a motion to allow the Finance Director to prepare a transfer budget in the amount of \$4,000 to transfer to the fund for the calendar. Stowell seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Hearing no further business, the Council adjourned their meeting at 9:30 P.M.

*Diana J. Nicolay*

Diana J. Nicolay, City Recorder

Council present: Mike Skee, Jill Thorn, Mayor Larry McIntyre, Council President Kathy Lairson, and Bob Stowell.

Council absent: Joe Hart and Sherry Clyman.

Staff present: City Administrator John A. Buol, City Recorder Diana J. Nicolay, City Attorney John H. Hammond, Planning Director Mike Butts, Associate Planner Mark Hess, Director of Public Works Earl Reed, Fire Chief Russ Castleman, Finance Director Willie Gin, Police Chief Art Enderlin, and Assistant to the Administrator Charlene Richards.

Mayor McIntyre opened the regular meeting at 8:00 P.M.

- #1) Mayor McIntyre lead the flag salute.
- #2) Minutes from the August 27, 1986 City Council meeting were approved with a motion from Lairson. The motion was seconded by Stowell.
- Ayes: Skee, Thorn, Lairson, Stowell.  
Nays: None.
- #3) Mayor McIntyre presented a Certificate of Appreciation to Brian Erskin, eleven years old, and a Bolton Middle School 7th Grade student, who won a State-wide spelling bee, bringing notoriety to West Linn. Brian said the most difficult word he was required to spell was "facetious".
- #4) Mayor McIntyre asked Russ Castleman to join him at the podium, and also asked Castleman's fellow Department Heads to come up. McIntyre read a letter of special recognition from the Department Heads. Each Department Head was present to shake Castleman's hand and congratulate him. The recognition was for the work he had done as Fire Chief of both West Linn and Oregon City, for the last year. Department Heads were glad to have him back all to themselves, and expressed that Castleman is a great asset to the Management Team.
- #5) Russ Castleman then presented the City staff's proposed Mission Statement.

Castleman said that he was proud to have chaired the Mission Statement Committee, comprised of Sergeant Dave Hill from the Police Department, Pam Williams, our Librarian, Dave Rood the Building Official, Charlene Richards, the Assistant to the Administrator, and Diana Nicolay the City Recorder. Castleman read the following Mission Statement, and made these comments:

"The City of West Linn is committed to be a visible, innovative, and progressive community (visible in that we are proud of our equipment, services and facilities, innovative in that we look for ways to improve our service, and progressive meaning that we implement programs that will make for a more efficient government.) It is enthusiastic in its approach (which goes along with what we are talking about with the Excellence Committee, and all working very well together) effective in its delivery of services, (by providing the best services we can with the resources that we have available) and equally responsive to all its citizens. (which means that you, as Council people, and we as City employees, temper our decisions that may affect small groups with what is going to be best for the entire community.) We strive to create a harmonious community (by this we mean that all the components of the community are working well and in their proper proportions. This harmonious community is) based on Comprehensive Planning and an appreciation for its natural beauty and rich history. West Linn (the community) provides opportunities to live, work and play within the City. To best serve our community the City of West Linn recruits and maintains qualified and professional employees who take pride in their work." (West Linn being a small community has the same problems facing them as Gladstone, Oregon City, and other small communities, that we become a training ground for people. We need to recognize the positive contributions that the employees make to our organization and realize that to keep those people around is in the best interest of the City.)

The Council had no questions. Councilor Skee made a motion to adopt the Mission Statement. Lairson seconded the motion.

Lairson complemented the Excellence Committee and the Mission Statement Committee on a very good statement.

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Stowell concurred with Lairson, and said it put us one step closer to Excellence. He said he sensed a much closer staff, who works extremely well together, which can only mean a much more efficient and more livable community.

Skee said the Statement was very succinct and has a lot of meaning.

Mayor McIntyre congratulated the City's Excellence Committee.

Ayes: Skee, Thorn, Lairson, and Stowell

Nays: None.

- #6) Public Hearing - Review of Planning Commission denial of a zone change and a tentative subdivision plan for Pleasant View Subdivision.

There were no challenges from the audience and no abstentions from the Council.

Stowell stated the fact that this was brought before the Traffic Safety Commission and he is a member of that Commission. Tim Conser, Planning Commission Member, and Stowell briefly discussed Shannon Lane.

McIntyre reminded the audience that this was an appeal, and that the only testimony that would be allowed was testimony already in the Planning Commission record.

Mark Hess, Associate Planner for the City of West Linn, explained that the application was for review of the denial of a Planning Commission decision of July 21st, regarding a 5-1/2 acre site at the intersection of Rosemont Road and Shannon Lane. Staff recommended approval to the Planning Commission based on the staff's analysis of the proposal and its application to the West Linn Development Code. The Planning Commission made findings supporting their denial which the Council has copies of.

Mr. William Cox, 3236 S.W. Kelly, Portland Oregon, 97201, Phone Number 243-2827, spoke representing Homesite Development, the applicant.

Cox stated that the City's Comprehensive Plan stated that in the future Shannon Street was planned to be a major access to Rosemont Road. Shannon, however, at this point is not a City street. Half of it is a private lane (the west side) and the other side had been potentially dedicated with restrictions required before it becomes a City street. The West side is owned by Dr. Cleland. Some access has been granted to other property owners in the area. Cox said he worked with staff and the only conclusion was to plan a temporary access on Athena Road which would later be closed with the improvement of Shannon Street. Cleland will not respond to Homesites request for access on Shannon.

Cox said West Linn's Comprehensive Plan allows for 10,000 or 7,500 Square Foot lots in this area, and because of the expense of what the City was asking them to improve on Rosemont Road, Homesite as asking for a zone change to 7,500 Square Foot lots to help pay for the Rosemont Road improvements. Homesites plan was for 8,500 Square Foot lots. Staff was in agreement and the two parties were prepared to move forward. The other residents don't want anything done to this land unless you come in with 10,000 sq. ft. lots. He felt that what the neighbors wanted wasn't the issue. The issue is what the law states will be done to that property.

Cox argued that many of the comments made during the Planning Commission hearing should have been made during the Comprehensive Plan process.

Cox then commented on each of the eight Planning Commission findings, found in the July 23, 1986 letter to Homesite Development.

Finding #1 - Homesite felt that eighteen people testifying doesn't mean anything from a legal standpoint.

Finding #2 - West Linn Traffic Safety Commission's report says that they can live with what Homesite proposes to do.

Finding #3 - Faulty premise - this is not a public street. There is no evidence in the record that Athena Road would be a permanent access. It would be temporary until Shannon could be opened.

Finding #5 - City Engineer's statement was that there was no problem with drainage.

Finding #6 - Neighboring development created by personal desires is the reason more dense subdivisions must be allowed in West Linn. There are already some other 7,500 sq. ft. lots in this area.

Finding #8 - There is no City tree ordinance. Homesite leaves as many trees as possible on their building lots.

Cox then spoke of some of the conditions staff has recommended. Some are incompatible with West Linn's Comprehensive Plan, which says to provide the opportunity for a variety of house types within the City, encourage the development of affordable housing and ensure that planned densities will not be reduced that development will be minimized. Cox requested that staff condition #1 be removed and that Council accept a 40' right-of-way, and 5' walks on easements. Homesite believes that West Linn can't legally require a developer to improve Rosemont Road. Cox read Code section 92.010 (1). Cox said that West Linn has given access to Rosemont Road to others who have built homes in that area, but they were not required to improve Rosemont Road.

Cox asked that Homesites initial application be approved without the condition of approving Rosemont Road and a change be made in how West Linn defines the right-of-way, to decrease the Right-of-way to 40', allowing them to put 32' pavement throughout the subdivision and sidewalks on easements.

Mike Skee asked Cox if he was going to 7,500 sq. ft. lots because he was required to do the street improvements on Rosemont. Cox answered "yes" either that or go to 10,000 ft. lots and don't do the street improvement.

Don Schmeiser, 21580 Shannon Lane, who has title to the eastern part of Shannon Lane, spoke regarding the storm run-off on this piece of property. He said when it rains it creates lakes on this property. He said he couldn't see any condition that requires this run-off will be taken care of.

Robert Inman, 21395 Shannon Lane, spoke representing the citizens and discussed the problem of access. Nothing shows that Athena Road would be a temporary access. Rosemont Road is very dangerous. He read Clackamas County's report about Rosemont Road, and said there was no reason to change to 7,500 sq. ft. lots.

Dr. Donald L. Cleland, MD., gave history of Shannon Road property.

Mr. Rod McLeod, 3300 Rosemont Road, spoke regarding aesthetics and safety impacts. The development doesn't aesthetically fit in the neighborhood and neither does it technically because of access, storm drainage, roadways, etc. He also was concerned about traffic and pedestrian safety. Thought it would be necessary to install a berm, fence or something along Rosemont to protect the new homes. Mr. McLeod urged Council to uphold the Planning Commission's denial.

Mr. Dale A. Krug, 3350 Rosemont Drive, spoke regarding access to Rosemont Road. When he went to build the house he now lives in, he was not allowed to have access to Rosemont Road. He looked back in the minutes of an earlier Planning Commission decision, and found out that it was decided earlier that he could have access to Rosemont Road on that property, so access was allowed to him.

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Mr. Edward N. McLean, 21575 Shannon Lane, more commonly known as "Ted" McLean, spoke regarding the storm drainage problem in the area of the proposed development. McLean has a son who runs a tree farm on the property and can't grow Douglas Fir trees because the ground is too wet. He feels there would be a need for adequate drainage. He also is opposed to 7,500 sq. ft. lots. There would also be an impact on City services.

Mary Otis, 21510 Shannon, was concerned about the water issue. Referred to Comprehensive Plan, pages 34 and 35, under Section (B), the guidelines for determining the density of an area. Water pressure in the area is already poor. Additional development would negatively impact the water situation.

Mr. Milton C. Lankton, 21950 Shannon Lane, lawyer representing Mr. and Mrs. Robert Fulton, spoke regarding the incompatibility of the proposed density to the surrounding area. Mr. Fulton feels it should be developed R-10. People in the area who testified know what the problems in the area are, and they should be listened to by the Planning Commission and the City Council.

Mr. Fred Cornilles, 21600 Shannon Lane, testified that he felt the development was not in the best interest of the City of West Linn and its citizens at this time because of the inherent problems it has such as the glut of existing subdivisions with unoccupied houses.

Mr. William Cox made some closing comments. Cox asked for a seven minute recess. Mayor McIntyre allowed the recess. When the meeting resumed Mr. Cox said that if there was a question on the drainage that Homesite's Engineer, McKinzie Engineering, can discuss the problem, or the City's Engineer, Mr. Reed was also present and could address it. Cox asked Mr. Reed to address the issue of surface drainage in that area if Homesite subdivides. Is there a problem, and if so, can it be taken care of.

Hammond did not think that question was appropriate. Cox said that Homesite would then rely on the staff report as written.

Cox said the neighbors are not opposed to an R-10 development, Homesite is willing to go R-10 but they request that the Council ask for a legal opinion from the City Attorney as to the basis by which the City can justify requiring that Homesite improve Rosemont Road. He also addressed access. Homesite would have to come in as proposed if these were to be bigger lots. Cox pointed out that Dr. Cleland's comments that Shannon Lane will remain private are part of the record. The County report said that the traffic burden is not enough of a problem to justify improving Rosemont. The examples Mr. Inman spoke of were in the five corners area, not in the area Homesite proposes to develop. The City does not have a tree ordinance. There is commercial planned for the area. You have approved other development which will have 7,500 sq. ft. lots.

Lairson made a motion to close the public hearing. Skee seconded the motion.

Ayes: Skee, Thorn, Lairson, and Stowell  
Nays: None.

Lairson had questions of Mark Hess. How did staff determine Shannon Lane as an intersection as opposed to some other access.

Hess said that the section of the Code was 93.040, where it recommends that along arterials there should be 1,800 ft. distance between intersections.

Hammond supported staff's position.

Lairson asked Hess why half street improvements were being required along Rosemont Road.

Hess answered that Section 92.010 relates to public improvements required in subdivisions. Adjacent streets are required for improvement. A strict interpretation would mean the entire street, a more liberal interpretation would mean a half street. Staff has taken a more liberal stance in previous subdivision requests, and interpreted that adjacent language to mean a half street improvement. The City Council has upheld this interpretation with previous subdivisions. This has not been appealed in the past.

Hammond pointed out that this has been our consistent interpretation of the code, and he feels it is realistic and a fair interpretation. Hammond gave the Council legal guidance.

Lairson asked if the corner of Santa Anita and Rosemont was zoned Commercial. Hess answered that is zoned "Future Commercial", by the County's Comprehensive Plan. There is an implied acknowledgment that it will be zoned commercial some day.

Earl Reed, Public Works Director addressed the drainage problem. He said that the Master Plan for this area does not emphasize any oversizing of culverts in this area. We generally receive comments about drainage from residents down stream from new developments. Handling these drainage problems is a problem that can only be solved by cooperation of all parties involved.

Thorn asked Hammond where the City line ends and the County begins, on Rosemont Road. Is it in the center of the road?

Hammond answered that it used to be in the center of the road.

Skee asked Hammond if the Council could uphold new findings and not use Planning Commission's findings. Hammond answered that the Council could reaffirm their decision and findings, modify their decisions and make new findings, or you could affirm their decision with modifications to their findings.

Skee made a motion to uphold the Planning Commission's decision for denial of the Zone Change based on two criteria. That we uphold the separation on the intersections, and that it is not in the public interest that we grant the zone change. (Hammond added that what the Development Codes indicate is that if those directory findings are approved by the City Council, the next thing to do would be to direct the staff to prepare formal findings for you to review and adopt at your next regular meeting.) Lairson seconded the motion with Hammond's addition, for discussion.

Lairson asked if that means that those are the only two criteria that you are going to use? Skee, "yes". He said he had a problem with a lot of the criteria the Planning came up with.

Skee asked if Councilor Lairson had any criteria she felt should be incorporated. Lairson said "no".

Stowell is opposed to allowing something like access temporarily, because it has a tendency to be overlooked.

McIntyre would like to see the Rosemont water pressure issue in the motion.

Skee talked to staff about that and it seems that the City cannot deny any development because of the water pressure.

Hammond expressed his concern about that condition. Discussion followed.

McIntyre did not feel there has been any justification for sizing the lots 7,500 sq. ft.. McIntyre said that a statement was made that there should be a buffering zone. In our Comprehensive Plan we have identified that through our adoption of the zoning map indicating that that area would be an R-10 and that by doing so we have indicated that there will be other areas which we could come up with a higher density to meet our eight units per acre.

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Skee thought that was a good idea. Economic need is not grounds for a zone change. Skee added it to his motion. Lairson added it to her second. Thorn asked that the motion be restated.

Hammond clarified that the first condition would be that it would be violative of the Development Code, recommendations involving intersection separation on arterials of 1,800 feet or more. The second thing was that there was not a public need for the zone change from R-10 to R7.5, and economic need is not grounds for a zone change.

Ayes: Skee, Thorn, Lairson, and Stowell.  
Nays: None.

#7) Report on System Development Fees.

Mayor McIntyre explained that the Council had been asked to review the System Development Fees.

John Merina explained that he was asked to answer four questions. He said this was not an audit. Merina presented his report to the Council.

Council made sure Marie Horvath had a copy of Merina's report.

Lois Haatia, 4271 Terra Vista Ct., said that Mr. Merina's report should have acknowledged that a mistake had been made.

Discussion followed. Mike Skee raised some other concerns regarding System Development Fees. Skee initiated a mini-audit of his own, along with Marie Horvath, Lois Haatia, and Councilor Thorn. The end result of which was a disparity in excess of a quarter of a million dollars on the in-house figures and those figures that were supplied to us by Coopers and Lybrand for the yearly audit. Should our findings be true, we have an additional sum of money that is not accounted for within our System Development Fees.

After lengthy discussion Council decided that they would have a work session with John Merina.

#8) Open Period

Skee asked how the City was going to respond to the petitions received on the water issue. Skee felt that since it was not going to be on the ballot in November, maybe we should address this. McIntyre explained that discussions about sites outside the City took time, and it has been decided that it will not go outside the City. Buol explained that the earliest time this could go on the ballot was March, 1987. Skee said that the City will pursue the water bond issue next year at the first available date, and the location of the water tower outside the City is mute.

McIntyre received a letter from a party in Lyle Washington who received his balloon sent off during Flag Day celebration.

#9) Proposed Ordinance No. 1184 changing the name of a portion of Hwy. 43 in West Linn.

Thorn asked if the renumbering has to be in the Ordinance, or just the name change. City Recorder will check.

Mayor McIntyre read Ordinance No. 1184 by title. Lairson made a motion to adopt Ordinance No. 1184 effective June 1, 1986. Stowell seconded the motion.

Ayes: Skee, Thorn, Lairson and Stowell  
Nays: None.

McIntyre then read it a second time by title. Lairson made a motion to adopt Ordinance No. 1184 effective June 1, 1986. Stowell seconded the motion. A poll of the Council showed:  
Ayes: Skee, Thorn, Lairson, and Stowell  
Nays: None.

Stowell asked staff to write letters to the neighboring jurisdictions.

- #10) Proposed agreement with Clackamas County for improvements to Rosemont Road. Resolution No. 86-21 adopting the proposed amendments.

Buol explained that it was discovered after the County put it out to bid and awarded the bids, the County asked us for the money, we went to the agreement and we didn't find it in the agreement, so Hammond recommended that we do an addendum to the agreement. The Contractor is already laying the pipe.

After some questions of clarification, Skee made a motion to adopt Resolution No. 86-21. Stowell seconded the motion.

Ayes: Skee, Lairson, and Stowell  
Nays: Thorn.

- #11) Proposed Agreement with Lake Oswego and Clackamas County regarding E-9-1-1. Resolution No. 86-22.

Buol explained that this was basically an enactment of the agreement for 9-1-1 with Lake Oswego.

Lairson made a motion to authorize the Mayor and City Recorder to execute the agreement on behalf of the City for E-9-1-1. Skee seconded the motion. Thorn asked if the December date was firm. Buol said that that is what he has been told.

Ayes: Skee, Thorn, Lairson, and Stowell  
Nays: None.

- #12) Administrative Reports:

Buol said that the next City Council meeting will be held at Cedaroak School.

Buol presented a request from the South Park Unitarian Church for use of the McLean for another year at \$200 a month. Their request would go through September of 1987. Lairson made a motion to approve the use of the McLean House for the South Park Unitarian Fellowship. Thorn seconded the motion.

Ayes: Skee, Thorn, Lairson, and Stowell  
Nays: None.

Buol asked for Council whether they wanted to reopen the public hearing on the hotel site. Consensus was not to.

The meeting was adjourned at 11:30 P.M.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

Special Council Meeting  
McLean House

September 16, 1986

Council present: Kathy Lairson, Larry McIntyre, Sherry Clyman, Bob Stowell, Jill Thorn, and Mike Skee.

Council absent: Joe Hart.

Staff present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Jack Hammond, City Attorney, and Michael Butts, Planning Director.

Mayor McIntyre opened the Special Meeting at 7:40 P.M.. McIntyre explained that the meeting was being held to discuss concerns raised by Councilor Skee regarding System Development Fees.

Councilor Skee explained that two citizens, Councilor Thorn, and he himself had hired Pat Rich from Development Services to gather some figures regarding the amount of money collected on System Development Fees from the original Source Documents. He said that they had discovered a \$258,000 discrepancy when they compared the figures they came up with, with audit figures from 1976 through 1981.

1976-77 25%  
1977-78 46%  
1978-79 45%  
1979-80 27%  
1980-81 53%

Skee said the John Merina report presented to the Council at their last meeting left him with some questions unanswered. He said he wanted this meeting to ask what should be done. He said he felt that unanswered questions of this nature might have a negative effect on the Tax Base Election.

Lairson wanted clarification on where the figures he was using came from.

Skee answered that they were Building Department figures obtained from Dave Rood, Building Official.

Lairson clarified that the audit of 1982-85 System Development figures had already been done by John Merina. Skee agreed.

Lairson asked if his concerns were 1976-82? Skee answered "yes", \$258,988.78. He said that 1980-81 was the largest discrepancy.

Hammond asked Skee and Thorn why the staff had been passed up, not shown the System Development Fee discrepancies prior to making a public comment.

Skee said that none of the current staff had any involvement in this situation, so he felt it was in the Council's hands to resolve it.

Clyman asked how long it took the two citizens, Thorn and Skee to do their report. Skee thought about a month-and-a-half.

Clyman wanted to know what prompted the report.

Skee said that because he was a builder in the area he was convinced that more money for System Development Fees had been collected than reported. He wondered how you could have an accurate audit if you don't know the exact amount of money involved.

Stowell reminded Skee and others present that before the Merina audit a Scope of Work was carefully spelled out, to address the concerns as they were understood, and it was approved by all parties involved, then Merina addressed that Scope of Work.

McIntyre brought Council back on track, asking if the Council wished to move forward, if so how? and how much money will this involve?

John Buol introduced James Savage from Coopers and Lybrand. Savage said that Coopers and Lybrand would be glad to look at the figures and if there were any big discrepancies found, Coopers and Lybrand would suggest to the Council that an extended audit be performed.

Lairson asked Savage if audit firms usually re-audit. Savage answered "no".

Council wanted to know what percentage of the source documents does the auditor audit. Savage couldn't directly answer the question, whatever is necessary to get a good picture. Thorn said she was in favor of proceeding with Mr. Savage's proposal.

Savage explained that he would use Skee's document and compare it to the audits and the source documents.

Lairson narrowed the years in question to 1976-81. Merina already audited 1982-85. Skee agreed and added that 1981-82 was the worst.

Clyman added that she couldn't equate the veracity of Skee's document. She wondered if Skee or Thorn had suspicions beyond what is obvious. She felt their document was lacking veracity.

Skee explained that he felt that because he was elected by the public he was the "Keeper of Public Trust".

Lairson asked Skee and Thorn what their ultimate goal was, who they felt was to blame, (one person?) or does he want to prove that the errors were bad accounting.

Skee claimed he only wanted to find out where the money went. He asked Council not to read between the lines.

Clyman felt Skee was making an innuendo or suggestion that money was missing.

Thorn suggested that we have an audit similar to the one done on the \$165,000, just to make sure no money went into the wrong accounts.

Lairson once again suggested that the City accept Savage's offer to test our audit, because at this point at least it won't cost us any money.

Craig Allen wondered what source documents were used in Skee's report. Allen felt the audit could be done in-house.

Bill Line, accountant from West Linn, and past Interim Finance Director once employed by the City of West Linn, suggested that Skee show his document to staff and Savage be allowed to begin looking into it.

Savage clarified that any indication of a misappropriation found would come to the Council.

Lairson made a motion to have Coopers and Lybrand perform a test audit on Skee's figures to establish the authenticity of the documents. Skee seconded the motion.

Ayes: Lairson, Clyman, Stowell, Skee, and Thorn  
Nays: None.

Buol asked if the Council could meet with the Library/Building Task Force on 9-23-86 at 7:30 P.M. Council concurred.

McIntyre read a proclamation naming 9-21-86 American Business Woman's Day.

The meeting adjourned at 9:00 P.M.

*Diana J. Nicolay*  
City Recorder

City Council Meeting  
Cedar Oak Elementary School Cafeteria

September 24, 1986

Council Present: Mike Skee, Ward I, Joe Hart, Councilor At Large, Jill Thorn, Ward V, Larry McIntyre, Mayor, Kathy Lairson, Ward II and Council President, Bob Stowell, Ward IV, and Sherry Clyman, Ward III.

Staff Present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Michael V. Butts, Planning Director, and Russ Castleman, Fire Chief.

Mayor McIntyre opened the regular meeting at 8:00 P.M..

#1.) Mayor McIntyre lead the flag salute. McIntyre asked Councilor Mike Skee to introduce the boy scout troop that was present. Skee introduced Scout Troop No. 131 from West Linn, Scouts that were working on their Eagle Projects.

McIntyre then mentioned item #9, an appeal of a Planning Commission decision approving a Willamette River Greenway Permit and Variance request. McIntyre informed those in the audience that testimony in front of the Council would be limited to testimony on record, from people with standing.

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#2.) Lairson made a motion to approve the minutes from the September 10, 1986 and September 16, 1986 City Council meetings as written. Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman.  
Nays: None.

#3.) Proposed Ordinance No. 1185 amending Ordinance No. 1169.

Hammond explained that adoption of Ordinance No. 1185 would clarify condition #11 (as directed by LUBA) imposed on the City's approval of a proposed Hotel/Convention Center at West "A" Street and I-205. Condition #11 pertains to a traffic signal at the intersection of West "A" Street and Willamette Falls Drive.

Hammond said that because this was a request for interpretation, there was no need for a formal public hearing. Council could use the record to render their interpretation. The ordinance would require a signal at the intersection and the only thing left to the discretion of the City Engineer would be the actual design layout of the intersection.

Councilor Skee wanted to know if this ordinance meant that the traffic signal would be mandated to be installed at this intersection. Hammond answered "yes". Skee asked who had the responsibility for the signal installation. Hammond answered "the developer".

Thorn asked if this condition would still apply if we got another proposal for that property.

Hammond answered that a new proposal would be considered independently.

Thorn asked if the Council could remove this condition all together.

Hammond answered "yes", "if you had a basis on the evidence of record."

Skee said he did not feel we had proven the need for this traffic signal.

Mayor McIntyre read Ordinance No. 1185 by title.

Stowell made a motion to adopt Ordinance No. 1185 effective September 26, 1986. Lairson seconded the motion.

Skee said he would vote no.

McIntyre would like to retract the condition, but didn't have the record handy to do so.

Stowell clarified that the Council was voting on the intent of Ordinance No. 1169 not on the traffic signal. So he would support the motion.

Lairson asked what would happen if we didn't act on this.

Hammond answered that this would be an incomplete final action, and until Council takes final action on the remand the clock does not start to tic on the Conditional Use. There is a years period of time from the time that the land use action is finally approved before substantial construction has to begin.

Lairson said she would vote in favor of the motion because the Council can remove the condition at any time in the future.

Ayes: Stowell, Lairson, and Clyman  
Nays: Skee, Hart, and Thorn  
Mayor McIntyre: Aye - The motion passed, but not unanimously, so it must be read a second time at the next regular Council meeting in order to become law.

#4.) Report and recommendation on Urban Growth Boundary Commission Consultant.

Lairson explained that a sub-committee of the Council, Jill Thorn, Bob Stowell, and herself, along with Mike Butts, and John Buol, had interviewed three consultants, and had finally recommended Cogan, Sharp, Cogan, and Associates to do the Urban Growth Boundary Study.

Lairson made a motion to accept Cogan, Sharp, Cogan to perform a study of the Urban Growth Boundary. Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#5.) Open Period - None.

#6.) Proposed Fire Department Agreements:

Fire Chief Castleman presented the following intergovernmental agreements for Council approval:

1. Mutual Aid Agreement with Clackamas County Fire Department.
2. Automatic Aid Agreement with Oregon City.
3. Automatic Aid Agreement with Gladstone.

John Buol made some brief comments in support of adoption of the agreements.

Lairson made a motion to authorize the Mayor to sign the mutual aid agreement with Clackamas County. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#7.) Proposed Emergency Operations Plan.

Fire Chief Castleman explained that he had assembled this plan that would eventually be used by West Linn/Oregon City/Gladstone, and Clackamas County. It will someday become the emergency operations manual for C-COM.

No questions were asked.

Lairson made a motion to accept the plan as presented and thanked Russ Castleman. Hart seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#8.) Proposed Resolution No. 86-23, petition to vacate alley south of Lewthwaite Street.

Buol explained that Council needed to set up a date for a public hearing. Buol suggested November 12, 1986 for the hearing.

Thorn made a motion to adopt Resolution No. 86-23 calling for a November 12, 1986 public hearing to consider the vacation of an alley south of Lewthwaite Street. Hart seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, Clyman  
Nays: None.

#9.) Appeal of Planning Commission Decision approving a Willamette River Greenway Permit and Variance request.

Hammond explained that the appeal was initiated by two members of the Council, on the evidence of record. Hammond said that anyone interested in speaking must have standing.

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He mentioned that Ed Sullivan, attorney representing several opponents to the Planning Commission's decision, wished to speak representing his clients. Hammond explained that testimony could only be heard that would relate to (1) a question of notice (were the notice requirements met, and were they legal or were the notices actually mailed by the City) and (2) the question of standing.

Kathy Lairson declared ex-parte contact. Lairson explained that on the evening of September 4, 1986, Mr. Nichols had called her and asked if she would exercise her right to appeal on this decision. She met Mr. Nichols the next morning at City Hall, and went through the record on the matter. She also made an on-sit inspection and had a phone conversation with his wife Robin. Late that afternoon she met Jill Thorn at City Hall and the two of them signed the letter in the Council's packet. She said she felt she could make a decision in this matter.

Jill Thorn stated that she also had ex-parte contact. Thorn said she received a phone call from Mr. Nichols of Calaroga Drive, on the evening of September 4, 1986. Nichols asked Thorn to file an appeal of the Planning Commission decision. Mr. Nichols stated on the phone that he felt adequate notification had not been given to adjoining property owners. Thorn reviewed the record on September 5, 1986 at City Hall. Friday morning Thorn said she met with Mr. Nichols, Kathy Lairson, and Mike Butts. Butts said that the legal obligation of notification had been met, but maybe the moral obligation had not. The City Attorney was asked, and he felt the notification process had been met. Lairson still wanted to file the appeal on the decision, because she had visited the property. At that time she signed the appeal.

Hammond said the Council could approve the Planning Commission decision, modify it, or reject it on the evidence of record. They could also remand the issue back to the Planning Commission for the introduction of further evidence on the merits, either in the full scope or limit to specific issues the Council deems pertinent.

Mr. Ed Sullivan, 53 S.W. Yamhill, Portland, attorney representing Robin Nichol and a number of other people, spoke in opposition to the Planning Commission's decision.

Sullivan addressed the issue of standing. Sullivan felt that this appeal, because it was brought by Council members, was not a typical appeal. Sullivan claimed that the West Linn code did not seek to limit those who can speak before the Council once notice has been given.

Sullivan said that the Land Use Board of Appeals has been very liberal on the issue of standing. He said that the Board also gives great credence to matters where people are adversely affected.

Sullivan then indicated the names of the other people he represented, for the record.

Hammond did not feel that appeals by the Council would be handled any differently than any other appeal, according to his interpretation of the City Code.

Sullivan dealt with whether or not people received notification. He said many people claim they did not receive notification even though their names appeared on the list of those who were said to have been mailed notices.

Hammond pointed out that the Planning Department secretary had posted an affidavit stating that she had mailed the notices.

Clyman was concerned about Mike Butt's comment that we may not have met our "moral" obligation of notification. Butts explained that the City's list of property owners names comes from the County once every year in November, and at the time of this mailing some of the information used was almost a year old.

Of the six people who claimed they didn't receive notification, four were still the same names we mailed notices to, and two were new names.

Richard Walton, applicant, said he had presented a plan to the Planning Commission showing a conceptional view of the house on the site, showing the side yard set backs, showing the trees that were located within the Greenway. He was not attempting to show the trees that were outside of the Greenway. The five trees have to be removed for the foundation of the house and two more trees have roots that would be under his foundation. One was close enough that it would hit the eaves of the house. Walton said he did not intent to cut down all the trees. He is a tree lover also.

Lairson made a motion that the Council would like to make an affirmative finding that the proponent is the only person who has standing in this appeal. Skee seconded the motion.

Clyman asked for clarification.

Ayes: Hart, Skee, Thorn, Lairson, Stowell.

Nays: Clyman

Lairson explained her decision for bringing the appeal before the Council quoting section 16.28.130. Lairson said that the map submitted as evidence in the Planning Commission hearing did not accurately reflect the actual trees on the property. The largest trees, the trees that screen that property from the river are the ones that would be removed, and the smaller trees would remain. She saw no record of consideration for the Willamette Greenway in the record, and she wanted to remand the decision back to the Planning Commission for an accurate map showing the tree locations and size, and consideration of the Greenway.

Skee wondered if the Planning Commission had viewed the property. Hammond said it was not in the record, so we don't know.

Clyman would remand to open up for all new evidence.

Thorn would have problems remanding based on notices because the City has no control of who opens and reads their mail.

Clyman felt the issue of notice should be reviewed in an in-house evaluation.

Lengthy discussion of the remand options followed.

Lairson then made a motion that the item before the Council be remanded to the Planning Commission for further input of any issues. (Lairson clarified) Stowell seconded.

Hart and Thorn would be in favor of remanding to the Planning Commission only on specific issues.

After some discussion Lairson amended her motion to deal with the Willamette Greenway Permit and Variance request input only. Stowell concurred with the amendment and seconded it.

Discussion followed. The question was called for.

Ayes: Clyman, Lairson, and Stowell

Nays: Hart, Skee, and Thorn

Mayor McIntyre voted "No"

Thorn then made a motion to uphold the Planning Commission decision. Skee seconded the motion. Discussion from Clyman, Stowell, McIntyre, Thorn.

Ayes: Hart, Skee, Thorn

Nays: Clyman, Lairson, Stowell

Mayor McIntyre voted "No"

Lairson then made a motion to remand to the Planning Commission restricting input to the Willamette Greenway. Stowell seconded the motion.

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Lengthy discussion regarding the motion, Hart, Lairson, Stowell, Skee and Clyman

Ayes: Clyman, Lairson, Stowell  
Nays: Hart, Skee, and Thorn  
Mayor McIntyre voted "yes".

Council took a brief break.

- #10) Proposed Leasehold agreement with Portland General Electric Company regarding Volpe Street. Resolution No. 86-24.

John Buol explained that this was a house cleaning measure. The property on Volpp Street is owned by PGE and a property owner is interested in subdividing some property and is unable to do so because he isn't on a public street. Also, our Police would be unable to make an arrest on that street.

The City has come up with an agreement with PGE that would allow Volpp Street to be formally open to the public. Resolution No. 86-24 would authorize signing of this Leasehold Agreement with PGE.

Skee made a motion to adopt Resolution No. 86-24 authorizing the Mayor and City Recorder to execute the agreement with PGE. Thorn seconded.

Ayes: Hart, Skee, Thorn, Lairson, Stowell and Clyman  
Nays: None.

- #11) Resolution No. 86-25 endorsing the City Center and Waterfront Program.

Mayor McIntyre gave some history regarding what had transpired on this proposal. Planning staff was asking for Council's endorsement of the development of a City Center and Waterfront Development program for the area bordered by I-205, the Willamette River, and the I-205 and West Linn Bridges. Passage of Resolution No. 86-24 simply endorses the concept and authorizes the staff and Council to proceed with the next series of steps.

Thorn made a motion to adopt Resolution No. 86-25. Lairson seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

- #12) Administrative Reports:

(A) Buol announced that West Linn would hold another City-wide Clean-Up Day on Saturday, October 11, 1986 from 9 to 4 P.M.. Dennis Koellermeier will provide more information for Council, and Diana Nicolay will advertise.

(B) Charlene Richards, Assistant to the Administrator, asked Council for approval of The Pringle Company to prepare a job evaluation and salary survey and salary schedule project, for the City of West Linn. Seven proposals were received. Pringle was chosen by the selection committee after interviews.

Lairson made a motion to approve hiring the Pringle Company. Stowell seconded the motion.

(C) Craig Allen told Council that the 9-1-1 Program was moving along on schedule.

- #13) Council Business:

Skee informed the Council that he and John Buol had attended Willamette Fire Stations anniversary party. Complemented the fire station. McIntyre also attended and had written them a letter.

Thorn asked for information to Council on Budget Committee appointments.

Clyman recommended we look at the City of Sandy's resolution and consider one of our own, as suggested by Ella Gossett, Court Clerk.

Council decided that there would only be one Council meeting in the months of November and December because of the holidays.

The meeting was adjourned at 9:45 P.M.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

City Council Meeting

October 8, 1986

City Council Members Present: Joe Hart, Mike Skee, Jill Thorn, Mayor Larry McIntyre, Council President Kathy Lairson, Bob Stowell, and Sherry Clyman.

Staff Members Present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Jack Hammond, City Attorney, Earl Reed, Public Works Director, Pam Williams, Librarian, Russ Castleman, Fire Chief, and Charlene Richards, Assistant to the Administrator.

Also Present at Work Session Prior to regular meeting:: Bill Barker, Coopers and Lybrand.

Mayor McIntyre opened the regular meeting at 8:00 P.M.

#1.) Mayor McIntyre lead the flag salute.

#2.) Lairson made a motion to approve the minutes of the September 24, 1986 Council meeting. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#3.) Fire Chief Russ Castleman presented a framed copy of the Mission Statement to the Council. Castleman read the statement.

#4.) Fire Chief Castleman then presented a plaque to the Willamette Fire Company No. 1 for seventy years of service to the citizens of West Linn.

#5.) Bob Thorn, Chairman of the Cable TV Advisory Board, presented the 1985/86 fiscal year annual report. Thorn said the level of programming would remain the same in the next year. He also said that the Mayor's debate would be televised live on October 14, 1986 at 7:30 P.M., and the Tax Base Town Hall Meeting will also be live, 7:30 P.M., October 21, 1986. In the next year the Cable TV Committee will purchase a second modular transmitter. Thorn updated the Council on the Tri-City Studio Project that will be located at 707 Main Street in approximately two weeks.

Skee made a motion to accept the Cable Committees annual report as presented. Lairson seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#6.) Second reading of proposed Ordinance No. 1185. McIntyre gave a brief explanation of the Ordinance and read it by title.

Lairson made a motion to adopt Ordinance No. 1185 effective October 8, 1986. Stowell seconded the motion. Stowell reminded the Council that they were not voting on the merits of the Ordinance, simply a clarification of the condition. Skee said he felt the need had not been proven to him. A poll of the Council showed the following:

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Ayes: Lairson, Stowell, and Clyman

Nays: Hart, Skee, and Thorn

Mayor McIntyre voted "Yes" and the ordinance was adopted.

- #7.) John Buol explained the need for official action to authorize the Mayor to sign the Final Conclusions and Order for Pleasant View Subdivision. Lairson made a motion to approve the Final Conclusions and Order as written, for Pleasant View Subdivision. Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman

Nays: None.

- #8.) D.E.Q. Presentation - Approval of West Linn's Wasteshed Report

Maryanne Fitzgerald, representative from D.E.Q. announced that West Linn has received approval of its wasteshed report on recycling activities. Fitzgerald said that West Linn has a model program for other communities to follow.

Ed Druback, Recycling Coordinator, said we can be proud that we have 24% more participation than last year. 70,000 pounds per month is recycled, however, the amount going into the landfill has increased by 10%. In the future, West Linn must recycle more.

- #9.) Open Period

Mike Skee announced that his previous questions regarding System Development Fees had been satisfactorily answered by Coopers and Lybrand.

- #10) Library Development Program Request for Proposals

Library Building Committee Chairman, Alan Brickley, reviewed the proposed Scope of Work. In addition to requesting approval of the Library RFP, Brickley also asked for appointment of a selection committee comprised of the following persons:

Two Building Committee Members, one City Council Member  
One Planning Commission Member, and the City Librarian.

Brickley also asked for authorization to expend \$10,000 for professional services to pay for work done in connection with the Scope of Work. The proposed source of funding is the Library Serial Levy Reserve Fund with an approximate balance at this time of \$188,000.

Lairson made a motion to approve the RFP as written, and accept the Building Task Force's recommendation for the appointment of five members to a selection board as detailed in the RFP, also to approve the expenditure of \$10,000 for professional services. Thorn seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman

Nays: None.

Kathy Lairson and Jill Thorn both volunteered to serve on the Building Committee. Mayor McIntyre wrote both names on a piece of paper, folded them, and Alan Brickley chose one.

Jill Thorn was named to serve as Council representative on the board.

- #11) Administrative Reports:

John A. Buol reminded everyone that the City-wide Clean-up day would be held on October 11, 1986, Saturday, from 9:00 to 4:00. Dumpsters will be located at Bolton School, Cedaroak School, Willamette Grade School, Sunset Firehall, and Valley View and Woodhaven Court.

Buol asked the Council if they wanted to keep the date of November 22, 1986 for their Council orientation meeting. The Council decided to keep the date of November 22nd, and hold the meeting at the McLean House from 9:00 A.M. to 4:00 P.M.

Council went into Executive Session at 8:50 P.M. pursuant to ORS 192.660 (D) (e) to negotiate real property transactions.

Council came out of Executive Session at 9:15 P.M. and went back in to regular session to adjourn at 9:15 P.M.

Diana J. Nicolay  
Diana J. Nicolay, City Recorder

Regular Council Meeting

October 22, 1986

Council Members Present: Mike Skee, Jill Thorn, Mayor Larry McIntyre, Council President Kathy Lairson, Bob Stowell.

Council Members Absent: Joe Hart, and Sherry Clyman.

Staff Present: City Administrator, John A. Buol, City Recorder, Diana J. Nicolay, City Attorney, Jack Hammond.

Mayor McIntyre opened the regular meeting at 8:02 P.M.

#1) McIntyre lead the flag salute.

#2) Councillor Stowell made a motion to approve the minutes of the October 8, 1986 Council meeting. Thorn seconded the meeting.

Ayes: Skee, Thorn, Lairson, Stowell

Nays: None.

Kathy Lairson presented Larry McIntyre with an award for his participation in the City-wide Clean-up Day, October 11, 1986.

#3) Dr. John Kaiser, President of Clackamas Community College, accompanied by William Gregory, college board member and resident of West Linn, were present to tell the Council a little about Clackamas Community College. Kaiser presented the Council and staff with Clackamas County New Pioneer posters for West Linn Councillors. Kaiser told the Council that Clackamas Community College was very interested in working with the City of West Linn.

#4) Planning Commission Chairman, Mike Gosling, presented the Planning Commission's annual report. Gosling presented an outline of his report. Lairson asked if the Planning Commission was going to discuss a plan for Highway 43. Gosling said that to his knowledge there was no plan to do so at this time. Skee asked how the three minute testimony's were working. Gosling reminded Skee that the testimony time was five minutes and said it seemed to be working well. If more time is needed they don't make the person stick necessarily to three minutes.

#5) Mr. Harry Garrett, spoke to the Council regarding his proposed Bike Helmet Law. This law would require everyone riding a bicycle to wear a helmet. The Council asked Mr. Garrett to come back to the Council when he has a bill put together that they can support. Garrett agreed to do so.

#6) Open Period - No one from the audience.

Kathy Lairson made comments regarding the City-wide Clean-up Day for Sherry Clyman who was unable to be in attendance. Clyman felt we could use more advanced planning for the volumes of garbage received.

Lairson reminded each Councillor to have their completed City Administrator's evaluation in to the Mayor by the first meeting in November.

Lairson was also interested in putting the Action Plan for the Waterfront Project on a future agenda. Lairson asked for a work plan or progress report from staff.

Lairson also expressed her interest in addressing Phase II of the Water Study. She asked that it be put on the next agenda.

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Jill Thorn asked that her report on the "Sister City Program" be put on the next agenda.

Mike Skee suggested that prior to our next clean-up day we consider signing a sanitation agreement with the West Linn area that is outside the city limits, because we received a lot of garbage from residents outside the city.

Skee also asked why the committee reviewing System Development Fees hadn't come back to the Council with their report. Buol explained that getting everyone together was slow and the meetings didn't get started right away.

The committee has only had one meeting. Their next meeting is scheduled for November 10th. The plan to have a report for Council by December 10th. Skee wanted to get this on that agenda and get it resolved.

- #7) Proposed Resolution No. 86-26 opposing tax ballot measures 9, 11, and 12.

Mike Skee said he couldn't support the resolution. He supported each member of the Council making their individual comments.

Bob Stowell suggested that Ballot Measure No. 7 should be included in the resolution. He said he could support the resolution because of his concerns about measure 9.

Kathy Lairson didn't want to pass the resolution either, because she was also in favor of adding measure 7 to the resolution.

Lairson was also interested in simply allowing councillors present to comment on their feeling about the various measures because two members of the Council were not present.

Larry McIntyre spoke in favor of voting no on all four measures.

- #8) Selection of a representative for Metro Waste Reduction Program - Advisory Committee on Certification. Stowell made a motion to appoint Ed Druback to the Waste Reduction Committee. Lairson seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell  
Nays: None.

- #9) Selection of Advisory Committee for Urban Growth Boundary Expansion Study.

John Buol explained that the staff's recommendation was to appoint the Mayor, a Planning Commission member, the Planning Director, the City Administrator, and one citizen at large. The consultants asked that if the Mayor served, he should continue to serve on this committee after his term of office as Mayor has ended.

Mike Skee was interested in putting this item off until the November meeting. Lairson asked John Buol if the consultant was already working. Buol answered yes.

Stowell made a motion to accept staff's recommendation to form a committee consisting of Mayor Larry McIntyre, Mike Butts, Planning Director, a Planning Commission member, John Buol the City Administrator, and Gary Madson, a citizen at large. Lairson seconded the motion.

Ayes: Thorn, Lairson, Stowell  
Nays: Skee

- #10) Proposal for Handicapped Accessibility for City Hall.

Kathy Lairson made a proposal for a way to begin to bring City Hall into compliance as far as its handicapped accessibility requirements.

Buol said that he wanted the issue to be reviewed by the Excellence Facilities Committee, and they could have a report back to Council by the December meeting.

Skee wondered what the ambulatory would do to get around. It seemed that the proposed method did not include that group of people.

It was suggested that maybe what was needed was a work session or think tank to approach which department should be moved to another facility to make more room in City Hall.

Skee said he was prepared to make a motion to satellite out the Police Department. Other members of the Council did not support the idea at this time.

It was finally decided that the facilities committee would meet and form a recommendation for the Council to consider.

#### #11) Administrative Reports:

John Buol asked for a volunteer from the Council to serve as the voting delegate at the League of Oregon Cities Conference in Eugene. It was decided that Sherry Clyman would be a good person since she would be attending the full Conference.

Lairson made a motion to appoint Sherry Clyman as the Council's voting delegate. Stowell seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell  
Nays: None.

The City Recorder was asked to write a letter to the potential Councillors about the League Conference and what it offers for newly elected officials.

#### #12) Business from the Council:

Stowell brought a letter from the Traffic Safety Commission to the attention of the Council. It seems that one member of the Commission has attended very few of the meetings. The Commission was asking that the Council remove Ernest Cassella for lack of attendance.

Stowell made a motion to remove Ernest Cassella from the Traffic Safety Commission because of lack of attendance at meetings. Skee seconded the motion.

Ayes: Skee, Thorn, Lairson, and Stowell  
Nays: None.

The Council asked for a list of commission vacancies and a list of the current members and their terms.

The meeting was adjourned at 10:00 P.M.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

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Regular Council Meeting November 12, 1986

Council Members Present: Mike Skee, Jill Thorn, Mayor Larry McIntyre, Council President Kathy Lairson, Bob Stowell, and Sherry Clyman.

Council Members Absent: Joe Hart

Staff Present: City Administrator, John A. Buol, City Recorder, Diana J. Nicolay, City Attorney, Jack Hammond, Assistant to the Administrator, Charlene S. Richards, Public Works Director, Earl Reed.

Mayor McIntyre opened the regular meeting at 8:00 P.M.

#1) McIntyre lead the flag salute.

#2) Councillor Skee made one correction to the minutes of the October 22, 1986 City Council minutes. Skee asked that the record read in item number ten that he was prepared to make a motion, not that he made a motion. The City Recorder acknowledged the clarification. The minutes were approved with one change by a motion from Stowell, seconded by Lairson.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

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- #3) Andy Rocchia, Representative from the Park Board, gave the Boards Annual Report to Council.

- #4) Public Hearing - Vacation of Alley South of Lewthwaite Street.

Public Works Director Earl Reed said that staff doesn't oppose the vacation.

Hearing no testimony from the audience, Kathy Lairson made a motion to close the public hearing. Jill Thorn seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman

Nays: None.

Stowell made a motion to authorize the City Attorney to prepare an ordinance vacating the alley south of Lewthwaite Street. Lairson seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman

Nays: None.

- #6) Mayor McIntyre pointed out that item number six had been removed from the agenda by the applicant who originally submitted the request.

Earl Reed asked the Council for approval to prepare a policy. Council granted approval.

- #5) Staff report on Handicapped Accessibility - City Hall.

Rod Connor, Chairman of the Excellence Facilities Committee, reported to the Council. Connor explained the recommendation made by the Excellence Committee. The committee recommended Senario #2 or #2A as a second option.

John Buol explained the procedure the Excellence Committee went through to get to their recommendation, and explained who the committee was made up of.

- #7) Mike Riley, 2055 Carriage Way, Hidden Springs Summit told the Council about a conflict he had had with a developer in the area. He asked the City to have a procedure for putting pressure on developers to do what they should be doing.

After lengthy discussion, Skee, Thorn, Stowell, and Clyman wanted to have staff look at enforcement of code requirements.

Buol explained to the Council that Mr. Riley's issue has been referred to the Planning Commission. Barrentine Heights has a stop work order on it now. Trees were gone before we knew it.

McIntyre suggested that the Council refer the issue to the Planning Commission for handling.

Skee asked if policy changes weren't a charge of the City Council rather than the Planning Commission. Skee felt we should establish a policy for handling violations by developers. He wondered what staff is doing now.

Some discussion about Planning staff developing a recommended policy followed. Buol reminded the Council that this policy would also involve Engineering.

Thorn wanted to know is an enforcement policy was already written. Does staff feel comfortable with it? Who enforces it? Thorn asked for a report in December from Planning/Engineering and the Planning Commission.

- #8) City Council Goal - Sister City Program

Jill Thorn told the Council that after looking into Sister City Programs she felt that West Linn could not afford such a program at this time. She asked the Council to move away from consideration of this program for at least fifteen months. Council accepted the recommendation.

Thorn suggested to the rest of the Council that they may like to consider the "Educating Our Future" program for West Linn Youth. A program for educating youth about local government.

#9) Discussion on Phase II of implementing Water Study.

John Buol suggested to the Council that they form a Task Force to take a fresh look at the Water Study and make a recommendation to the Council for implementing Phase II.

Buol felt that the Task Force should get started now so they could have a recommendation to the council in the Spring or early Summer so we could go to the voters.

After some discussion the Council decided to form a committee of three members of the Council (one newly elected member - Mike Gates) to decide a Scope of Work, time lines, and how much of the water study to implement. It was decided that Jill Thorn, Bob Stowell, Mike Gates, and John Buol would serve on this committee.

#10) Vacancies on various boards and commissions - staff recommendation regarding the Budget Committee.

Council authorized the City Recorder to advertise to fill the various vacancies on boards and commissions. Deadline for applications will be December 10, 1986.

Willie Gin, Finance Director, suggested to the Council that they consider recruiting Budget Committee members in the same way they recruit for other boards and commissions. After some discussion the Council decided to advertise for Budget Committee members along with the other boards and commissions. Jill Thorn and Mike Skee were in favor of leaving the way the Budget Committee members were chosen in tact. A majority of the Council was interested in making a change, so it was decided that the Council would advertise.

The Council also asked the City Recorder to advertise to fill the vacancy of Councilor Lairson when she takes over as the new Mayor.

#11) Proposed Ordinance No. 1186 - Solid Waste Franchise.

Ed Druback, Recycling Coordinator, asked the Council to approve Ordinance NO. 1186 with an addition to the existing ordinance regulating the Solid Waste Franchise. Druback proposed that the following sentence be added:

All franchise fees received by the City shall be exclusively dedicated and used in the City Solid Waste and Recycling Program."

Druback said this would correct an omission in the current ordinance.

Thorn asked if Mr. Klein, West Linn Sanitary, was aware of this. Druback answered "yes, and he has no problem."

Mayor McIntyre read the Ordinance a first time by title. Lairson made a motion to adopt Ordinance No. 1186 effective November 13, 1986. Stowell seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Mayor McIntyre read Ordinance No. 1186 a second time by title. Lairson made a motion to adopt Ordinance No. 1186 effective November 13, 1986. Stowell seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#12) Consent Agenda:

A motion was made by Thorn, seconded by Stowell to approve Consent Agenda items A through C.

EEB011



Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

- A. Bid Recap and Recommendation on Water Main Replacement - Council awarded the bid of the Broadway Neighborhood Water Main Replacement to the low bidder, Jim Smith Excavating, in the amount of \$94,124.39.
- B. Purchase of Portable Radios from 9-1-1 funds - Council authorized the Finance Director to transfer money in the next supplemental or transfer budget revision, and authorized the Chief of Police to make purchases immediately.
- C. Conclusion and Final Order Greenway Variance - Council reviewed and adopted the Findings, Conclusions, and Order for the Walton variance and greenway request.

#13) Administrative Reports:

Buol reminded the Council and public of the Library Read-In coming up next Friday and Saturday.

Buol reminded the Council of their work session scheduled for November 22nd at the McLean House. The purpose of the meeting will be for new Council orientation.

#14) Business from the Council:

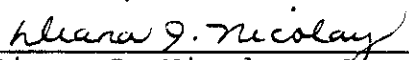
Stowell announced that we had received the resignation of Carol Keljo from the Traffic Safety Commission. Stowell made a motion to accept her resignation, and also accept the resignation of Planning Commission member Jane Ohlemann. Lairson seconded the motion.

Ayes: Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Lairson advertised the Read-In at the Library one more time.

Thorn asked staff to set up a volunteer recognition reception some time in mid or late January - maybe at the Sunset Fire Hall.

Hearing no further new business, the Council adjourned their meeting at 10:00 P.M.

  
Diana J. Nicolay, City Recorder

Special Council Meeting  
7:30 A.M. West Linn City Hall

Tuesday, December 2, 1986

Council Present: Mayor Larry McIntyre, Council President Kathy Lairson, Councilor Bob Stowell, Councilor Jill Thorn, and Councilor Mike Skee

Staff Present: City Administrator, John A. Buol

The meeting was called to order by Mayor Larry McIntyre. The Council was given copies of the amended final order on the Variance and Greenway request of Richard Walton. City Attorney Deanne L. Darling was present and gave a report to the Council on the reasons for the amendment to the findings, and also a report on the notice of a lawsuit on this particular item. After discussion by the Council, it was moved by Bob Stowell and seconded by Kathy Lairson that the City Council adopt the amended findings and authorize the Mayor to execute those findings.


Ayes: Lairson, Stowell, Thorn, and Skee  
Nays: None.

The City Council was given a report from Pam Williams, Librarian, regarding the selection of an architectural firm for the Library.

Jill Thorn, Councilor, gave a report on the selection committee and informed the Council that other members of the committee were Frank Allen, Alan Brickley, Linda McIsaac, and Pam Williams. The report from Ms. Williams stated that the committee voted four to one to accept the proposal from SRG Partnership, to help with the selection of schematic design. Councilor Skee inquired about why the vote was not unanimous. Councilor Thorn explained that there was one vote for another firm, by committee member Frank Allen. After discussion, it was moved by Lairson, seconded by Thorn to accept the selection committees recommendation of SRG Partnership as the architects to help with the site selection and schematic design, and to authorize the Mayor and the City Recorder to execute an agreement on behalf of the City.

Ayes: Lairson, Stowell, Thorn, and Skee  
Nays: None

The meeting was adjourned at 7:45 A.M.

  
John A. Buol City Administrator

## Regular Council Meeting

December 10, 1986

Council Members present were: Mike Skee, Joe Hart, Jill Thorn, Mayor Larry McIntyre, Council President Kathy Lairson, Bob Stowell, and Sherry Clyman.

Staff Present were: John A. Buol, City Administrator, Diana J. Nicolay City Recorder, and Jack Hammond City Attorney. Staff also present were Dennis Koellermeier Operations Supervisor, Willy Gin Finance Director, and Earl Reed Public Works Director.

The meeting was opened at 8:00 P.M. by Mayor Larry McIntyre.

- #1. McIntyre lead the flag salute.
- #2. The Minutes of the November 10, 1986 and December 2, 1986 Council meetings were approved with a motion from Lairson seconded by Thorn.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

- #3. Mayor McIntyre presented a certificate of appreciation to Gregson Parker for his services on the Cable TV Advisory Board, and accepted his resignation.

Mayor McIntyre and Dennis Koellermeier presented certificates of appreciation to nine young cub scouts for their help in the City-wide Clean-up Day.

Mayor McIntyre presented a plaque to Mike Skee and Joe Hart for their contribution to the City as Councilors.

Kathy Lairson presented Mayor Larry McIntyre with a plaque for his contribution to the City as Mayor for the last four years.

Diana Nicolay presented the City Council with their own copies of the new West Linn Poster, which was designed and drawn by Richard Graap a local citizen.

- #4. Presentation of the Annual Financial Report for FY 1985/86 - Coopers and Lybrand CPA's

Bill Barker presented the Council with copies of the 1985/86 audit report and gave a short presentation. The City Council accepted the audit.

- #6. Council handled item number six next. Report and recommendation on Informal Defeasance of Bancroft Improvement Bonds.

Dave Mann and Duane Castles from Portland Northwest Securities were present to explain the transaction involved in informal defeasance.

EEB011

Council adopted Resolution No. 86-26, as authorization to carry out this proposal, by a motion from Thorn, seconded by Stowell.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, Clyman  
Nays: None.

#5. Report and recommendation from the Task Force on System Development Fees. Ordinance No. 1190.

Mike Skee suggested that Councilor Lairson should abstain from acting in this matter because the Homebuilders Association had donated to her campaign for Mayor. Lairson didn't feel that she had a conflict. Council didn't object to Lairson's participation. Skee asked for an opinion from Jack Hammond. Hammond didn't see any conflict.

Earl Reed, Public Works Director, presented the minority report, and his staff reported dated August 13, 1986 regarding Leonard's report on System Development Fees. Reed explained that the Task Force was asked to look in to whether System Development Fees should be raised, lowered, or stay the same. Also whether they should be used to finance other improvements. Three meetings were held. After the three meetings the Task Force recommends that the City Council accept Leonard's report and raise System Development Fees by \$500.00. Reed explained that Hammond attended one of the meetings and Darling attended two of the meetings.

Richard Leonard explained that the current fees without an increase would cover about 12 to 14% of the actual costs of improvements due to new development.

Charley Hales, Homebuilders, commented about the minority report, asking that the Council not increase the rates just because the City needs additional money for capital improvements.

Stowell and Lairson asked about the Public Facilities Task Force Committee. What progress were they making, when will they have a report? John Buol answered that the Task Force was in the process of identifying needs. He thought it would be Spring or Summer before they would have a report.

Task Force members Mike Gosling and Jerry Palmer were present.

Thorn spoke in favor of raising the fees.

Buol mentioned that the Tri-City Service District Fee Structure was being studied.

Skee supported raising fees.

Hart was reluctant to increase fees without accountability of where fees will be spent.

Lairson wanted to wait for a report from the Public Facilities Task Force, and account for the fees.

Stowell was in favor of raising the fees by \$250.00 now and increase more later when it is found that it is needed.

Buol pointed out that the Home Builders Association was against the current way we charge them for Building Permit fees. They don't like paying for all the fees at one time. They would like to be able to pick up the different permits separately as they need them.

Buol explained that such a system would increase staff time and be more of a burden on staff, as far as bookkeeping.

Larry McIntyre read Ordinance No. 1190 by title.

Thorn made a motion to adopt Ordinance No. 1190, revising the Systems Connection Fee and Systems Area Fee of the Systems Development Charge, and amending the distribution formula for systems development charges collected, with section two dropped. Clyman seconded the motion.

Ayes: Skee, Thorn, Stowell, and Clyman  
Nays: Hart, and Lairson

This ordinance must be read a second time at the next regular meeting, because it did not pass unanimously.

#7. Open Period:

Skee talked about Willsonville's Charter. The voters choose the two best candidates-there is no ward system.

Stowell reminded the public that all work sessions of the Council are open to the public.

#8. Proposed Ordinances:

Ordinance No. 1187 - updating the current Building Codes with the latest standards and laws relating to building. Staff recommended adoption of the ordinance.

John Buol explained the ordinance. McIntyre read it by title.

Thorn made a motion to adopt Ordinance No. 1187 with an effective date of December 11, 1986. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

McIntyre then read Ordinance No. 1187 a second time by title.

Thorn made a motion to adopt Ordinance No. 1187 effective December 11, 1986. Lairson seconded the motion. A poll of the Council showed:

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None

Ordinance No. 1188 - Vacating a portion of River Drive

Mayor McIntyre read Ordinance No. 1188 by title.

Lairson made a motion to adopt Ordinance No. 1188 effective December 11, 1986. Thorn seconded the motion.

Hart suggested that a pedestrian walkway should be added to the ordinance.

Earl Reed said the topography goes into a creek and would require a bridge.

Hammond said if necessary he could amend Section I of the Ordinance to add a pedestrian walkway connecting Holly Street with Old River Drive.

Hart suggested amending the ordinance to include a pedestrian ingress easement over the same easement already described.

After some discussion the motion was withdrawn and the second was withdrawn. Staff will contact the property owner regarding the possibility of a pedestrian easement.

Ordinance No. 1189 - Vacating a portion of an alley adjacent to Lewthwaite Street.

Mayor McIntyre read the Ordinance by title.

Lairson made a motion to adopt Ordinance No. 1189 effective December 11, 1986. Stowell seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

Mayor McIntyre then read Ordinance No. 1189 a second time by title.

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Lairson made a motion to adopt Ordinance No. 1189 effective December 11, 1986. Thorn seconded the motion. A poll of the Council showed:

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#9. Appointments to Various Boards and Commissions

The Council decided to interview candidates for the Planning Commission on January 6, 1987 beginning at 6:30 P.M.

Stowell made a motion to appoint Charles McAlister and Dave Proffit to the Traffic Safety Commission. McAlister will serve a three year term and Proffit will serve a one year term. Lairson seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#10. Consent Agenda:

- A. Authorize staff to proceed with Handicapped Accessibility Proposal
- B. Bid Recap and recommendation on Cab and Chassis Truck  
Dee Thomason Ford \$10,638.00
- C. Annual Long-Range Fiscal Projection Report

Stowell made a motion to approve consent agenda items A through C. Clyman seconded the motion.

Ayes: Hart, Skee, Thorn, Lairson, Stowell, and Clyman  
Nays: None.

#11. Administrative Reports:

Buol reminded the Council of the Solar Access Work Session to be held with the Planning Commission on January 26, 1987.

There will be a Water Task Force Sub-Committee meeting on January 7, 1987 which will include Councilors Thorn, Gates, and Stowell.

Thorn made a motion to appoint Stowell to represent the City of West Linn on the South Fork Water Board. Clyman seconded the motion. The first meeting of the Board will be January 8, 1987.

Ayes: Hart, Thorn, Lairson, Stowell, and Clyman  
Nays: None  
Abstained: Skee

#12. Business from the Council:

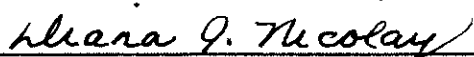
Skee said he had enjoyed his two years on the Council and had learned a lot.

Lairson pointed out that Sour Dough Willies was a new business in West Linn

Stowell wished everyone a Merry Christmas and Happy New Year.

McIntyre said that the lighting of the Christmas Tree will be next Sunday.

Hearing no further new business, the meeting was adjourned at 10:30 P.M.

  
Diana J. Nicolay, Recorder

John Buol commented on the ESD lawsuit against Clackamas County regarding cash turnover and the interest it was earning, which had been settled. They awarded that ESD was correct, and it was a joint suit with other jurisdictions. West Linn will receive some \$5,000 in back interest because of that suit.

#11) Business from the Council:

Thorn asked how the applications for Boards and Commissions were going.

The City Recorder suggested the deadline for applications be extended because the City had not received enough applications. It was decided by Council to extend the deadline.

Thorn said that the Police Department and the Traffic Safety Commission have produced a fifteen minute video on drunk driving. This video will appear on Channel 11.

Gates wondered if John Merina had specifically applied for the Budget Committee. Staff informed Council that Mr. Merina was interested in serving again, but we may not have received his application yet.

Gates asked staff to return a City map to the Council Chambers preferably showing the zones.

Gates said that in the newspaper this last week a conversation that was meant to be private became a public conversation, regarding John (Buol's) continued presence. The conversation was meant to be a statement of their feelings and not a formal action. He said that because of the publication of the conversation, one comment was necessary. Gates said that at that very moment the Council had sufficient numbers on the Council to change the direction of the City, because one Council member is absent that night, but they would not make that vote because they do not have the full Council present.

Mayor Lairson reminded everyone that at 7:00 P.M. at Sentry Market at Willamette Square, there is going to be a lighting of a Christmas tree. At 12:00 Noon on Saturday, Santa will be arriving via helicopter. From 1:00 to 3:00 they will have rides for anyone who brings a can of food for the Food Drive. Sunday, the Christmas Tree on Highway 43 will be turned on at 5:00. The celebration will begin at the McLean House at 2:00 P.M..

The Council then went into Executive Session at 10:15 P.M. pursuant to ORS 192.660 Salary.

The Council came out of Executive Session at 10:26 P.M. and went back into regular session. Thorn made a motion to adopt a new non-union salary schedule. (Exhibit "A" attached) Gates seconded the motion. A poll of the Council showed:

Ayes: Clyman, Gates, Stowell, Thorn, Crabb  
Nays: None.

*Diana J. Nicolay*  
Diana J. Nicolay, City Recorder

Members Present: Jill Thorn, Jim Crabb, Kathy Lairson, Sherry Clyman, Mike Gates, Bob Stowell, and Jon Cox.

Staff Members Present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Charlene S. Richards Assistant to the Administrator, Michael V. Butts, Planning Director, Pam Williams, Librarian, Art Enderlin, Police Chief, Larry Gabel, and Jack Hammond, City Attorney.

- #1) Mayor Lairson opened the meeting at 8:00 P.M.. Lairson lead the flag salute.

The Mayor made a presentation of a plaque to Police Chief Art Enderlin for his many years of service and his contributions to the City.

Enderlin then made presentations to the students at Cedaroak School for their part in the food drive, West Linn Thriftway, for their contribution to the annual food drive, Marie Horvath for her contribution to the annual food drive, and the West Linn Fire Department for their contribution to the food drive.

- #2) Minutes of the November 25 and December 9, 1987 City Council meetings were approved by a motion from Thorn, seconded by Gates. A poll of the Council showed:

Ayes: Thorn, Crabb, Clyman, Gates, Stowell, and Cox  
Nays: None.

- #3) Open Period:

Jon Cox asked that the Council discuss a possible amendment to our tree cutting ordinance to include restrictions on trees you can cut on the periphery, and also in a case where you have trees that might be questionable which side of the line they are on. Mayor Lairson asked that this item be put on a future agenda for discussion.

Sherry Clyman wanted people to know that Monday is the observation of Martin Luther King's Birthday, and in honor of that observation the City offices will be closed.

Mayor Lairson invited the community to a meeting at West Linn City Hall on January 21, 1988, a Thursday evening. We will be talking about art in West Linn and art in public buildings. Anyone that is interested is invited to participate. We would like to talk about how we can bring art into public buildings in this city.

Mayor Lairson announced that item number nine on the agenda was withdrawn and will be heard in two weeks.

- #5) Public Hearing - Review of Planning Director Decision - Minor Partition and Lot Line Adjustment - Island View Terrace and Nixon Avenue.

Mayor Lairson asked if anyone wished to challenge the Council's ability to hear this matter. Bryan Daum, President of the Robinwood Neighborhood Association felt that this was an improper matter for the City Council to consider. He felt that the Council should remand the decision to the courts where he felt it belonged.

Hammond explained that the only thing that would remove this item from the Council's consideration would be if the Council did not have any jurisdiction to hear the matter. He asked if Mr. Daum would like to be more particular. He said a Mandamus action has been filed against the City of West Linn regarding issuance of a Building Permit on the site, but that has not been ruled upon by the court. At the request of the petitioners, the hearing was carried over and they have moved that the action be consolidated with an action that they had also brought against Snell Construction Company and various other people interest in the property. There has been no ruling on the merits of that action. He felt the Council clearly had jurisdiction to review the partition issue. A LUBA opinion said that all of the parcels were illegally partitioned, and not valid lots.

The consequence of that is that none of those lots can be sold and building permits cannot be issued for any of those parcels. The ownership of the three parcels is independent and separate, but the Court of Appeals indicated, affirming what LUBA said, that technically you can not have a partition of the three parcels unless you get the consent of all three lot owners.

We have two lot owners that are not giving their consent even<sup>43</sup> though they have illegal lots that cannot be sold. The City has looked at the Code and it has a provision that indicates that any quasi-judicial action including a Minor Partition or Lot Line Adjustment, can be initiated by the property owner or by a motion of the Planning Commission or City Council.

Daum claimed that the City Council had received flawed advise from the City Attorney and felt this was a private matter and it was improper for the Planning Commission to initiate action.

Gates wondered if the Council did not act on this matter would the Planning Director's decision stand? Hammond answered no.

Greg McKenzie, 2693 LaFave, attorney for the appellants, stated his objection to the jurisdiction of the City Council hearing this matter for the following reasons:

1. There is a Circuit Court matter currently pending that asked for partition of the property involving all of the private parties concerned. He said that their motion for consolidation was granted by the Circuit Court.
2. The Court of Appeals has already told them they cannot hear the case.
3. It is outside of the scope of municipal purposes of the City Council.

Mr. Tom Thetford, 1820 SE Commercial St. Salem, attorney for Snell Construction Company disagreed with Mr. McKenzie's interpretation of the Court of Appeals decision. He felt that the decision did not prevent the City Council from hearing this with the Planning Commission being the applicant. He felt that the only issue before the Court of Appeals was whether or not William Snell Construction Company, alone, could be the sole applicant for this particular land use action. The did not address whether or not any other applicant, within law, could also be a proper applicant. He felt the City had full jurisdiction.

Thetford also addressed the statement that the city would be acting only to help private citizens at private gain. He felt four parties stand to gain if the decision is approved.

Clyman and Thorn had questions of clarification which were answered by Hammond, with comments by McKenzie.

Crabb said that he accepted the challenge that the City Council has no jurisdiction to hear.

Cox thought that the challenge that the Council did not have the jurisdiction to hear this issue should be rejected.

Gates made a motion to deny the challenge. Clyman seconded the motion.

A poll of the Council showed:

Ayes: Cox, Clyman, Gates, and Stowell  
Nays: Thorn, and Crabb

Gates announced that he had visited the site within the last week.

There were no challenges of specific members of the Council.

Mike Butts, Planning Director, told the Council that the record was before the Council and he was present to answer any questions.

Mike Gates wanted to know why the Planning Commission minutes were not included in the record of this meeting.



Butts responded that the Planning Commission had made its decision on October 7. There was no appeal or request for review of that decision by anyone, therefore that decision stood. He explained that in line for review were the merits of the Minor Partition and Lot Line Adjustment, and not a review of that Planning Commission decision, therefore the minutes were not included in the record.

Jack Hammond had no problem with the minutes of the Planning Commission decision being made part of the record.

Attorney Greg McKenzie spoke in favor of the appeal, asking the City Council to deny the Planning Commission's application.

Howard Bales, 18855 Nixon Avenue, spoke in favor of the appeal, saying that he felt his rights had been violated, and he objected to the City's intervention. He stated that in no way did he ever want the City to act on his behalf.

Mr. Richard Kilian, 18827 Nixon Avenue, and his wife Sharon spoke in favor of the appeal, reading a prepared statement. (Entire statement is part of record and can be found in the file on this issue).

Bryan Daum, representing the Robinwood Neighborhood Association, spoke in favor of the appeal. Mr. Daum complemented the Councilors who he said wisely voted against denying the challenge. He asked wherein lies the ethics in allowing the Planning Commission to put forth this action. Wherein lies the ethics or the morality of the City sitting in judgment in a private matter and then taking the side of a construction company over the property owner. Where is the overall decision of the City's best interest? Daum read the last line of the second paragraph of the Neighborhood Association's appeal to Council.

Mr. Ted Phillips, 2168 Clubhouse Drive, former Councilor, asked the Council not to go forward with this, wait and let the court cases get settled.

Tom Thetford, attorney for Snell Construction, asked the Council to support the Planning Commission's application, which would give all three property owners legal lots that can be developed and sold.

Greg McKenzie, attorney for the appellants spoke in rebuttal. McKenzie felt that the Planning Commission had been acting on behalf of Snell Construction Company, and the Court of Appeals had already stated that only a concerted action of all the owners can evoke the partition provisions. He said that two-thirds of the owners say "No".

Gates made a motion to close the public hearing. Cox seconded the motion.

Ayes: Thorn, Crabb, Cox, Clyman, Gates, Stowell  
Nays: None.

Hammond said that the Kilians had indicated that they were not allowed to testify before the Planning Commission on the decision as to whether the Commission should initiate the application. He said that the Planning Commission's decision was a discretionary one, and not quasi-judicial. He said it was purely a legal decision as to whether or not they should entertain an application for partition of certain property and whether or not to allow the property owners to speak. Hammond said that the Court of Appeals and LUBA say that if there is error before the Planning Commission, and on appeal the individuals alleging are given a full opportunity to give their position and argue their legal points before the governing body, that there is no reversal error, so Hammond didn't see an error.

Hammond referred to a reference about Chapter 89 of our Code. What that does say is that the application must comply with all applicable requirements for submittal.

He said it was his position that, as this application was initiated by the Planning Commission, that the requirement can be initiated without the consent of the property owners. He said he had been around in 1974 when the whole thing began, and he shared his memory of the incident. 45

Hammond agreed with Mr. Thetford that the most expeditious remedy, and the remedy most easily available would be to go through a procedure with the local jurisdiction and not through some untried procedure in Circuit Court. The City has to take action within 120 days of the time that the application was initiated, so we do not have the luxury of sitting on this until some time in the future when the Court might rule on separate issues. Hammond agreed with another argument that Mr. Thetford made that even if you go ahead and approve the partitions and create separate lots, if the Court should later rule that there was adverse possession between the parties it would take precedence over that.

Thorn asked a question about the 120 day rule. She wanted to know who would waive the 120 rule.

Hammond said that was a question that has never been answered, because it has never been litigated.

Gates mentioned that the Council did not have a copy of the application in the record.

Lairson reviewed actions the Council could take:

- Uphold the Planning Commission application, approved by the Planning Director, with findings.
- Reverse the Planning Director's approval of the Planning Commission appeal, with new findings.
- Remand to the Planning Director if there were some reason to do that.

Gates made a motion that the West Linn City Council deny the application of the Planning Commission and reverse the Planning Director's decision on file number MIP087-15/LLA-87-08. Gates said that the motion is based upon what he sees as incompleteness of material and possible improprieties in Planning Commission hearing procedures. Crabb seconded the motion.

Gates clarified that his finding was that the material in the original application was incomplete. Gates revised the finding to say that there was no application that he could find. Discussion.

Clyman said she did not feel she could find the findings necessary to reverse the decision.

Hammond said he would be happy to go back and review the application from the Planning Commission for submission standards.

Crabb called for the question.

Ayes: Thorn, Gates, Crabb, Cox  
Nays: Clyman, Stowell

The appeal was upheld. Hammond looked to Mr. McKenzie to prepare the findings for the final order, and he could distribute Hammond's comments to Mr. Thetford. The Final Order should appear on the next Council agenda. Council then took a five minute break.

At 10:48 P.M. the Council came back in to regular session. Mayor Lairson announced that because of the late hour and the length of the agenda the Council was moving two ordinances, one on infraction notices, and one on door-to-door solicitation to the meeting of January 27, 1988. The Community Development Code Amendments hearing will be opened and continued to the January 27, 1988 Council meeting by way of motion.

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A couple appointments will be made, however the majority of appointments will be moved to the January 27, 1988 Council meeting. Discussion regarding the City's hours of operation will be continued until January 27, 1988. Proposed policies and procedures for the selection of Agent of Record for Insurance, Auditing, and Engineering will also be handled on January 27, 1988.

#6) Public Hearing - Review of Planning Commission Decision - Sign Variance.

Mayor Lairson announced that it was a public hearing and asked if anyone in the audience wished to challenge the Council's ability to hear this issue. None. Lairson asked if any member of the Council wished to declare any exparte contacts or conflict of interest. Thorn mentioned that she had attended both the board meeting and the regular meeting of the West Linn Business Group where the presentation was made, but she excused herself from the room during those presentations, and she said she feels that she can still make a fair and just decision. Gates said he was contacted by Bill Miller. He explained to him very abruptly that he could not take information outside of the process, and he felt that the very brief conversation would not affect his fair decision on the matter. There were no challenges of any one member of the Council acting in this matter.

Mike Butts, Planning Director, explained that the request was for a variance to the sign code for the Willamette Square Shopping Center. They desire the sign to go fifty feet, and the code only allows twenty feet. Staff recommended approval, the Planning Commission denied the application. Butts circulated photographs which had been available to the Planning Commission.

Philip R. McCurdy, Architect, 8040 N.E. Sandy Blvd., representing J.N. Cheatham Corporation, presented his request to the Council. Mr. Jack Leshner, Vice President of J.N. Cheatham Corporation, was present with Mr. McCurdy. McCurdy referred the Council to a drawing in their packet, of the proposed sign. He noted that the area of the sign is allowed outright by the code. He clarified that they were asking for a variance for the height of the sign only. The actual sign will be a forty feet, and the arches will go to fifty feet. The proposed sign placement is up next to the existing Sentry Market. He said they want the sign to look like part of the Willamette Square Shopping Center, and they don't want it to conflict with the existing tenant signage. The proposed sign would only be eight feet above the overpass, and large trucks would be at a higher elevation than the sign is. He said that the Planning Commission had questioned their uniqueness with respect to the West Linn Shopping Center. He reviewed the basic differences between the two shopping centers. He felt the target market for the West Linn Shopping Center was originally Highway 43, and not the freeway. Willamette Square Shopping Center was built for the freeway traffic. McCurdy responded specifically to some of the Planning Commission's findings.

- Re-emphasized that they were asking for a forty foot sign with arches that span to fifty feet.

- He felt that all five criteria had been satisfied to grant a variance.

- They are not just after north bound traffic from the freeway.

- Unique circumstances to support a variance.

Stowell asked if the arch of the sign would be lighted. The applicant answered no.

Bill Miller, 2475 DeBok Road, owner of Miller Drug in the shopping center spoke in favor of the sign variance.

Larry Azeltima, 175 N.E. Columbia Blvd., Portland, 97211, Heath Sign Company, spoke in favor of the need for a sign variance.

Corrected one statement made - the top of the sign is at four<sup>47</sup> one feet, and the arch is nine feet above that. Property is zoned for commercial use. Amount of traffic going past West Linn Shopping Center on Highway 43 is much higher than the amount of traffic going past Willamette Shopping Center on Tenth Street.

Gates made a motion to close the public hearing. Clyman seconded the motion. A poll of the Council showed:

Ayes: Cox, Stowell, Crabb, Gates, Clyman, Thorn  
Nays: None.

Thorn asked if Butts knew of any situations where they have been turned down on requests like this in the past. Butts answered that there have been other requests for code amendments that have been turned down, regarding increasing signage.

Stowell made a motion to reverse the Planning Commission's decision and grant the sign variance with a black or brown arch, adopting staff's findings. Thorn seconded the motion. A poll of the Council showed:

Ayes: Crabb, Cox, Gates, Stowell, Thorn, Clyman  
Nays: None.

Gates made a motion to reconsider the motion. Thorn seconded the motion to reconsider the motion. A poll of the Council showed:

Ayes: Thorn, Crabb, Cox, Clyman, Gates  
Nays: Stowell

Mike Butts clarified staff's findings. Butts said that the definition of a sign is anything that attracts attention, so staff's interpretation is that if the arch is going to be bright red it will attract attention, therefore it is his recommendation that Council exclude the arch, therefore paint it some color that does not become attractive, and they can stay within the existing square footage.

Stowell repeated his motion, which was to reverse the Planning Commission's decision and grant the sign variance, with a black or brown arch, and adopt staff's findings. Thorn seconded the motion. A poll of the Council showed:

Ayes: Cox, Stowell, Crabb, Gates, Clyman, Thorn  
Nays: None.

- #7) Public Hearing - Community Development Code Amendments. Mayor Lairson opened the public hearing. No member of the audience wished to challenge the Council from acting on this matter. No member of the Council wished to claim a conflict of interest or exparte contact.

Clyman made a motion to continue this item until the meeting of January 27, 1988. Stowell seconded the motion. A poll of the Council showed:

Ayes: Thorn, Crabb, Cox, Clyman, Gates, Stowell  
Nays: None.

- #8) Recommendation - West Linn Park System Master Plan

Mike Schwartz, 310 S.W. 4th, Portland, presented the Plan to the Council. Since Council has had two briefings on this plan, they dispensed with another briefing.

Mike Butts, Planning Director, asked the Council to adopt the Park Master Plan. Staff took Schwartz's proposal and broke it down into two areas. What we would be able to do in the General Fund, and that would be about \$50,000 a year for development, and what we would do if we could pass a park levy. Staff proposed that we go to the General Fund for \$50,000 and also go for a park levy, and should that levy fail it should be clear what items would be carried out and what items would not be carried out.

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John Buol pointed out that on January 27th an independent body will be coming before the Council to ask for authorization and support to form a recreation district. He was concerned that the \$50,000 in the General Fund for parks would be unfair to other departments, and all departments should be looked at. Discussion followed.

Joe Steinkamp, 22150 Willamette Drive, said that the group proposing the recreation district basically likes the plan, and the proposal by staff, but they don't feel that the City of West Linn has adequate recreational facilities. Their main concern is that it has never been presented to the people to vote on. He felt that the proposal before the Council was initiated to facilitate the Comprehensive Plan and not to address recreation in West Linn. Steinkamp asked Council to put recreation on a front burner. Discussion followed.

Clyman made a motion to adopt the Park System Master Plan and the Near Term Action Plan as staff recommended subject to budgetary review. Stowell seconded the motion. A poll of the Council showed:

Ayes: Cox, Stowell, Crabb, Gates, Clyman, Thorn  
Nays: None.

- #10) Proposed Ordinances 1223 and 1224 were continued to the January 27, 1988 Council meeting.

- #11) Appointments:

Stowell made a motion to reappoint Tim Conser to the Planning Commission. Gates seconded the motion. A poll of the Council showed:

Ayes: Thorn, Crabb, Cox, Clyman, Gates, Stowell  
Nays: None.

Councillor Clyman left the Council meeting.

Gates made a motion to reappoint Charles McAlister, Bob Thorn, and Paul Stephens to the Cable TV Advisory Board. Cox seconded the motion. A poll of the Council showed:

For the record, Thorn voted yes, but one of the appointments is a member of her family.

Ayes: Thorn, Crabb, Cox, Gates, Stowell  
Nays: None.

Council will accept any additional applications that come in before the 27th.

- #12) Continue discussion - Hours of Operation - was continued until the meeting of the 27th.

- #13) Proposed Resolution No. 88-01, and City Council Policy

Thorn made a motion to approve Personnel Resolution No. 88-01, effective January 1, 1988, and Council Policy No. 88-1. Gates seconded the motion. A poll of the Council showed:

Ayes: Thorn, Crabb, Cox, Gates, Stowell  
Nays: None

- #14) Proposed Policy and Procedure for selection of Agent of Record for Insurance, Auditing, and Engineering was continued until the meeting of January 27, 1988.

- #15) Consent Agenda:

Thorn made a motion to adopt Resolution No. 88-02, regarding employee recycling. Gates seconded the motion. A poll of the Council showed:

Ayes: Crabb, Cox, Gates, Stowell, Thorn  
Nays: None.

#16) Administrator's Report:

John Buol reminded the Council of their January 20 meeting with the Tidings. 49

Buol asked for two members from the City Council to serve on the committee to interview and recommend a Waterfront/Tenth Street Development consultant, and those two people will stay with the committee that will be recommending. Citizens from the community will also be asked to serve on that committee. Thorn and Gates volunteered to serve. Mayor Lairson appointed Thorn.

#17) Business from Council:

Thorn had a question regarding non-smoking at City Hall. She wondered if that meant you cannot smoke anywhere in City Hall. Richards answered that we will have an ashtray outside the lobby.

Thorn also mentioned the sanding on Rosemont Road from the fire station to up to Santa Anita. Winston Kurth from the County has said that he would be in favor of West Linn sanding the roads and the County paying for it.

Thorn also said that she would be interested in having the break out take place on major traffic cases in Municipal Court-she referred to Richards memo of December 18.

Gates asked if anyone had a West Linn Annual that was prior to 1929. He invited Council to a fireside Sunday at 7:00 P.M. at Sunset Fire Hall.

Lairson reminded of their work session scheduled for Saturday the 16th. Arts meeting at City Hall January 21.

Pot holes in Highway 43 near Mary S. Young State Park. Staff was asked to contact State Highway Department.

The meeting was adjourned at 12:10 P.M.

Diana J. Nicolay  
Diana J. Nicolay, City Recorder

City Council Minutes

January 27, 1988

Council members present: Jill Thorn, Jon Cox, Mayor Kathleen A. Lairson, Council President Sherry Clyman, Mike Gates and Bob Stowell. Jim Crabb arrived at 8:25 P.M.

Staff present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Jack Hammond, City Attorney, Mike Butts, Planning Director, Russ Castleman, Fire Chief, Earl Reed, Public Works Director, and Ken Worcester, Parks Supervisor arrived at 8:52 P.M.

- #1) The meeting was called to order at 8:04 P.M. by Mayor Lairson. Lairson lead the flag salute.
- #2) Council dispensed with the minutes.
- #3) Fire Chief Castleman presented awards to volunteer firefighter Russell A. Lawrence and City employees, Lt. Jim Suire of the Fire Department, and Sergeant Larry Gabel of the Police Department. Lawrence was the person who suggested the Fire Department put mail boxes out by the Fire Halls at Christmas time to collect letters from children for Santa Claus. The program has been very successful. Last year seven hundred letters were received and volunteers answered each one. It took volunteers seven hours to deliver the answers. Suire and Gabel were responsible for coordinating and overseeing the Emergency Services Christmas Food Drive which last year served eighty West Linn families.

Castleman also presented a framed montage of the Fire Department crews to hang at City Hall.

- #4) Open Period - None

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- #5) Christine Clements, President of the Clackamas County Coalition for the prevention of child abuse asked the Council for a \$500 donation from the City.

Clements read the organizations Mission Statement and distributed their membership brochure.

Jim Crabb arrived at 8:25 P.M.

Clements said the \$500 would be used for the purchase of Spider Man books to be distributed to the fifth and sixth graders.

- #6) Community Development Code Amendments

Mike Butts, Planning Director, reviewed each issue briefly. The amendments covered Roadway standards, boat houses, sign code definition, home occupation in a business center zone, access for parking spaces, notice requirements, family day care, landscaping requirements, handicapped housing facilities, accessory structure setbacks, parking lot isle widths, subdivision entryway treatments, elementary school parking standards, miscellaneous corrections to pages and sections, and the 25% rule on remodels.

Barbara Hartfeil, Chairman of the West Linn School Board, asked Council to reconsider the requirement regarding 25% improvements. The School Board suggested the requirement be lifted for municipal bodies and government agencies. She suggested that the School Board would set aside money in their budget every year in a rotating fund. The School District asked if the City Engineering Department could assist them in planning the traffic flows around schools.

Gates wondered if we could make variances for specific locations. Hammond said you couldn't if you used typical variance requirements.

Council gave their blessing for the School District proposal to budget \$25,000 annually for such improvements and said they would leave the 25% rule in, and said they would look at the 25% rule again in May. The City, at that time could remove the School District from the 25% rule, and make another agreement with them for improvements.

Clyman was not ready to commit herself to what decision she would make in May.

Stowell was concerned about the offer for a \$25,000 pledge. He was afraid that future school boards could throw the agreement out the window.

Kathy Lairson supported the \$25,000 pledge from the School District. Crabb and Cox also supported the pledge.

Gates made a motion to close the public hearing on the amendments to the Community Development Code. Clyman seconded the motion. A poll of the Council showed:

Ayes: Thorn, Crabb, Cox, Clyman, Gates, Stowell  
Nays: None.

Gates made a motion to adopt the Community Development Codes as outlined by staff. Cox seconded the motion.

Ayes: Thorn, Crabb, Cox, Clyman, Gates, Stowell  
Nays: None.

- #11) (B) Proposed Ordinance No. 1224 regulating door-to-door solicitation.

Jack Hammond explained that we have an unenforceable ordinance on our books at this time. He explained that Lake Oswego has adopted this ordinance, but he felt that it was important for the Council to hear what the Police Department has to say about the proposed ordinance. He added that individuals could post "No Solicitation" signs on their property.

Cox wondered if we have to do something right now. He said 51 that the City of Portland hadn't dealt with their ordinance yet. Hammond felt that it should be addressed as soon as possible because our current ordinance is unenforceable.

Kent Benson, 5451 Windsor Terrace, representing Jehovah Witnesses, spoke in opposition to the ordinance as it is written because they feel it would infringe on their freedom to worship. They also object to the fee for a right guaranteed by the Constitution. He said they would be willing to register, but opposed to the fee.

Council decided to hold off on a decision in this matter pending more information from the Police Chief.

Gates announced that he would have to abstain from voting because this could have a direct effect on his business. The Council asked Chief Enderlin to have a report for Council as soon as possible. No action was taken at this time.

Council took a five minute recess.

- #8) Consideration of Resolution No. 88-03, supporting the formation of a Recreation District.

Buol presented Council with a corrected copy of the description from Lawrence and Associates.

Hammond explained that consent of the City, by resolution, was required by this group in order for them to proceed.

Buol explained that staff recommends that the City be given the first opportunity to proceed with the three year serial levy of \$500,000.00 a year as recommended by the Park Board and the Planning Commission.

Dwight Catherwood, spoke in support of the request saying that there has been little recreational development done by the City of West Linn in forty years. The group does not feel that recreation has kept up with growth of the City. He said we need to develop facilities, expand programs, and address funding.

Joe Steinkamp spoke supporting the adoption of Resolution No. 88-03.

Gates asked why the boundaries went beyond West Linn's City limits. Steinkamp answered that those citizens would be using the facility and should pay.

Ken Worcester, Parks Supervisor, expressed some of the concerns of the Park Board.

-The Board spent four years working on features of the Master Plan and now have a newly updated Master Plan they would like to see something happen.

-The Board would like to be assured that West Linn is committed to quality and charm of City parks.

-Start-up costs for a Recreation District would be so high that the same amount of money given to the City could go directly toward expanded recreation programs, because the City is in a better position to deliver.

Larry McIntyre, 1629 Jamie Cr., spoke supporting recreation in West Linn, but felt we need to allow citizens to make a determination whether or not they want to go with the District. He spoke of a need for stable funding for such a program.

Joe Steinkamp said that Corvallis, Portland, Bend, Newberg, and The Dalles all have recreation districts. Questions and discussion followed.

Mike Gates made a motion to adopt Resolution No. 88-03. Stowell seconded the motion.

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Gates said that the resolution provides a recreation future in the City of West Linn, goes outside West Linn so they will be paying also, and adults don't have a recreation area now, but would with this district.

Crabb was concerned about the low income people, and funding in the future.

Clyman was concerned about creating a new bureaucracy. A poll of the Council showed:

Ayes: Cox, Clyman, Gates, Stowell, Thorn

Nays: Crabb

#9) Discussion - Tree Ordinance (Continued for two weeks)

#10) Adoption of Final Order - Nedelesky Petitions for Review

Hammond said that the final order was based upon staff reports, and he reviewed the findings.

Cox made a motion to adopt the Final Order as presented. Gates seconded the motion. A poll of the Council showed:

Ayes: Stowell, Gates, Clyman, Cox, Crabb, and Thorn

Nays: None.

#11 (A) Proposed Ordinance No. 1223, Infraction Procedures

Hammond reviewed the ordinance. Lairson read the Ordinance by Title.

Stowell made a motion to adopt Ordinance No. 1223, effective January 28, 1988. Thorn seconded the motion. A poll of the Council showed:

Ayes: Gates, Cox, Clyman, Thorn, Stowell, and Crabb

Nays: None.

Lairson read ordinance 1223 a second time by title. Stowell made a motion to adopt Ordinance No. 1223, effective January 28, 1988. Clyman seconded the motion. A poll of the Council showed:

Ayes: Gates, Cox, Clyman, Thorn, Stowell, and Crabb

Nays: None.

#11) (C) Proposed Ordinance No. 1225, revising the Park and Recreation Board Ordinance.

Jack Hammond reviewed the ordinance, saying that it was simply a housekeeping measure.

Lairson read Ordinance No. 1225 by title. Clyman made a motion to adopt Ordinance No. 1225, effective January 28, 1988. Thorn seconded the motion. A poll of the Council showed:

Ayes: Crabb, Thorn, Stowell, Cox, Gates, and Clyman

Nays: None.

Mayor Lairson read a second time by title. Thorn made a motion to adopt Ordinance No. 1225, effective January 28, 1988. Gates seconded the motion. A poll of the Council showed:

Ayes: Crabb, Thorn, Stowell, Cox, Gates, and Clyman

Nays: None.

#12) Appointments:

Nominations were made for appointments to the Budget Committee. Gates made a motion to appoint John Merina, Barbara Tainer, and Gerry Federico to the Budget Committee. Stowell seconded the motion. A poll of the Council showed:

Ayes: Crabb, Thorn, Stowell, Cox, Gates, and Clyman

Nays: None.



Council asked that a letter be sent to Delores Smally inviting her to attend a Cable TV Advisory Board Meeting. <sup>53</sup>

Nominations were made for appointments to the Library Board. Gates made a motion to re-appoint Mary Jo Bottjer-Steel to the Library Board. Stowell seconded the motion. A poll of the Council showed:

Ayes: Crabb, Thorn, Stowell, Cox, Gates, and Clyman  
Nays: None.

Nominations were made for appointments to the Park and Recreation Board. Thorn made a motion to appoint Steven Kaufman, Samantha McAlister, Michael Shangle, and Rockey Sagers to the Park and Recreation Board. Gates seconded the motion. A poll of the Council showed:

Ayes: Crabb, Thorn, Stowell, Cox, Gates, and Clyman  
Nays: None.

Nominations were made for appointments to the Solid Waste and Recycling Committee. Stowell made a motion to re-appoint Judy Morton and Larry Bollinger to the Solid Waste and Recycling Committee. Clyman seconded the motion. A poll of the Council showed:

Ayes: Crabb, Thorn, Stowell, Cox, Gates, and Clyman  
Nays: None.

Nominations were made for appointments to the Traffic Safety Commission. Stowell made a motion to re-appoint Jon Buckley and Betty Mountain to the Traffic Safety Commission and appoint Elise Campbell also. Gates seconded the motion. A poll of the Council showed:

Ayes: Crabb, Thorn, Stowell, Cox, Gates, and Clyman  
Nays: None.

#### #13) Continued Discussion - Hours of Operation

After some discussion Gates made a motion to retain the hours of operation of 10:00 A.M. to 5:00 P.M. for all departments currently operating with these hours except Administration and Court who will open to the public at 8:00 A.M. and be open until 5:00 P.M. Clyman seconded the motion. A poll of the Council showed:

Ayes: Thorn, Crabb, Cox, Clyman, Gates, Stowell  
Nays: None.

#### #14) Proposed Policy and Procedure for selection of Agent of Record for Insurance, Auditing, and Engineering

John Buol explained that the auditors solicited will be for the 1988/89 fiscal year.

Gates made a motion to authorize the advertising of Request for Proposals for Insurance, Auditing, and Engineering. Thorn seconded the motion. A poll of the Council showed:

Ayes: Thorn, Crabb, Cox, Clyman, Gates, and Stowell  
Nays: None.

Thorn wondered when the Council could have a work session on legal issues.

#### #15) Consent Agenda:

##### A. Consultant Contract - Lezak

Clyman made a motion to approve the signing of a consultant contract with Sid Lezak. Stowell seconded the motion. A poll of the Council showed:

Ayes: Stowell, Gates, Clyman, Cox, Crabb, and Thorn  
Nays: None.

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## #16) Administrator's Reports:

John Buol reminded the Council of the January 28, 1988 Clackamas County Mayors/Mgrs. dinner to be held at West Linn City Hall. He also reminded them of the following meetings:

January 2, 1988 Planning Commission Interviews  
 January 3, 1988 Work Session - Water  
 January 17, 1988 Budget Committee Meeting  
 January 26, 1988 Open House - City Hall 4:00 - 6:00  
 March 2, 1988 Volunteer Recognition Reception

## #17) Business from Council:

Thorn wanted the Council to do something about social service requests for money. She felt there needed to be a process developed to handle such requests equally.

Thorn asked about the January 15, 1988 memorandum from the City Attorney regarding the fact that he was still waiting for the findings from Attorney McKenzie, to attach to the final order in the Kilian matter.

Mayor Lairson had received a letter from Betty Roberts regarding a meeting of the site nominating committee for a minimum security prison, to be held at Clackamas Community College on February 8, 1988.

Lairson asked if the Council would like to set a meeting date for Council to work again with a facilitator. Council decided to wait for awhile. Buol wanted to know if Council had any changes they wanted to make to the Council Goals as printed. Thorn thought that commercial development was on the list.

Lairson reminded the Council of the Joint Planning Commission/City Council meeting scheduled to do some training and clarify the philosophy of the City.

The meeting was adjourned at 12:04 P.M.

*Diana J. Nicolay*  
 Diana J. Nicolay, City Recorder

City Council Minutes

February 10, 1988

Members Present: Jill Thorn, Jim Crabb, Kathy Lairson, Sherry Clyman, Mike Gates, Bob Stowell, and Jon Cox.

Staff Members Present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Charlene S. Richards Assistant to the Administrator, Michael V. Butts, Planning Director, Larry Gabel, Administrative Sergeant, Earl Reed, Public Works Director, and Jack Hammond, City Attorney.

- #1) Mayor Lairson opened the meeting at 8:00 P.M.. Lairson lead the flag salute.
- #2) The approval of the minutes of the January 13, and January 27, 1987 Council meetings was continued.
- #3) Open Period:  
 Gates discussed the formation of a Personnel Committee.  
 Clyman discussed the 75th Anniversary Celebration, and the formation of a committee  
 Lairson made comments regarding the annual report which came out in the February newsletter.
- #4) Proposed Ordinance No. 1224, regulating Door-To-Door Solicitation.

Jack Hammond recommended <sup>of</sup> that proposed Ordinance No. 1224 be adopted with the deletion fees. He added that the City doesn't have an ordinance currently on their books that can be enforced.

The objections heard at the last Council meeting were mostly in reference to the fee. He also recommended that the effective date of the ordinance be at least thirty days away, so the City can inform citizens regarding the new regulations. He also recommended that the City give consideration to the preparation of signs that meet the requirements that are specified in the ordinance, which would assist citizens who wished to post their homes for no solicitation.

Sergeant Larry Gabel favored adoption of the ordinance. He said the City had some problems with large groups coming into town selling a product from outside Oregon or out of the area, and there was no direct link with crime, but many times directly after that there were several burglaries.

Clyman had questions regarding the signs and residents legal rights. Hammond answered that the ordinance gives residents more rights than they have now.

Thorn was concerned about children's groups understanding the meaning of the no solicitation signs.

John Buol said that the scouting groups and schools should be notified regarding the ordinance and the signs.

Mike Skee, 1684 Dollar, said he assumed that he was under the five minute rule, even though the Council had not mentioned it, and he also reminded one Councilor that in previous discussions regarding this subject he had abstained from action due to conflict. Mike Gates thanked Mr. Skee and abstained from action on this matter. Skee did not see the necessity for charging a fee, but felt there was a need for regulation. He felt that the City limits should be posted advising anyone who comes to our city that there is an ordinance on our books. Skee felt that there should be a minimum penalty and strict enforcement of it.

Cox wondered if the Criminal Trespass law would come into effect under the State Statute. Hammond said it would but for practical matters that usually falls under the purview of the District Attorney's office and they won't touch them with a ten foot pole.

Clyman spoke against the registration fee.

Clyman made a motion to authorize the rewriting of the ordinance without fees. Cox seconded the motion.

Thorn asked if the Council could make a motion to adopt the ordinance without the fees so they could handle it that night rather than coming back. Hammond said yes. Clyman withdrew her motion. Cox withdrew his second. Crabb said he would like to see the posting of a blue and white sign at the city limits. Buol mentioned that the State only allows so many signs along their freeways. They may or may not allow another sign at the City limits.

Clyman made a motion to adopt Ordinance No. 1224 deleting section 5.16.060, effective April 1, 1988. Cox seconded the motion.

Mayor Lairson read Ordinance No. 1224 by title. A poll of the Council showed:

Ayes: Thorn, Crabb, Cox, Clyman, Gates abstained, Stowell  
Nays: None.

The second reading will take place at the next regular meeting.

#5) Continued Discussion - Proposed Order - Island View Terrace Minor Partition/Lot Line Adjustment

Thorn asked if the Council were to reconsider or re-discuss, could they go back to Point "A" where they were asked not to consider the issue and there was a challenge of the jurisdiction of the Planning Commission. Hammond answered yes: clarification followed.

Clyman made a motion to open the final motion for reconsideration on the record with no allowance for additional argument or public testimony. Stowell seconded the motion.

Thorn said that she would vote against the motion because she felt that they needed to reconsider both motions. Gates agreed with Thorn. Stowell and Cox felt the Planning Commission had jurisdiction.

Nays: Crabb, Gates, Thorn

Ayes: Stowell, Clyman, Cox

Mayor Lairson voted "yes", and the motion passed.

- #6) Resolution No. 88-04, setting public hearing a date for a public hearing on a street vacation - portion of Exeter Street.

Earl Reed, Public Works Director, explained that this was an application for an alley way vacation that may have been used at one time for an access, but now serves no purpose. The Public Works Department has no objection to the vacation and the recommendation is that a public hearing be set for March 23, 1988.

Dan Fowler, Abernethy Development was present to answer any questions.

Thorn made a motion to adopt Resolution No. 88-04, calling for a public hearing on March 23, 1988. Gates seconded the motion. A poll of the Council showed:

Ayes: Stowell, Gates, Clyman, Cox, Crabb, Thorn

Nays: None.

← #7) Appointments - Planning Commission

Clyman made a motion to appoint Georgia Powell to a 4 year term on the Planning Commission, Michelle Huff to a 3 year term, and Joe Hart to a 3 year term. Stowell seconded the motion. A poll of the Council showed:

Gates asked that all other applicants for the Planning Commission were considered for the City Involvement Committee for the Review of the Comprehensive Plan.

Ayes: Cox, Clyman, Stowell, Crabb, Thorn voted yes but was really opposed to the appointment of one of the people, and Gates.

Nays: None.

- #8) Recommendation - Consultant Waterfront/Tenth Street Interchange Development Project

John Buol explained that we advertised a Request For Proposals for consultant and we received nine proposals. We formed a citizens task force to review the proposals and a subcommittee selected three top candidates for further interview. They were interviewed a week ago on Thursday evening. The committee recommends that ECO Northwest be chosen and that the City be authorized to enter negotiations.

Thorn explained that it was a long and healthy discussion prior to choosing ECO Northwest. Thorn encouraged Councillors to look at the proposals. She felt the company chosen would carefully look at the financial feasibility of the project.

Mike Skee, 1684 Dollar, spoke regarding the make up of the committee. Skee felt that there were too many developers on the committee and not enough citizens. He said this was never advertised to the general public. He wondered who appointed the members of the committee. He felt the City might be in violation of improprieties, or rules.

Jack Hammond said there was no citizen involvement violation regarding the composition of the committee. He said that the City has the right to establish special task forces or special subject matters that involve special expertise, and the only requirement would be that the meetings be public, and public input be allowed.

Mayor Lairson commented that Mr. Buol had contacted her when he was putting the committee together and asked her opinion on who should be involved at this level, because it was more technical in nature at this point. At that time she concurred with his choices. Mr. Buol also consulted her on the subcommittee to go through the proposals received. She concurred with her choice of Councillor Thorn mainly because she is a senior member of the Council that was on the full committee.

Clyman asked Thorn how she felt the committee worked together. Thorn felt they worked very well together. Thorn volunteered for the committee. Thorn was happy with the size and composition of the committee.

Councillor Gates said that he was surprised to walk into the room and find that many members on the committee for the selection. He felt the level of participation was very good. The final selection was excellent. He did however have some very strong reservations regarding that particular group of individuals being given other authority. He did not wish to have that particular group continue on to work with the study group. He didn't feel that this group should continue on and handle public information.

Mike Butts, Planning Director, said that the committee, as formed, would only act as a technical advisory committee to staff, and to the consultants themselves.

Clyman wanted clarification about where this committee understands they will function in the process. Buol said that when he spoke with the individuals he informed them that he didn't know how much more involvement they would have after the consultant was selected.

Gates reiterated his concerns.

Mike Skee, 1684 Dollar, felt that the Council handled the matter poorly.

Gates suggested that the committee be renamed "Staff Advisory Committee".

Clyman made a motion to accept the recommendation before them and select ECO Northwest to conduct the feasibility study for the Waterfront/Tenth Street projects. Gates seconded the motion. Gates said the study will center on a market analysis and a feasibility study, not on architectural design. He said that we have not asked the public what they want in the waterfront development area. He wanted to make sure that staff sees to it that the study gets down to that level, or it would be worthless. He felt that some questions should be asked before we do the study. One question was regarding tax increment financing districts. He said that if we don't have funding we shouldn't bother doing the study. He wanted to know the economic feasibility of the project, and felt that the full body of the Council should be involved from the beginning of the project, and citizens should also be involved.

Thorn disagreed with Gates. She felt he was attempting to create problems where we don't need them.

Stowell wanted to know what the time frame was for this project. Gates answered ten to twenty years.

Clyman said she had no problem with the process as it is now going. She felt that we need the feasibility study to show the public what we can offer and what their choices are.

Mayor Lairson reminded the Council that these were two goals set by the Council a year ago.

Mike Butts, Planning Director, explained that the process they are using is the logical process to go through, and it was taken out of the textbook. He also added that tax increment financing was just one of several financing options. We want to know the feasibility of that and other possible options for financing.

ABF 540



Gates wanted to know what dollar figure we could expect to get in increased evaluation out of this development. Butts answered that the study would address that in July. Gates felt that there have been several other studies done in Clackamas County in recent years that are available. He felt we could do some work on our own to gage the report we are going to receive. He didn't want to re-invent the wheel when there is material available. Mike Butts, Planning Director, responded that this location is unique, and you cannot simply go to another jurisdiction to borrow their reports. A special study must be done. A poll of the Council showed:

Ayes: Stowell (resounding yes), Gates, Crabb, Clyman, Cox, Thorn

Nays: None.

#9) Consent Agenda:

Mayor Lairson reviewed the Consent Agenda:

Liquor License Renewals

1. Clydes Tavern
2. C & J Market
3. Morrow's Serv-U

Clyman made a motion to approve the consent agenda. Thorn seconded the motion. A poll of the Council showed:

Ayes: Stowell, Gates, Clyman, Cox, Crabb, Thorn

Nays: None.

#10) Administrator's Reports:

Buol said that as part of the Comprehensive Plan periodic review process the City must review the Clackamas County Cultural Resources Inventory completed in March of 1984. We must evaluate the 40 to 50 historic structures and develop a code provision for their protection. Buol asked permission to convert the existing Willamette Historic District Task Force to a Historic Landmark Task Force. Thorn made a motion to change the name of the committee to the Historic Landmark Task Force. Stowell seconded the motion. A poll of the Council showed:

Ayes: Crabb, Gates, Stowell, Clyman, Thorn, Cox

Nays: None.

Buol presented the West Linn Planning Commission's schedule beginning in February and going through September. He asked Council to mark their calendars with some of the dates that are on there that Council will have to participate regarding the Comprehensive Plan.

Buol also mentioned that Council might like to participate with the Park Board to work towards establishing a date for election. It was a consensus of the Council to participate in full with the Park Board.

#11) Business from the Council:

Thorn had a question regarding abstentions on ordinances, which was answered by Hammond, that an ordinance requires the unanimous vote of the Council by all members present. If a Councillor abstains, the ordinance must be voted on a second time at the next meeting.

Thorn reminded everyone of the Art's Commission Meeting scheduled for the 18th, she will attend for the Mayor, and she asked for input from anyone that has any.

Crabb asked about the 1977 Chevrolet (or Dodge) Van the City received. Crabb also had a question regarding a person arrested for a driving violation in the City, and our responsibility for their property.

Gates referred to a January 27, 1988 letter from him submitting questions to staff. Discussion followed. Gates also had questions regarding insurance deductible. Council was interested in submitting Mr. Gates' suggestions to Mr. Buol for recommendation.

Gates also mentioned an article in the most recent issue of the League of Oregon Cities Newsletter regarding Winston, Oregon and their program regarding sewer hook-ups to older homes. Mike Butts was asked to look into the article.

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Stowell mentioned that the Traffic Safety Commission would like to share a booth with the City at the Fair. Council was interested.

Clyman was interested in seeing city products available at the Fair like last year. Board and Commission information, 75th Anniversary items, etc.

Thorn announced that the Fair would be held July 29, 30, and 31.

Lairson asked that discussion regarding a Charter Review Committee appear on the next agenda.

Lairson said that Judge Crist had contacted her with a concern regarding the request by Councillor Thorn that the Court Majors/Minor be tracked. His concern was about putting another task on the clerk to do. Charlene Richards explained that there was some training that needs to be done before the tracking can take place. Council asked that the tracking be done beginning with the fiscal year.

Buol reminded the Council of the Open House for City Hall to be held on February 26, 1988 from 4:00 to 6:00 P.M.

Council took a short recess and then went into Executive Session pursuant to O.R.S. 192.660 (D)(f) to consider records exempt by law. Council came out of Executive Session at 10:30 P.M. and went back into regular session to adjourn.

Diana J. Nicolay  
Diana J. Nicolay, City Recorder

City Council Minutes

February 24, 1988

Council Members Present: Jill Thorn, Jim Crabb, Mayor Lairson, Mike Gates, and Bob Stowell

Council Members Absent: Jonathan Cox, and Sherry Clyman

Staff Members Present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Charlene S. Richards, Assistant to the Administrator, William Gin, Finance Director, Mary Ronning, Park and Recreation Coordinator, Jack Hammond, City Attorney.

#1) Flag Salute

#2) Councillor Gates made several editorial corrections to the minutes of the January 13 and January 27 City Council meetings. Gates then made a motion to approve the minutes as corrected. Thorn seconded the motion. A poll of the Council showed:

Ayes: Thorn, Crabb, Gates, and Stowell  
Nays: None

#3) Open Period:

Mike Skee, 1684 Dollar Street, asked the Council why we weren't out of money this year in the budget. Skee wanted to know why the City wasn't planning to go out for a new tax base. He felt that the City had already decided not to go out for a tax base, and wanted each councillor to respond regarding that. Thorn responded that the budget committee had only had their first meeting last week, and that no decision had been made yet. Crabb said that it was too early to make a decision in that regard. Gates said that no conclusion had been reached yet. Stowell agreed, that no decision had been made.

Council reminded the public that City Hall was planning to hold their open house on February 26, 1988 from 4:00 to 6:00 P.M..

ABH 540

Mr. Ed Zuck, President of the Friends of McLean House, presented the report to Council. The group has sixteen active members, they meet once per week. Use of the McLean House has increased. The City uses the house often for their meetings. The Friends of McLean House hold approximately three fund raising activities each year. The caretakers of the house, Bob and Jennie Hosie, resigned on February 15th. The Friends is accepting applications for a new caretaker. The House is in good condition due to the work the group has done, and the assistance from the City of West Linn. Thorn made a motion to formally accept the report from the Friends of McLean House. Gates seconded the motion. A poll of the Council showed:

Ayes: Thorn, Crabb, Gates, Stowell

Nays: None.

#5) Continued Discussion - Island View Terrace - Minor Partition/Lot Line Adjustment - Final Order

Council spent some time discussing the situation, and expressing their feelings regarding the situation. Hammond explained that by March 10, 1988 the City must adopt a final order, if they are going to. If Council authorized the preparation of a final order with findings, they could adopt it at their next regular meeting to be held on March 9, 1988. After lengthy discussion, Gates made a motion that the Council accept the challenge originally made by the Robinwood Neighborhood Association. Thorn seconded the motion. Hammond explained that the Robinwood Neighborhood Association's challenge was that the Planning Commission did not have authority to initiate the application. Gates clarified that his motion was to reconsider the challenge. Hammond clarified that at the last meeting there were two motions made and one of those was determining that the City did have jurisdiction, and Council went on, on the merits that it was an incomplete application. Hammond said that at the last meeting there was a motion to reconsider only the last motion which would uphold the jurisdictional challenge, and he clarified that Mr. Gates was saying that he would like to amend that motion for reconsideration, so it could include the first question as well.

Nicolay asked for a restatement of the motion. Lairson explained that as she understood the motion, it was to reconsider the original challenge from the Robinwood Neighborhood Association. Gates added that they were expanding the motion made at their last meeting to allow consideration of both motions rather than just the second motion. Gates clarified that regarding the first motion it was the approval of the amendment to include the original challenge and regarding the second motion, to reconsider the findings as well as the challenge. Gates further clarified the motion "move that we reconsider the challenge of the neighborhood association". Nicolay will add the clarification to the minutes, per discussions.

Ayes: Crabb, Gates, Thorn

Nays: Stowell

The merits of the issue and the jurisdiction were then opened for consideration.

Thorn and Gates felt that the Council had already indicated a bias on this issue prior to the Planning Commission initiating the application, which disqualifies the Council from action.

Hammond clarified that either the Planning Commission or the City Council, according to the Code, could initiate the action and there was no hierarchy. Stowell reiterated that the code allowed the Planning Commission to initiate the application. Hammond reminded the Council that the effect of the Council claiming a bias would take the Council out of the process so they couldn't make the decision, and it would refer back to the Planning Director.

Crabb felt it was improper action for the Planning Commission to initiate the application because it was already a legal action in the courts. Discussion followed.

Hammond reviewed some of what was pending in Court.  
Discussion followed.

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Crabb made the motion that we accept the challenge from the Robinwood Neighborhood with the reasons they gave. Crabb read from the record, "the decision was no more than an improper maneuver to obscure the reapplication of Snell Construction Company. This was clearly evident by the fact that all of the attachments of the presentation were identical to those earlier contained in the application by Snell Construction Company in their earlier attempt."

Thorn suggested that Mr. McKenzie's objections were stated in the minutes, and they could be used as findings. The motion died for a lack of second.

Crabb made a motion that the Council accepts the challenge on three different items. Number one being that there is a Circuit Court decision currently pending that asks for partition of the property involving all of the private parties concerned, and their motion for consolidation was granted by the Circuit Court. Number two, The Court of Appeals has already told them they cannot hear the case, and three, It is outside of the scope of municipal purposes of City Council. Gates seconded the motion.

Ayes: Gates, Thorn, Crabb

Nays: Stowell, (felt the vote would not turn out the way it was if there was a full Council)

#6) Discussion - Water Rates

John Buol said that the Finance Director was asked by the Council to finalize the information from Council's work session, and Mr. Gin was present to do that.

William Gin, Finance Director, presented the Council with three alternative water rates that would raise \$763,000 in six years, and would also produce sufficient funding to cover maintenance and operation, repair and replacement activities of the water fund over the next six years. Gin explained the three options, and recommended option one. Discussion followed.

March 17, 1988 has been set for a Town Hall Meeting. The Council should make a decision on March 24, 1988.

There was a consensus of the Council to lean toward option one, and make their final decision after the town hall meeting on the 17th.

#7) Proposed Ordinance No. 1226, Community Development Code Amendments.

John Buol explained that a public hearing was held by Council and this ordinance was confirming their previous action. At the public hearing Mr. Hammond brought one item to the attention of the Council, number nine regarding handicap housing facilities. Staff asked that item number nine be removed from the ordinance, and brought up at a later date.

Mayor Lairson read proposed Ordinance No. 1226 by title. Gates made a motion to adopt Ordinance No. 1226, Revising certain substantive provisions of the West Linn Development Code, excluding item number nine regarding handicap housing facilities, and effective February 25, 1988. Thorn seconded the motion. A poll of the Council showed:

Ayes: Thorn, Gates, Stowell, and Crabb

Nays: None

Mayor Lairson read the ordinance a second time by title. Gates made another motion to adopt Ordinance No. 1226, excluding item number nine regarding handicap housing facilities, and becoming effective February 25, 1988. Thorn seconded the motion. A poll of the Council showed:

Ayes: Thorn, Gates, Stowell, and Crabb

Nays: None.

ABF 540

Proposed Ordinance No. 1227, Adopting the Park System Master Plan was considered by the Council.

Mayor Lairson read proposed Ordinance No. 1227, by title. Thorn made a motion to adopt Ordinance No. 1227, Adopting the Park System Master Plan, effective February 25, 1988. Gates seconded the motion. Crabb had a question regarding a serial levy, and Buol explained that this ordinance adopts the Plan only. A poll of the Council showed:

Ayes: Gates, Stowell, Crabb, and Thorn  
Nays: None

Mayor Lairson read Ordinance No. 1227 a second time by title. Thorn made a motion to adopt Ordinance No. 1227, Adopting the Park System Master Plan, effective February 25, 1988. Gates seconded the motion. A poll of the Council showed:

Ayes: Stowell, Thorn, Gates, and Crabb  
Nays: None.

John Buol brought up Ordinance No. 1224, Regulating door-to-door solicitation. Buol said that the Ordinance had been inadvertently left off the agenda but should come before the Council for a second reading. He reminded the Council that there had been one descending vote at their last meeting, so the ordinance had to be read at the next regular meeting. He said that the fee had been removed. Hammond said that the effective date should be thirty days from that evening, to give staff time to advertise the ordinance.

Mayor Lairson read Ordinance No. 1224 for the second time by title. Thorn made a motion to adopt Ordinance No. 1224, regulating door-to-door solicitation, effective March 25, 1988. Stowell seconded the motion. A poll of the Council showed:

Ayes: Crabb, Thorn, Stowell,  
Nays: None

Gates (abstained from voting)

#### #8) Appointments:

John Buol said that Cable TV was going to have a recommendation for the Council, for appointment, but they have asked to continue the item.

Buol said that they had four applications for the Citizen Advisory Board for the Comprehensive Plan Review.

Thorn nominated Craig Peterson, Ronald Crawford and Robert Resare to serve on the Citizen Involvement Committee. Gates seconded the nomination. A poll of the Council showed:

Ayes: Gates, Thorn, Stowell, Crabb  
Nays: None.

Thorn made a motion that John Whitney be appointed as an alternate to the Citizen Involvement Committee. Gates seconded the motion.

Ayes: Stowell, Gates, Crabb, and Thorn  
Nays: None.

#### #9) Discussion - Various Committees

##### A. Charter Review Committee

Mayor Lairson explained that this was placed on the agenda upon the recommendation of the Mayor since the Council had spoken about several portions of the Charter needing possible review.

Stowell commented that the review committee should include citizens and at least one attorney.

Hammond suggested that any proposed Charter changes be handled at either the Primary or General Election so that the largest number of voters participate.



B. 75th Anniversary Celebration

Thorn said that the Fair Board had suggested that the 75th Anniversary and the Fair be connected this year. She said that anyone is invited to come to Fair Board meetings which are held on the second Thursday of each month at the Uptown Deli in the Willamette area. One thing they have indicated an interest in is an historic walk of the district of West Linn that is historic. Another suggestion was to hold a celebration in Willamette Park with a periods fashion show. They have also suggested a street dance within the City. The Fair Board was interested in laying this out and then coming back to the City with their plans and to ask for help in funding.

Gates was interested in allowing individuals within West Linn to express themselves either through a photography contest, with minor rewards, or a poetry or prose contest. It might be an opportunity for the Cable Committee to engage in a video contest.

The Council unanimously appointed Sherry Clyman as the Council Member who will work with the Fair Board, and outline the structure of the committee needed to coordinate the efforts. Clyman is to come back to the Council at the next regular meeting with ideas for the structure of the committee and ways to coordinate the efforts.

Thorn made a motion to appoint Clyman as the chairman of the 75th anniversary celebration, and will come back in two weeks to the Council with recommendations for the structure and coordination of the efforts.

Ayes: Gates, Thorn, Crabb, and Stowell  
Nays: None

C. Volunteer Recruitment Committee

Mike Gates felt there was a need to recruit more highly qualified volunteers. He was interested in appointing a Volunteer Recruitment Committee to handle these recruitments. The committee would assist the Council in recruiting high caliber volunteers. He suggested that the committee would be comprised of each Council member and one person chosen by each Council member. The person appointed should have a history of city involvement. It would be expected that the peak of activity would be in the Fall of each year. They would approach, by direct contact, individual citizens with a request that they submit an application for specific volunteer positions; they would solicit help of individual citizens for special projects that are authorized by the City Council; and they would act as the educational arm of the City Council in communicating to citizens the proper role of volunteers in West Linn government, by creating training material and conducting training sessions for newly appointed volunteers. The term of office proposed would be two years, the member cannot be a member of another standing committee, and must be a resident of West Linn.

Thorn wanted to know how Gates envisioned the committee starting up. Gates said that we could give the committee a scope of work, asking them to review the materials that the City Recorder has prepared, review the ordinances that exist in the City Code, and then asking them to present a concise format of the entire City, and how it functions, so it will be helpful to citizens who apply. They would hold training sessions once or twice a year for different committees. They should also go over the Mission Statement.

AB1540

Thorn felt that the City Council should be doing this initiation process with new volunteers, and recruiting volunteers. She had several ideas for handling the process.

After some discussion the Council decided to further discuss this committee at their work session of May 4, 1988.

#### #10) Consent Agenda:

Mayor Lairson reviewed the Consent Agenda:

- A. Park User Fees - Recommended Revision of Fees
- B. Recap and Award of Fuel Bids
- C. Liquor License Renewals
  - 1. Plaid Pantry Market, Inc.
  - 2. Willamette Sentry Market
  - 3. West Linn Thriftway, Inc.

Mayor Lairson pointed out that the Liquor License for Mark's Tavern had been removed from the agenda at this time.

Mary Ronning, Recreation Coordinator, reviewed the need for an increase on Park User Fees, and who it would impact. Ronning explained that the revision establishes two new fee categories to enable the park maintenance department to recover costs incurred through set-up and clean-up for large picnics. These rates are consistent with surrounding jurisdictions and will increase park revenues. Approval would revise City Council Police No. 85-01.

Thorn made a motion to approved the consent agenda items A through C. Gates seconded the motion.

Mayor Lairson reviewed the names of the low bidders for fuel products. Heating Oil will be awarded to Stein Oil Company for both City Hall and the McLean House. Motor Diesel will be awarded to Stafford Oil Company, and all gasoline products will be awarded to Star Oil Company.

Ayes: Stowell, Thorn, Crabb, and Gates  
Nays: None.

#### #11) Administrator's Reports

John Buol reminded the Council of the March 22, 1988 Tri-City Service District joint meeting of all three jurisdictions at Clackamas Community College, 6:30 P.M., and the February 26, 1988 Open House at City Hall, from 4:00 to 6:00 P.M.

Mr. Buol then referred to a memorandum the Council received that evening from City Attorney Hammond regarding a request for water service in Shannon Acres Tract. Buol asked Mr. Hammond to explain the procedure.

Jack Hammond explained that this related back to 1915 when the City was deeded property at the Sunset Reservoir and the water line from the Sunset Reservoir and the Bolton Reservoir. We deeded it at that time to the people who owned what is known as Shannon Tracts. More than half of those tracts are now in the City. One of the conditions of the conveyance is that the people that gave us the property and the easement and their heirs and assigns and all of their successors would have the right to connect to the water main on the street in front of Shannon Acres, and pay the same rate that applies to the people in the City. There are two or three property owners who have pending request with the city now. He has researched the situation and he feels that there would be some sustainable grounds for the City to say that this has gone on long enough. It has been seventy-three years. The Courts will allow this type of thing to go on for a reasonable length of time. There are other authorities that indicate that if the property is no longer being used for the purpose which it was originally dedicated, that the City is no longer receiving any benefit, so benefit should go to the successors as far as property owners are concerned. In this case the Sunset Reservoir was abandoned in about 1976, the line from there to the Bolton Reservoir was also abandoned at about the same time, so we are not receiving any real benefit from it.

He said that it is his recommendation that we amend our present code in relation to Shannon Acre Tracts to allow a window of two years for people to come in and claim their water right privileges. At the end of that time, anyone that hasn't done it is cut off. That would put the agreement into effect for a grant total of seventy-five years which he feels would be fair. He said that if Council goes along with his recommendation he would come back to Council with a revised ordinance for their adoption at the next meeting.

Gates made a motion that the City repeal Ordinance No. 831, with an effective date of two years from the date of passage of the ordinance. Thorn seconded the motion.

Ayes: Thorn, Crabb, Gates, and Stowell  
Nays: None.

## #12) Business from the Council

Thorn referred to the Sunday Oregonian Editorial complementing the West Linn City Council for adopting a resolution encouraging the City employees to recycle.

Thorn also asked about the Oregon Department Of Transportation hearing to be held on Monday evening. She wondered what groups would be going. She remembered that in the past it had been very effective to have good representation at those meetings. Buol said that Council should have received a prepared statement for the Mayor to address that evening. That information will also be forwarded to the Robinwood Neighborhood Association, and the West Linn Business Group.

Gates asked that a copy also go to the Rosemont Neighborhood Association.

Lairson asked for Council support at the meeting Monday evening. Mike Gates announced that he would be unable to attend the meeting.

Lairson informed the Council that she had spoken with the West Linn Business Group last week and she said that they seem to have the perception that the Council is anti-business. She would like to open the lines of communication with the business community.

Thorn clarified that the perception is regarding individual Planning Commission members or Councillors. Thorn was interested in holding a round table discussion on March 7th at the Planning Commission/City Council work session regarding businesses and their relationship to the City. The Business Group had examples of business proposals that did not occur for various reasons. She was interested in seeing a liaison committee formed after the work session consisting of a sub-committee of the Planning Commission and the City Council to sit down with representatives of the Business Community

Council asked that this be an agenda item on the March 9th Council Agenda. Mayor Lairson will inform the Business Group of the discussion to be held, and asked for something in writing from the Business Group.

The Council went into Executive Session pursuant to ORS at 10:45 P.M. Council came out of Executive Session at 11:30 P.M. into regular session, and adjourned.

*Diana J. Nicolay*  
DIANA J. NICOLAY, CMC  
City Recorder

Members present: Jill Thorn, Jim Crabb, Jon Cox, Mayor Kathleen A. Lairson, Sherry Clyman, Mike Gates, and Bob Stowell

Staff members present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Deann Darling, City Attorney

ABH540

- #1. Mayor Lairson opened the meeting, and lead the flag salute.

Mayor Lairson introduced a young cub scout troop that was working on their citizenship badges. The City presented each scout with a poster of the City.

Mayor Lairson then presented awards of recognition to three past members of the West Linn Planning Commission. Debra Kruse, Gregory Chiodo, and Larry K. Dunstan. Debra Kruse was present to accept her award.

- #2. The minutes of the February 10, 1988 Council meeting were approved with a motion from Gates, seconded by Thorn. Gates made two minor editorial changes to the minutes, which were pointed out to the City Recorder. A poll of the Council showed:

Ayes: Thorn, Crabb, Cox, Clyman, Gates, and Stowell  
Nays: None.

- #3. Open Period:

None.

- #4. Public Hearing - Supplemental Budget #S-88-01, F.Y. 1987/88 - Resolution No. 88-05.

Mayor Lairson opened the public hearing. There were no abstentions from the Council, no challenges against the Council taking action in this matter, from the audience.

Finance Director, William Gin, reported that the Budget Committee had recommended adoption of the supplemental budget, at their February 17, 1988 meeting. Resolution No. 88-05 would adopt the Supplemental Budget, and authorize the appropriations.

Gin reviewed some of the major increases and decreases in revenues and expenditures, and explained some of the major changes.

Hearing no public testimony, Mike Gates made a motion to close the public hearing. Stowell seconded the motion. A poll of the Council showed:

Ayes: Stowell, Gates, Clyman, Cox, Crabb, and Thorn  
Nays: None.

Clyman made a motion to adopt Resolution No. 88-05. Thorn seconded the motion. A poll of the Council showed:

Ayes: Clyman, Cox, Crabb, Gates, Thorn, and Stowell  
Nays: None.

- #5. Transfer Budget #T-88-01, F.Y. 1987/88, and Resolution No. 88-06.

William Gin, Finance Director, explained the two most significant items, dispatch, and the pay-off of lease purchase agreements for a fire engine and a tractor mower, to save money. There was some discussion regarding the lease of these two pieces of equipment. John Buol explained when these items were purchased, and why they were leased at the time.

Thorn made a motion to adopt Resolution No. 88-06, adopting Transfer Budget No. T-88-01, and making budget appropriations for the 1987/88 Fiscal Year. Gates seconded the motion. A poll of the Council showed:

Ayes: Thorn, Gates, Crabb, Cox, Stowell, Clyman  
Nays: None.

- #6. Final Order - Island View Terrace Minor Partition/Lot Line Adjustment

Gates made a motion to adopt the Final Order as prepared. Thorn seconded the motion. Stowell read the Oath of Office he had taken when he was sworn in as a Councillor. Stowell and Clyman said they did not support the Final Order. A poll of the Council showed:

Ayes: Thorn, Crabb, Cox, Gates  
Nays: Clyman and Stowell

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The Final Order was accepted.

#7. Discussion - West Linn Business Group

Thorn spoke regarding a letter from the West Linn Business Group asking that the discussion of this issue be handled at a work session between the two bodies. Betty Mountain, Secretary of the West Linn Business Group, thanked the Council for the opportunity to have dialogue with the Council, and improve the relationship between the two groups. Mountain said the Business would be prepared for an April work session with the Council. The City Recorder is to poll the Council for a date that will work.

#8. Consent Agenda:

Mayor Lairson review the consent agenda.

- A. Renewal Lease Agreement - PGE - Recycling Depot on Willamette Falls Drive
- B. Liquor License Renewals for Southland Corporation (7-11), Cantonesia Restaurant, and Mark's Tavern.
- C. New Liquor License for Sports Page Pizza
- D. McLean House Request to hold English Tea on May 7, 1988, and Arts/Crafts Bazaar on November 11 and 12, 1988.

Gates made a motion to approve the Consent Agenda items A through D. Cox seconded the motion. Lairson had questions of clarification. A poll of the Council showed:

Ayes: Thorn, Crabb, Cox, Clyman, Gates, and Stowell  
Nays: None.

#9. Request to extend City water outside City limits.

Alan Brickley, representing Dennis Florendo, asked Council to consider changing their policy on allowing extraterritorial water extensions. Brickley said that the Florendos would like to annex into the City but one piece of vacant property sits between the city limits and them, and the owner of that property has no interest in annexing at this time. Brickley reviewed the history of the existing policy. Brickley said that the Development Services Department has informed the Florendos that city water could be provided to the property.

A lengthy discussion followed. Mr. Buol was opposed to allowing water for property outside the city limits because other services such as Fire and Police protection were available from other sources, and water is the only service the city has that attracts annexations. Brickley said that the Florendos would be willing to sign an agreement that they would not fight annexation when it comes time for that area to annex.

Stowell suggested that the Florendos try to talk their neighbors into annexing. Brickley said that they have tried, and the owner of the neighboring property does not want to pay City taxes.

Thorn and Stowell spoke of denying the request for city water.

Thorn made a motion to deny the Florendos request for extraterritorial water. Stowell seconded the motion.

Gates suggested that the Council review the City's Policy in the Fall. A poll of the Council showed:

Ayes: Thorn, Crabb, Cox, Clyman, Gates, and Stowell  
Nays: None.

Brickley asked if Council would review the policy in Gates suggested time frame. Council decided to look at the policy in October, after the Comprehensive Plan Review, and felt that the Planning Commission should review the policy prior to Council reviewing.

AB 1540



#10. Proposed Ordinances:

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- A. Ordinance No. 1228, Establishing a late fee for delinquent Business License applications.
- B. Ordinance No. 1229, Relating to the distribution of advertisements.
- C. Ordinance No. 1230, Relating to membership on the Solid Waste and Recycling Committee.

Betty Mountain, Secretary of the West Linn Business Group, asked the Council for more time for the Business Group to respond to the proposed ordinance on delinquent fees for late Business License Applications. Clyman made a motion to postpone discussion of proposed Ordinance No. 1228 to allow more input from the West Linn Business Group. The Council decided that this ordinance would be discussed at the Work Session in April.

Police Chief Art Enderlin explained that this ordinance was designed to cover an area that was accidentally left out of the new door-to-door solicitation ordinance. This provision was in the old soliciting ordinance. Mayor Lairson read Ordinance No. 1229 by title for the first time. Gates made a motion to adopt Ordinance No. 1229, effective March 25, 1988. Stowell seconded the motion. A poll of the Council showed:

Ayes: Thorn, Stowell, Gates, Crabb, Clyman, Cox  
Nays: None.

Mayor Lairson read Ordinance No. 1229 a second time by title. Clyman made a motion to adopt Ordinance No. 1229, effective March 25, 1988. Stowell seconded the motion. A poll of the Council showed:

Ayes: Thorn, Stowell, Gates, Crabb, Clyman, and Cox  
Nays: None.

Mayor Lairson read proposed Ordinance No. 1230 relating to membership on the Solid Waste and Recycling Committee, by title.

Gates made a motion to adopt Ordinance No. 1230, effective March 9, 1988. Thorn seconded the motion. A poll of the Council showed:

Ayes: Stowell, Thorn, Gates, Cox, Crabb, and Clyman  
Nays: None.

Mayor Lairson read Ordinance No. 1230 a second time by title. Gates made a motion to adopt Ordinance No. 1230 effective March 9, 1988. Clyman seconded the motion. A poll of the Council showed:

Ayes: Stowell, Thorn, Gates, Cox, Crabb, and Clyman  
Nays: None.

#11. Appointment - Solid Waste and Recycling Committee

Thorn made a motion to appoint Alan Perrill and Bernie Barbuti to the Solid Waste and Recycling Committee. Gates seconded the motion. A poll of the Council showed:

Ayes: Clyman, Crabb, Cox, Gates, Thorn, and Stowell  
Nays: None.

#12. Administrators Reports:

John Buol reminded the Council of their March 16th work session on the newly proposed construction code. The work session will begin at 7:00 P.M.

Buol also reminded the Council of the Town Hall Meeting on water rates scheduled for March 17, 1988. The Town Hall Meeting will be held in the Library of the West Linn High School.

Gates spoke regarding ex-councillor Frank Doty and other historic information he has recently obtained. Gates asked for people to dig out old pictures and other memorabilia.

Clyman spoke regarding her plan for the 75th Anniversary Celebration. She announced that she has applied for fellowship and may not be available for about six weeks if she was chosen. Clyman reviewed her March 9 memorandum regarding the 75th Anniversary Celebration. There was a consensus of the Council that the ideas were good.

Thorn wanted to know if having a calliope was illegal. No one had an answer to her question at this time.

Lairson had received a letter from Mr. Tom Kelly, regarding a research project he was working on for his masters degree. His project is on Organizational Analysis and he wants to use the Council for analyst and assistance in preparing his paper. The Council was not opposed to helping Mr. Kelly but wanted to do it when they could all be present at the same time.

Lairson said the cub scouts will tour City Hall next week, and Bolton Middle School is holding a persuasive writing class. Lairson's son will be writing regarding the curfew ordinance.

The meeting was adjourned at 9:30 P.M.

Diana J. Nicolay  
Diana J. Nicolay, City Recorder

City Council Minutes

March 23, 1988

Council Members present: Jill Thorn, Jim Crabb, Jon Cox, Mayor Kathleen A. Lairson, and Mike Gates

Council Members Absent: Sherry Clyman, and Bob Stowell

Staff members present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, and Jack Hammond, City Attorney.

#1. Mayor Lairson opened the regular meeting at 8:03 P.M. and lead the flag salute.

#2. Minutes of the February 24, and March 9, 1988 City Council meetings were approved with two minor editorial corrections, which will be given to the City Recorder by Mike Gates. Gates made a motion to approve the minutes of the February 24, and March 9, 1988 City Council meetings as presented with two minor corrections. Thorn seconded the motion. A poll of the Council.

Ayes: Thorn, Crabb, Cox, and Gates  
Nays: None.

#3. Open Period:

Cox said he would like to discuss a termination procedure and ordinance amendment to remove the firing of department heads from the sole discretion of the City Administrator, on a future agenda. Before any Department Head would be fired the Council would review the findings. Hammond confirmed that the City has always done that in the past.

Gates asked that discussions regarding compensation pay and termination benefits or retirement benefits for Volunteer Firefighters be placed on a future agenda.

Crabb commended the West Linn Debutante Dance Team for taking second place in competition.

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Mayor Lairson announced that the Fair Court will be chosen on April 7, 1988 at Rolling Hills Church.

Thorn announced that the new theme for the Fair will be "Come to our Birthday Party".

#4. Public Hearing - Street Vacation - East of Exeter Street and South of Sunset Avenue.

Mayor Lairson opened the public hearing. There were no challenges from the audience, no abstentions on the Council.

Earl Reed, Public Works Director, gave the staff report explaining the request for street vacation.

Reed asked for testimony from the public. Hearing no testimony, Crabb asked if there was any way that this property could be divided and made into a buildable lot. Reed answered no.

Gates made a motion to close the public hearing. Cox seconded the motion.

A poll of the Council showed:

Ayes: Thorn, Crabb, Cox, Gates

Nays: None.

Thorn then made a motion to authorize the City Attorney to prepare the ordinance necessary to vacate the property. Gates seconded the motion.

A poll of the Council showed:

Ayes: Gates, Cox, Crabb, and Thorn

Nays: None.

#5. Initiative Petition- Amendment of City Charter

City Attorney, Jack Hammond, explained the process. Gates made a motion to direct the City Recorder to file the initiative immediately with the County Elections Official. Cox seconded the motion.

A poll of the Council showed:

Ayes: Gates, Cox, Crabb, and Thorn

Nays: None.

Thorn suggested that maybe the City should have a menu of other choices on the same ballot. Council discussed the suggestion. Council decided to hold a discussion regarding the idea on their next agenda. In the meantime, City Attorney Hammond will look in to the legality of such a proposal.

Gates asked the City Recorder to find out what the first year the City went on the ward system was.

Thorn asked the City Recorder to obtain the official state books on Referendums, and Campaign Financing for the City Attorney's office and for the Library.

Cox mentioned that at one time Councillors were all at large.

#6. Consent Agenda:

Mayor Lairson reviewed the consent agenda.

A. Intergovernmental Agreement with School District - Sidewalks at High School

B. Clackamas County Clearinghouse Agreement

C. Liquor License Renewal - Far West Pizza (Roundtable Pizza)

Gates asked a question about a section in the clearinghouse 71 agreement which stated that if the cost of the project goes in excess of \$30,000 the City will pay for all excess obligations. After some discussion it was decided that the one sentence would be removed from the agreement.

Crabb expressed concern that the project might go over budget.

Buol pointed out that they City had to take action on this agreement, because they have had a complaint from a citizen regarding the matter of these improvements. Buol also supported taking the one sentence out of the agreement.

Gates made a motion to approve the consent agenda with the singular deletion of one sentence from the Intergovernmental agreement with the School District regarding the City being responsible for costs on a project that go over \$30,000. Thorn seconded the motion. A poll of the Council showed:

Ayes: Cox, Crabb, Gates, and Thorn  
Nays: None

#7. Request for use of McLean House for political purposes.

John Buol explained that this was a request to use the McLean House for a political fund-raiser. He said that the Public Works Department made a recommendation that they stay neutral on this question because the present policy says that the Council must approve a political group using the facility. Buol said that it was up to the Council if they wanted to grant the use, and how much they wanted to pay.

Discussion followed. Councillors agreed that there was a lack of nice meeting places in West Linn. Gates felt category three best fit the request. Crabb asked if the City would have any legal liability if any alcohol is served. John Buol said they cannot sell liquor at the facility. Hammond said that we would not be the servers, but it is our facility. There may be some minor liability, but our insurance would cover it. Buol explained that the McLean House is a City park and keg beer is not allowed.

Gates made a motion to approve the request and assign category three fees to the use. Cox seconded the motion. A poll of the Council showed:

Ayes: Gates, Cox, Thorn, Crabb  
Nays: None

#8. Proposed Ordinance No. 1231, Shannon Acre Water

John Buol explained that this issue was brought before the Council at their last meeting and the City Attorney was authorized to prepare this ordinance. He said there is a sunset clause after two years. One of the purchasers of property was in the audience.

Renee Plumber was present to ask that the Council adopt the Ordinance.

Mayor Lairson read Ordinance No. 1231 by title. Thorn made a motion to adopt Ordinance No. 1231, effective March 24, 1988. Cox seconded the motion. A poll of the Council showed:

Ayes: Gates, Thorn, Crabb, and Cox  
Nays: None.

Mayor Lairson read the ordinance a second time by title.

Thorn made a motion to adopt Ordinance No. 1231, effective March 24, 1988. Cox seconded the motion. A poll of the Council showed:

Ayes: Cox, Thorn, Gates, Crabb  
Nays: None.

#9. Administrator's Reports

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Buol brought up the seventy fifth anniversary of the City of West Linn, and Sherry Clyman's request that each Councillor bring a name to serve on the committee. Buol said that he had heard from Sherry Clyman who suggested Mr. Russ Schumacher, and Mike Gates who suggested Mr. Brad Rice. John Buol was supposed to suggest a staff member to serve on the committee and he suggested Ken Worcester. Jim Crabb added the name Bob Hoover.

Thorn made a motion to appoint Brad Rice, Russ Schumacher, Bob Hoover, and Ken Worcester to the 75th Anniversary Committee. Gates seconded the motion. A poll of the Council showed:

Ayes: Cox, Thorn, Gates, and Crabb  
Nays: None.

#10. Business from Council:

Councillor Thorn asked for a report from staff regarding Dog Licenses and the procedures the City follows.

Buol attempted to explain the process that the Police Department goes through. Buol said staff will prepare a report.

Councillor Gates shared some trivia with the audience regarding West Linn history.

Lairson read a letter from Dick Carlson who was asking for support when two hundred Soviets and two hundred Americans go on the 1988 International Peace Walk in the Soviet Union.

Hearing no further new business, the meeting was adjourned at 9:00 P.M.

*Alana J. Nicolay, City Recorder*

Special Council Meeting  
6:00 P.M. West Linn City Hall

April 4, 1988

Council Members Present: Mayor Kathleen A. Lairson, Sherry Clyman, Bob Stowell, Mike Gates, Jim Crabb, and Jonathan Cox

Staff Members Present: John A. Buol, City Administrator, and Pam Williams, Librarian

Mayor Lairson called the Special Meeting to order, and announced that there was one item on the agenda, authorization of a new Library site.

John Buol informed the Council that the Library Building Task Force made a recommendation to the City Council on a proposed Library site located at 1581, 1583, and 1585 Burns Street off of Highway 43 behind Lake Realty. Staff negotiated the cost of the property with the Milliken family. (Mr. George Milliken was present that evening representing the family.) Buol said that negotiations have been completed, and staff recommends the purchase of the three parcels for a total price of \$270,000. Buol asked that the Council authorize the Mayor and City Recorder to execute the purchase of the property, subject to the conditions outlined in the report which include the Milliken family removing some of the items from the home, and a soils test to be done within the next month. Closing is tentatively scheduled for April 30, 1988. The property owners will have sixty days. The City Attorney is preparing a rent contract so that the Loren Milliken family and the renter in the Loren Milliken rental house can stay until September 1, 1988.

Buol thanked the Millikens, DeAnn Troutman, Don Williams, Alan Brickley, Pastor Gary Olson, and Pam Williams.

Mike Skee, 1684 Dollar Street, wondered by the Council was having a Special Council Meeting to discuss this matter. Lairson responded that the City wanted to move on the property as quickly as possible now that negotiations have been completed. Skee felt that it should have been handled at a regular Council meeting in case there was any opposition to the proposal.



Skee also wondered if anyone had done a site preparation report in regards to how many dollars it will cost to get this property ready to receive a building. Lairson responded that there was a confidential report (dated March 21, 1988 and addressed to John Buol, City Administrator, from Pam Williams), which the Council would be removing the confidentiality on that evening because the City was no longer in negotiations for the property. Skee suggested that the item be held over to a regular Council meeting. 73

Gates stated that one reason for having a separate time was to allow those who are interested in this issue have the right to come forward and speak on it.

Stowell said that one of the reasons for setting this meeting out by itself was that the public has been anxiously waiting for the City to move on this for some time.

Gates made a motion to remove the confidentiality of the March 21, 1988 memorandum to John Buol from Pam Williams, because it gives more of the criteria that was used in site selection. Clyman seconded the motion. A poll of the Council showed:

Ayes: Stowell, Gates, Clyman, Cox, Crabb  
Nays: None

Mayor Lairson also asked Mr. Buol to make the figures that the City has worked with on that particular site available.

Clyman made a motion that the City Council authorize Mayor to execute the purchase of the property as reported in the staff report dated April 1, 1988. Clyman thanked everyone for the thorough and rational process that was used to come to this decision. Gates supported the site selected. Crabb was opposed to the site because all of the meetings were closed to the public and he had not had a chance to get feedback about the price that is being paid for, for the site. Lairson remembered the first presentation given to the Council showing the need for a new library. Cox thanked Pam and all of the members of the Library Building Task Force for their hard work. Cox felt we would be very proud of the new building. Cox seconded the motion. A vote of the Council showed:

Ayes: Cox, Clyman, Gates, Stowell  
Nays: Crabb

The meeting was adjourned to 1581, 1583, and 1585 Burns Street for viewing of the site.

*Mara J. Nicolay, cnc*  
*City Recorder*

City Council Meeting

April 13, 1988

Council Members Present: Bob Stowell, Mike Gates, Sherry Clyman, Mayor Kathleen A. Lairson, Jim Crabb, Jill Thorn

Council member absent was Jonathan Cox.

Staff Members Present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Peter Spir, Associate Planner, Jim Montgomery, Engineering Technician II, Craig Allen, Code Enforcement Officer, Jack Hammond, City Attorney, Earl Reed, Public Works Director, Mike Butts, Planning Director

The meeting was called to order at 8:00 P.M. by Mayor Kathleen A. Lairson.

#1. Mayor Lairson lead the flag salute.

#2. The minutes of the March 23, 1988 and April 4, 1988 Special Council meeting regarding the Library were approved by a motion from Thorn seconded by Clyman. A poll of the Council showed:

Ayes: Unanimous  
Nays: None.

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## #3. Open Period:

Jack Rutledge, presented a petition and letter regarding 7th Avenue's name change. Rutledge claimed that the people in the area didn't know the entire street name was going to be changed in this process. He said that residents feel the change will cause emergency response problems and that the change is a burden to the residents of 7th Avenue.

Bob Stowell, reminded Mr. Rutledge that all property owners were notified prior to the public hearing. Stowell felt that the notices were clearly spelled out. Stowell also felt that the name Willamette Falls Drive describes the area much better than the name 7th Avenue. He explained that Council delayed the name change to give residents time to make the change.

Mr. Rutledge referred to an incident that happened earlier that day at his business regarding confusion of street names.

Gates asked if the petitioners wished to keep the existing name. Rutledge answered yes.

Crabb spoke regarding the people in the area that have already planned for the change.

Clyman agreed that the notice went out a year ago and it was clearly separated from the notices regarding on Portland Avenue. She was not willing to hear the question again.

Thorn was concerned that there may be an emergency response problem.

Larry Rutledge, Ostman Drive, didn't care what the name of the street was, but was concerned about some of the street names in the Willamette area. Mr. Rutledge said he was a Lieutenant in the Volunteer Fire Department and has come up against problems in the past, regarding street names in the area. He said that many people signed this petition because of economics. Mr. Rutledge himself missed the public hearing on the name change. He was not aware that the name was going to be changed.

Gates wanted specific examples that relate to confusion of street names. Rutledge would not relate any personal experiences, but asked the Council to look into it. He said that the main problems are on intersecting streets.

Crabb mentioned that a general cleaning up of the numbers was taking place at the same time as the street name change. Mr. Rutledge said he realized that.

Gates wanted to find out if there were such incidents on City records. Council asked for a report from staff, and would like to see this as an agenda item on the next agenda.

Discussion followed regarding when the discussion was held originally on this issue.

Mike Skee, 1684 Dollar Street, spoke regarding the new Library site and the \$270,00 spent for the site. Mr. Skee read a letter asking several questions of the Council. Skee supplied the City Recorder with a copy of his letter.

Sherry Clyman announced that she was awarded a scholarship to study Native American Literature this summer. It will take her away from West Linn for most of the Summer.

Mayor Lairson announced that Mr. Buol would be 50 years old on Sunday.

Thorn said that the West Linn Fair Board would like to be introduced on the next agenda.

#4. Proclamation - Child Abuse Prevention Month

Mayor Lairson proclaimed the month of April, 1988 to be Child Abuse Prevention Month in West Linn, and urged all citizens to work together to reduce child abuse and neglect.

#5. Review of Planning Commission Decision - Hillwood Park Subdivision - Fred Woods.

Mayor Lairson asked for conflicts, challenges, abstentions. Thorn told of exparte contact while attending the February 16, 1988 Planning Commission meeting. She handled the camera at that meeting. Gates said he had attended the Planning Commission meeting on Solar Access and then left before any other discussions were held. Gates also visited the site and held a thirty or forty minute telephone discussion with Peter Spir. Stowell said he was familiar with the issue because the Traffic Safety Commission had discussed the traffic issues at their meeting.

Peter Spir, Associate Planner, gave a brief staff report explaining the appeal.

Mr. Fred Woods, presented his request and explained that he has new evidence of leakage at a West Linn reservoir that might affect the decision of the Planning Commission. Hammond explained that only evidence on the record could be considered.

Lairson wanted to know where we stand on the 120 days. Spir said he will have to check on that.

Mr. Woods felt that the evidence regarding leakage from a reservoir could cause possible liabilities to the City.

Council discussed a possible remand back to the Planning Commission. It was decided by Council that this issue should be remanded back to the Planning Commission. Hammond said there would have to be a waiver of the 120 day rule. The applicant also has the right to withdraw. The applicant asked that Council not consider the appeal.

Woods was afraid that their entire plan to date would be scrapped. Woods had questions whether the preliminary plat would hold. Woods asked if they could drop their appeal and go back to the Planning Commission.

Gates asked if that would also be dropping the application. Hammond answered yes, and then it would begin again with the Planning Director, all over again.

Needs direction from the City Council on what the City is planning to do regarding their severe water problem that impacts their development.

Discussion regarding the process that the matter must go through in order to address the new problem.

Council decided to remand the issue back to the Planning Commission, and waive the 120 days.

Fred Woods would also like to ask that the City Council direct the Public Works not to drain the reservoir until we can complete our studies.

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Gates made a motion to remand the issue back to the Planning Commission with the respect to new testimony that would be pertinent.

Mayor Lairson asked Earl Reed what the time frame was for draining the reservoir. Reed said that there was no time frame. This was the first time he had heard anything about our reservoir leaking. We will be able to identify very fast whether it is leaking and can make the repairs very quickly. Staff will work at any rate necessary to identify the problem. The consultant didn't know if it was the reservoir or not. The reservoir is 60 to 70 days old. We will not drain the reservoir until we know if it is leaking.

Council asked if anyone else wanted to testify. Mr. Osborn, 5910 West A commended the Council on a good job.

Thorn made a motion to close the public hearing. Stowell seconded the motion. A poll of the Council showed:

Ayes: Thorn, Crabb, Clyman, Gates, and Stowell  
Nays: None.

Gates made a motion to remand back to the Planning Commission with a waiver by the applicant of the 120 days, and for the purpose of new evidence. Stowell seconded the motion. A poll of the Council showed:

Ayes: Gates, Clyman, Stowell, Crabb, and Thorn  
Nays: None.

#6. Consideration - Clackamas County review of historic landmark remodel requests

Charles Awalt, 1847 5th Avenue, asked that the City write a letter to the County requesting the historic landmark commission to consider accepting decision responsibility for remodels of historic landmarks within the City of West Linn.

Awalt said that the historic landmark task force has concluded that the City would be well served by having all proposed historic landmark remodels be reviewed by the Clackamas County historic landmark commission, rather than set up our own landmark commission. Discussion followed.

Thorn made a motion to authorize the City Administrator to write a letter to Clackamas County requesting the historic landmark commission to consider accepting decision responsibility for remodels of historic landmarks within the City. Gates seconded the motion. A poll of the Council showed:

Ayes: Clyman, Stowell, Thorn, Gates, and Crabb  
Nays: None.

#7. Representative - Oregonian Dealers

Ed Burns, 2530 Hillcrest Drive, had a request to be allowed to legally drive on the left side of the street when delivering newspapers. Carriers are usually done with their routes at 6:00 A.M. during the week and 6:30 to 7:00 on Sundays.

Buol and Hammond said that State Statutes would have to be changed to allow such changes. The Council would not have the authority to make such a change to law.

Larry Gable, Police Department, gave history on these types of matters. Gable said that the Police Department support the law by the spirit of the law.

Thorn wondered if the Police Association takes a stand on this matter. Gable didn't know.

Thorn would be interested in supporting such legislation.

#8. Consent Agenda:

Mayor reviewed. Stowell made a motion to approve the consent agenda items A through D. Clyman seconded the motion. A poll of the Council showed:

Ayes: Crabb, Gates, Clyman, Thorn, and Stowell  
Nays: None.

#9. Request for use of Mclean House Bahais of West Linn

Buol explained letter requesting general permission for use of the facility by a sectarian group.

Hammond explained the law regarding a religious group using a city facility. Hammond said he has no objection to removing the requirement to come before Council each time. Hammond wouldn't make a distinction on political use either. They should be treated as any other user. There should not be any need to come before Council. Everyone would be treated equally.

Buol pointed out that there is still a sentence in the policy that would allow staff to cancel building use permits when it is apparent that such action is necessary for the best interests of the City.

Hammond also suggested that if someone came in and they said they wanted to have it twice a month every month of the year you may want to review it separately.

Staff was asked to revise the policy and bring it back to the Council at the next meeting.

Gates spoke with a representative of the Bahais of West Linn, and they don't request use very often.

#10. Proposed Ordinances:

Proposed Ordinance No. 1232 was reviewed by Mayor Lairson. John Buol explained that the Council had previously authorized the City Attorney to prepare the ordinance. Mayor Lairson read the Ordinance by title.

Stowell made a motion to adopt Ordinance No. 1232, effective April 14, 1988. Clyman seconded the motion. A poll of the Council showed:

Ayes: Stowell, Thorn, Gates, Clyman, and Crabb  
Nays: None.

Mayor Lairson then read the ordinance a second time by title.

Stowell made a motion to adopt Ordinance No. 1232, effective April 14, 1988. Thorn seconded the motion. A poll of the Council showed:

Ayes: Crabb, Gates, Clyman, Thorn, and Stowell  
Nays: None.

Proposed Ordinance No. 1233, was then considered.

Dennis Koellermeier, Operations Supervisor, was present to answer any questions. Koellermeier said that this was a housekeeping measure to clean up language.

Mayor Lairson read ordinance no. 1233 by title.

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Thorn made a motion to adopt Ordinance No. 1233, effective April 14, 1988. Stowell seconded the motion. A poll of the Council showed:

Ayes: Stowell, Thorn, Gates, Clyman, and Crabb  
Nays: None.

Mayor Lairson read the Ordinance a second time by title.

Thorn made a motion to adopt Ordinance No. 1233, effective April 14, 1988. Stowell seconded the motion. A poll of the Council showed:

Ayes: Stowell, Thorn, Gates, Clyman, and Crabb  
Nays: None.

Council then considered proposed Ordinance No. 1234.

William Gin, Finance Director, explained the need for the water rate increase and a request for Council to approve Ordinance No. 1234 which increases the City's water rates and extends reduced water service charges to senior and handicapped citizens. Discussion and clarification of the requested rate increase followed.

Mayor Lairson read Ordinance No. 1234 by title.

Gates made a motion to adopt Ordinance No. 1234 and amend it to allow reduced water rates for low income seniors and handicapped only. Stowell seconded the motion. A poll of the Council showed:

Ayes: Stowell, Thorn, Gates, Clyman, and Crabb  
Nays: None.

Mayor Lairson read Ordinance No. 1234 a second time by title.

Gates made a motion to adopt Ordinance No. 1234 amended to allow reduced water rates for low income seniors and handicapped only. Stowell seconded the motion. A poll of the Council showed:

Ayes: Stowell, Thorn, Gates, Clyman, and Crabb  
Nays: None.

#11. Transfer Budget T-88-02, F.Y. 1987/88. Resolution No. 88-08.

William Gin, Finance Director, explained the \$4,700 Transfer Budget.

Clyman made a motion to adopt Resolution No. 88-08 adopting Transfer Budget T-88-02. Stowell seconded the motion. A poll of the Council showed:

Ayes: Stowell, Thorn, Gates, Clyman, and Crabb  
Nays: None.

#12. Sewerage Facility and Financial Master Plan

Earl Reed, Public Works Director, explained that ten letters of interest had been received, four firms had qualified, and oral presentations had been made by the four qualified firms. Reed said that Murray, Smith and Associates was the low bidder.

Thorn wondered if this would be a fixed bid.

There was some discussion regarding the confidential memorandum from Earl Reed. After lengthy discussion, Clyman made a motion to award the bid to the low bidder, Murray, Smith and Associates. After some discussion, Clyman withdrew her motion.

Council asked for copies of the top three proposals for review by the Council.

## #13. Discussion - Possible amendments to the City Charter

Mike Skee, 1684 Dollar Street, was concerned that the City would open up the application process for Council positions before the amendment to the Charter was voted on.

## #14. Administrator's Reports:

John Buol reminded the Council of their April 18, 1988 Work Session with the West Linn Business Group, at McLean House.

Buol also reminded the Council of their April 20, 1988 Budget Committee meeting at City Hall.

Thorn made a motion to appoint Ron Crawford to the West Linn Planning Commission to fill the vacancy created by Georgia Powell. Stowell seconded the motion. A poll of the Council showed:

Ayes: Thorn, Crabb, Clyman, and Stowell  
Nays: Gates

## #15. Business from the Council:

Thorn said she would be out of town for the May 16, 1988 Comprehensive Plan Review.

Thorn asked for Council support for the letter from staff to the School Board.

Gates shared some historic facts with the City. The first City Attorney was paid \$25.00 per month. Property Tax was 2 mil. In 1914 there was a fountain installed by City Hall.

Clyman will not be available in the summer to oversee the 75th Anniversary Celebration so Jill Thorn was appointed in her place.

The Council would like to see the powers of the Council vs the powers of Administration in the new citizen packet, along with a map of the Parks System, and a map of West Linn.

Council set a date of April 25 or April 26 to meet with a man who was working on his Master's Degree, and wanted to meet with the Council.

Lairson said that the Art Commission is forming, and there will be a meeting in two weeks. The Commission will explore putting together an ordinance.

The meeting was adjourned at 11:35 P.M.

  
DIANA J. NICOLAY, CMC  
CITY RECORDER

Council Members Present: Bob Stowell, Mike Gates, Sherry Clyman, Kathleen A. Lairson, Mayor, Jonathan Cox, Jim Crabb, and Jill Thorn

Staff Members Present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, DeAnn Darling, City Attorney.

#1. Mayor Lairson opened the regular meeting at 8:00 P.M. Mayor Lairson lead the flag salute.

#2. The West Linn Fair Court was introduced.

Tami Whelan, Annie Line, and Stephanie Johnson were introduced. The girls told the audience about the fair and the theme, and how they were selected for the court.

Thorn made the motion, Clyman seconded the motion, to adopt the minutes of the April 13, 1988 Council meeting.

- #3. Elizabeth Rocchia, 957 7th Avenue, made a request of the City Council to support a clean-up effort for the Tualatin River.

Rocchia requested that the Council endorse a total maximum daily level for the water purity level. She said that DEQ has adopted the levels she suggests be adopted, and the citizen's group in the Tualatin River area, endorse the level. She asked for a gesture on the part of the West Linn Council. She said that Willamette Park is a great asset to the City of West Linn, and the Summer months are the worst. She said that fish from the Tualatin River should not be eaten. She said this was the first formal gesture towards its clean-up.

Buol asked if the figures were approved by Washington County and the City of Lake Oswego. She did not know what other jurisdictions had endorsed. Buol said that no staff at West Linn has been contacted regarding these levels, for their opinion.

Gates wondered how Rocchia perceived West Linn's right to tell DEQ what to do. She responded that many West Linn citizens use the river, and Clackamas County may be leaned on down the road to pay for it.

Gates asked if this issue would be discussed at any point in the future. Rocchia said that they are holding hearings now.

Thorn said that she would be willing to adopt Rocchia's letter with one change. Gates concurred.

Clyman made a motion to support the letter presented by Mrs. Rocchia. Stowell seconded the motion. Crabb wanted to read the report before he could vote. Gates said that the issue was that Council's staff was not allowed to give them advise prior to their decision making process.

Thorn wondered what type of liability we would be opening ourselves up to. Attorney Darling answered that there wouldn't be any.

A poll of the Council showed:

Ayes: Stowell, Clyman, and Thorn.

Nays: Gates Cox, and Crabb.

Mayor Lairson voted yes.

- #4. Open Period:

Mike Skee, 1684 Dollar, addressed the Council regarding their discussion about placing a competing measure on the Charter amendment ballot. Skee also informed the Council that there would never be the chance of a tie vote if the initiative passed.

Lairson spoke about a benefit dance being held for accident victim Alicia Stewart. Council asked that fees be waived. Discussion of this item was moved down to Item 13.

Thorn wanted to discuss the Lions Club trucks and their placement at the shopping centers or other places they are located. Buol said it will appear on the next agenda. Thorn asked to be supplied with information about which ordinance this would come under. Thorn also wanted information from the City Attorney about when the Attorney's office should help a citizen who comes in to their office asking for legal advise. Thorn asked for a written policy on it, and asked that it become an agenda item.

Buol said the City Attorney has come to him on many occasions when he was in an awkward position, and Buol agreed that he needs some direction.

Thorn asked that the Council formally adopt their goals. She asked that they be scheduled for a future agenda. Thorn also mentioned that the West Linn Business Group/City Council Work Session should also be mentioned on an agenda.

Bryan Daum, President Robinwood Neighborhood Association asked the Council to consider a refund of the appeal fee to the Kilians.

Gates asked that the consideration be moved to the business section of the agenda. It will be an agenda item on a future agenda.

- #11. Council then handled item number eleven. Selection of a consultant for the sewerage facility and financial master plan.

John Buol explained that Mr. Reed gave the staff report at the last meeting. He said that at that time Council requested that we give them copies of the consultants reports for their review.

Thorn asked about the "oral" costs. "What if it is a greater amount when the amount comes in". DeAnn Darling suggested that they award "at an amount not to exceed".

Buol said that the cities would be reimbursed for the original cost of their sewage treatment plants. Payments were to be received after the plant goes into operation, plus interest. He explained that Oregon City wanted an advancement of their money. At that time, Buol said he challenged and asked for his city's money also. He said we got some money, and did two projects and already used over \$200,000 of our \$450,000. If we don't ask for the money in advance, we will receive it in payments later.

Clyman made a motion to authorize the preparation of an agreement between the City and the firm of Murray, Smith and Associates, to perform the work necessary to prepare the sewerage facility and financial master plan. It was suggested that a cap of \$45,000 be put on the dollar amount. Discussion followed.

Clyman withdrew her motion and then restated it as originally stated with no added cap on the dollar amount. Cox seconded the motion.

Ayes: Clyman, Cox, and Stowell  
Nays: Gates, Thorn, and Crabb  
Tie vote, Mayor Lairson voted in favor, and the motion passed.

Buol asked if council would like to change the policy on hiring consultants. No action was taken at this time.

- #5. Continued discussion on Willamette Falls Drive name change.

Clyman asked for clarification of why this was coming before the Council again. Stowell explained that the Council was asking for further information on whether there was a confusion of street names in the Willamette area.

Fire Chief Castleman was present to report to the Council. Buol also gave a brief history of the name change.

Thorn said there was a concern about several streets within the City. She cited the example of streets and avenues in the same area.

Thorn asked how many streets the City has with conflicting names. She said she still had concerns about Willamette Falls and Willamette Drive if the numbers were dropped. She suggested that possibly the City could tie these needed corrections all together into one package.

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Gates was interested in giving the numerical streets in the Willamette area historic names. He suggested that the implementation of 7th Avenue's street name change happen later. Clyman agreed only in part. After consideration, she was opposed to holding off on the name change.

Stowell concurred with Clyman. He said we delayed for almost a year on the name change to make it easy for the residents in the area.

Crabb said that the night we had the testimony only two people showed up. We gave good notification to the residents of the area.

Clyman suggested that the Council move on.

Larry Rutledge, 1783 Ostman Drive, clarified his position at the last Council meeting. His objective was to question the policy used to identify names of exiting streets or future streets. He asked Council to consider a policy for naming streets with conflicting names. Rutledge claimed that duplication in street names and numbers exist in the Willamette area of West Linn.

Tim Baker, 1334 7th Avenue, took exception to Clymans comments. He said he bought his house in April of last year. Baker asked for a comprehensive plan for street names, and numbers including historical names, for the area.

Lairson gave an historic perspective of 7th Avenues name change, as it was made.

Clyman asked that the Council move on.

Castleman wanted to know how comprehensive they needed the study on street name and number conflicts to be. Thorn asked what process is used for new street names. Castleman said that there is a master list of current street names. Castleman said that Craig Allen told him that we have an additional 30 to 50 street name and number conflicts that need to be addressed. Thorn asked which budget this expenditure should be in. Castleman said they could have a comprehensive proposal by this Fall.

Mayor Lairson left for the evening and Sherry Clyman acted as Council President.

#### #6. Revised Policy for Use of McLean House

Buol explained that the Council asked for minor changes to the policy, and that the proposed changes are in the first paragraph of the policy. Political and Sectarian groups previously were not allowed to use the house. He added that there may be some future changes coming to the Council regarding the caretakers.

Ken Worcester, Parks Supervisor, said that the new caretaker will coordinate scheduling and showing of the house. Clyman had a problem with that. She said that the caretakers shouldn't be handling scheduling. She was told that staff would still oversee the scheduling.

Ken Worcester said that the caretakers are required to be present at all times. Telephone calls must be returned within a certain amount of time. Caretakers would do all of the scheduling and they would send copies of the applications to staff for their review.

Gates made a motion to adopt the policy on Mclean House as amended. Seconded by Thorn. A poll of the Council showed:

Ayes: Thorn, Crabb, Cox, Clyman, Gates, and Stowell  
Nays: None.



## #7. Proposed Serial Levy - Parks

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Ken Worcester asked the Council to approve a recommendation from the West Linn Parks and Recreation Advisory Board to begin implementation of the recently adopted Park Master Plan by putting on the ballot, a three year \$500,000. Serial Levy August 9, 1988.

Gates asked Worcester to clarify the proposed acquisitions and the proposed development. Worcester did so. Worcester said that most of the money asked for would be used for acquisition.

Gates also asked for an explanation of the programming plans. Worcester explained.

Thorn said that the School Board is interested in having a work session with the Council to support us on this.

Buol added that the levy will not collect \$500,000 each year. He said that 12% would have to be added if the Council wants to collect that amount. He explained uncollectables.

Worcester recommended approval.

Lynn McFadden, 2499 Pimlico, Commissioner for West Linn Softball Association said that we have more than tripled the number of children playing softball in West Linn. McFadden supported a park levy that acquires land. He said that park land, for ball fields is badly needed.

Mike Skee, 1684 Dollar, spoke in opposition of the recommendation. Skee attested to the desperate need for athletic facilities in West Linn.

Gates asked Skee if he was familiar with the Budget process the City was currently in. Gates said that strong statements were made at the last Budget meeting regarding some of the issues brought up by Skee this evening.

Gates asked Worcester how long it would take to develop a site specific levy. Worcester wondered how specific.

Gates asked questions of the City Administrator regarding the prices of specific pieces of property. Gates wondered if we could hold a price on property with a letter between the two parties and with a "purchase no later than" date. Buol said that an earnest money agreement should be made between the two parties. He felt that a letter of intent would not hold. DeAnn Darling suggested option money and an agreement to purchase within a certain amount of time.

Thorn asked if any other jurisdictions had placed a levy out with very specific sites. Buol could not think of one. Buol cited an example using earnest money when the city forfeited their money. He said it also happened in West Linn on a City Hall site.

Gates asked for time lines for voting. Buol informed the Council of the dates. Stowell wondered if staff would have the time to put together site specific information in that short of time.

Clyman said that this in no way affects our current operating budget for the Parks Department. She supported the request as presented by Worcester.

Gates said that in this levy the amount that is available is one-third the amount needed. The acquisition will need to be done one element at a time. He felt that no property owner would enter into an agreement price that they have to receive over two to three years. Gates asked Worcester which project would be the most expensive. Worcester said the site for the community center. Worcester explained that portions of the levy would not be spent right away, it would be dedicated.

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Gates wondered how we could involve the public in site selection of a community center. He then made a motion that the Council have the staff prepare a 3 year serial levy to appear on the August 9, 1988 election ballot in the amount of \$500,000. Stowell seconded the motion. .

Crabb said he would vote no without site specific information. Stowell and Gates commented in favor.

A poll of the Council showed:

Ayes: Stowell, Gates, Clyman, Thorn, Cox  
Nays: Crabb

#8. Proposed Registration Fee - Summer Recreation Program.

Ken Worcester, brought a recommendation from the Parks and Recreation Advisory Board to set an annual one-time registration fee for the West Linn Summer Fun program. He said that program costs have escalated. He said that this fee would increase department revenues enough to offset costs of the total recreation program. He proposed a fee structure, using addresses as the determining factor. City Residents - \$10.00 per child (first two) \$5.00 each additional child. Non-residents - \$20.00 per child (first two) - \$10.00 each additional child. Hardship Cases - Fee to be waived for children qualifying for free school lunch program. Worcester explained some of the programs proposed.

Gates asked why parents didn't have to pay also if they were participating with their children. Thorn answered that parents end up supervising.

Thorn moved that we adopt the suggested fees, and that fees for hardship cases be waived. Clyman seconded the motion.

A poll of the Council showed:

Ayes: Stowell, Crabb, Gates, Clyman, Thorn, Cox  
Nays: None.

#9. Readdressing - Rosemont Road

Removed from agenda.

#10. Utility Agreement with Clackamas County.

Earl Reed, Public Works Director, asked Council to sign the agreement with the County. Reed explained that the agreement will allow City crews or the City's contractor to work in County roads that are within the City without posting a \$1,000.00 bond as is now the case.

Thorn made a motion to authorize the Mayor to sign on behalf of City. Stowell seconded the motion, and a poll of the Council showed:

Ayes: Stowell, Crabb, Gates, Clyman, Thorn, and Cox  
Nays: None.

#11. Administrator's Reports:

The City Administrator reminded the Council of their May 3, 1988, Budget Committee meeting and their May 4, 1988 Charter Review Work Session.

Stowell made a motion to waive the fees for the benefit dance for Alicia Stewart. Thorn seconded the motion.

A poll of the Council showed:

Ayes: Stowell Crabb, Clyman, Thorn, and Cox.  
Nays: None. Mike Gates abstained.

Gates suggested an on-going exhibit with items of interest historically at Fair. Gates asked for a budget for doing this. Thorn wanted to let the committee make the decision. Thorn said they will meet in the next two weeks. Gates agreed.

Gates asked for access to Council minutes from the early incorporation of the Willamette area.

Thorn suggested the council reexamine the water ordinance recently adopted by Council because of a possible referendum. She suggested possibly breaking it down into two portions, and adding a sunset clause. She said that might help avoid a referendum.

Gates wondered if we could repeal the ordinance even after the petition was presented to the City. DeAnn Darling, City Attorney answered yes.

Stowell asked what legal grounds the City has against the petitioners lying during promotion of their measure. Counsel said they have a right to their opinion. She said that private citizens have the right to put out any incorrect information they want to.

Stowell was in favor of sitting down with the opposition to discuss the differences. No action was taken.

The meeting was adjourned at 10:45 P.M.

*Diana J. Nicolay, Recorder*

## City Council Minutes

May 11, 1988

Members Present: Thorn, Crabb, Cox, Lairson, Clyman, Gates, Stowell.

Staff Members Present: John A. Buol, Diana J. Nicolay, Charlene S. Richards, Michael V. Butts

- #1. Mayor Lairson called the public meeting to order. Lairson lead the flag salute. Lairson said that the Council was adding an item to the agenda. Item number 4A, a resolution on the Arts Commission.
- #2. Minutes of the April 27, 1988 Council Meeting were approved with two corrections, by a motion from Gates seconded by Clyman. The names of the princesses will be corrected, and the vote on item number three will be shown.

Ayes: Thorn, Crabb, Clyman, Gates, Stowell  
Nays: None.

- #3. Open Period:

Councillor Gates wanted the public to know that in the spirit of the City's 75th Anniversary, his office will be dedicated to an historical exhibit that has about two hundred pictures, historical newspapers, old high school annuals, and other items from the community. He will maintain the exhibit throughout the summer months. People are invited to come by at their leisure to view the exhibit.

- #4a Mayor Lairson read Resolution No. 88-12 indicating support of a West Linn Arts Commission. Clyman made a motion to adopt Resolution No. 88-12, and Thorn seconded the motion.

Ayes: Stowell, Crabb, Gates, Thorn, Clyman  
Nays: None.

- #4b Public Hearing - Appeal request for Luella Dunsford Planning Commission Decision

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Mayor Lairson asked if any member of the Council wished to declare a conflict or exparte contact. Clyman declared exparte contact because of two telephone conversations with Russ Schumaker who contacted her on both occasions to ask her questions about the process. Thorn said that she had cablecast the Planning Commission meeting where this item was discussed. Gates said he also had contact with Russ Schumaker. Gates also had conversation with Peter Spir, Associate Planner, and did a site inspection. Crabb had contact with Russ Schumaker. Stowell was approached by Teresa Dunavan regarding process. Mayor Lairson said she received a letter from the applicant which she passed on to staff.

There were no abstentions on the Council and there were no challenges from the audience.

Mike Butts, Planning Director, explained that the original application which was being appealed was for a Minor Partition. He said the lot was located at the corner of Rosemont Road and Summit Street, and that both streets were arterials and there was a house on the lot. He explained that the lot could be divided into two 10,000 square foot lots, but there was a provision in our code that stated that individual access to arterial streets was prohibited. He said there was no provision for variances, so staff had to deny the request. He said that planning staff's decision was being appealed to the Council. Butts said that the original application was complete in every respect. Butts referred to a statement in the appellant's letter regarding the Council's authority to take exception to the Code. Butts pointed out that the Council is bound by the Code.

Clyman asked a question about item three on #1, Exhibit 9 on Lake Realty stationary. Butts explained that the house and driveway was the one across the street, and it was a pre-existing lot of record.

Gates asked if it would take a change of code to allow access. Butts answered affirmatively. Thorn asked if there had originally been any discussion about alternative access. Butts said that there was no option on this property for alternative access. Gates wondered how many other lots were potential lots on Rosemont. Butts said it would require a lot of work to answer that question.

Teresa Dunavan, 2660 Maria Ct., spoke on behalf of the applicant. She referred to a survey map dated August 12, 1975, that was presented to the Planning Commission. She said that the surveyor died and the survey was not recorded or she would have been grandfathered in. She also said that there were two driveways on her property now and they would not be creating a new driveway. She said that Mrs. Dunavan has owned the property for over thirty years, and has paid taxes. She has also held the property for retirement income and with this action the property has no value. She said there are 2,800 square feet more than what is required for a residential lot. The proposed new driveway would be incorporated into the existing one. She felt that it would not create any more traffic problem than is currently there now. Dunavan felt that the City should take into consideration the fact that Mrs. Dunsford donated 9,750 square feet to the City in the early 1950's for the formation of Summit Avenue. She felt that the right to partition had been taken away without due process of the law, and notification. She also felt that amending the law to allow access to this property would take six months, and she already has a purchaser.

Stowell asked about the survey that was never filed.

Dunavan clarified that the surveyor died and didn't file the survey. Mrs. Dunavan thought it had been recorded. Jack Hammond added that the surveyor didn't die to long after that.

Hammond supported staffs interpretation, advising Council to deny the appeal application or with the consent of the applicant waive the 120 rule to allow the city to go back to look at these standards. He explained that granting this application would require an amendment to the Development Code.

Clyman asked for clarification of the difference between the driveway that exists now and the one that could, or could not be created. Would the proposed new driveway meet the city codes?

Gates asked is Mrs. Dunsford would be able to waive the 120 days? Hammond explained the 120 day rule. If Dunsford would waive the 120 days staff could go back into their code and look at an amendment to allow their driveway. He explained that there were no assurances that they could change the code. There would be a lot to look into and a lot of different situations affected by the change. He explained that if Luella Dunsford did not waiver the 120 days, the Council would have to deny the application, and the staff could still go ahead at a later time and look at the code, and when the applicant came back they would have to pay the fee for application again, and go through the entire process over again. If they waiver the 120 days, they can wait until staff looks at the Code, and then reinstate their application.

Crabb commented that the action was taken to waiver the 150 dollars for the appeal.

Hammond added that if the application was officially denied there would be one years hiatus before they could come in and reapply.

Tim Conser, Planning Commission Chairman, was present to answer any questions the Council might have, and to highlight the concerns of the Planning Commission. Gates and Crabb complemented the Planning Commission on the good job they did on this issue.

Conser said that the Planning Commission passed a motion supporting looking at this portion of the Code, but the integrity of the code had to be dealt with.

Irv Koellermeier, a neighbor of Mrs. Dunavan, supported Mrs. Dunavan explaining that her situation was very unique. He said that the existing driveway could be incorporated so that both homes could use the driveway.

Gates moved to close the Public Hearing. Clyman seconded.

Ayes: Gates, Thorn, Stowell, Crabb, Clyman  
Nays: None.

Butts responded to questions about the driveway situation for the Mayor.

Gates made a motion to direct staff to review the particular code and consider submission of those modifications contingent upon the waiver of 120 day rule by the applicant, and when the matter is concluded that it be brought back before the Council.

Hammond added that if the waiver isn't done by the applicant, the motion should state that the request be denied.

Gates included Hammond's suggestion in his motion. Stowell seconded the motion.

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Clyman asked for clarification. Hammond explained the motion for Clyman. The appeal would be deemed denied pursuant to the staff report if the waiver was not received.

Staff said that the issue would be considered in the January window of the Development Code. Discussion followed.

Mayor Lairson asked if the Council could waive the one year for re-application. Hammond said there was no provision in the code for that.

Butts said that new process must be gone through when this comes back later and that costs city money.

Crabb spoke in favor of doing everything possible to help Mrs. Dunavan.

Hammond repeated that the motion was to direct staff to review the code and see if they can come up with an amendment to the code. Pending that review, the file will remain open, the applicant would waive the 120 rule, if the standards were changed, the matter would be remanded back to the Planning Commission for determination, and if they weren't, it would come back to the City Council with the standards they now have to make a determination. Subject to the contingency that if the applicant doesn't file a waiver of the 120 rule within the applicable period, the application would be deemed denied siting the findings of the staff report.

Ayes: Gates, Crabb, Clyman, Stowell, and Thorn  
Nays: None

- #5. Letter from Goodwill Industries of Oregon and recommendation. John Buol explained that this was a proposed amendment to the Community Development Code.

Buol informed the Council that Susan Roblis, Material Collections Manager was present to answer questions if necessary.

Clyman asked if they had paid any permit fees yet. Roblis answered no.

Gates asked about the volume of traffic that the trailer receives, and how often does a change occur. Roblis answered sometimes once a week, sometimes once a month or two months.

Stowell asked if a fee has ever been paid in another jurisdiction. Roblis answered no.

Clyman asked what fee was being asked for by the City. Roblis answered \$25.00 for one month and \$100.00 for two years.

Clyman asked when the code was adopted. The answer was 1983.

Butts said that no fee was being paid by the Lions because they were grandfathered in.

Butts clarified that the code requirement originally applied to temporary booths like those at the show of homes.

Gates wondered if we would be causing a problem if we limit these booths to non-profit groups.

Hammond said there would be some exposure but he thought we would be okay. He felt we should look at the fee. He didn't know of other jurisdictions that charged the fee.

Buol said he had discussed the issue with West Linn Shopping Center owner, Carol DeJardin, and she was planning on being at this meeting. DeJardin was not present.

Clyman made a motion that the City waive the fee at this point in time. Thorn seconded.

Butts explained the process staff would follow, and the fact that there is no fee to be waived at this time. He suggested that it be placed on the docket in September for a decision. Clyman withdrew her motion and Thorn withdrew her second.

Clyman made a motion that staff proceed to bring the code amendments applicable to this application before Council by September and in the interim the truck be allowed to stay there without a fee. Stowell seconded the motion.

Ayes: Clyman, Stowell, Crabb, Gates, and Thorn  
Nays: None.

#6. Refund of Appeal Fee - Kilian

Bryan Daum, 18304 Shady Hollow, President of Robinwood Neighborhood Association made his request that the appeal fee for the Kilian appeal be refunded. He said that there were two appeals, one by the Robinwood Association and one by the Kilians. Appeal fees are not required from recognized neighborhood associations. Daum asked if the City supported their neighborhood associations. Daum felt that the city never really heard the appeal in question so any fee paid should be refunded.

Gates asked if Hammond remembered having any conversation with the Kilians regarding the potential of their not needing to file a separate appeal and pay a separate fee.

Hammond said this definitely was an appeal, there was a determination by the Planning Director, which was appealed to the City Council, and the Council acted upon that appeal. He said that if they were to waive it, the City might well see it come against them later. Hammond said there were issues that related beyond the sphere of the neighborhood associations.

Gates wondered if the City spoke with the Kilians about the possibility of pulling their appeal. Butts said no.

Lairson asked the Planning Director if the applications were handled separately. He answered that they were addressed at the same public hearing, but they were separate applications. The neighborhood association had additional grounds for appeal, over and above the Kilian appeal. Butts added that the appeal fee covers a small percentage of the work done by the city to process the appeal. The fee also inhibits appeals at whim, because a person or group needs to be somewhat committed to their position or they won't pay the fee.

Bryan Daum commented about the words of the City Attorney, and said that what was really at issue was the citizen's concern.

Gates responded to Daum's comments saying that the Kilians had legal advise and chose to file a separate appeal. Because of that he couldn't find a good reason to refund the appeal fee.

Stowell agreed with Gates, saying there were some separate issues in both appeals.

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Crabb did not want to act on this. Clyman did not see grounds to refund.

Clyman made a motion to deny the request for refund of the appeal fee. Seconded by Stowell.

Ayes: Thorn, Stowell, Clyman, Gates, and Crabb  
Nays: None.

#7. Review of Work Session with West Linn Business Group

Thorn asked for this item to be on the agenda because she felt council needed to take some sort of action. She asked that the Council assign staff the responsibility, knowing that staff time will be required. Thorn asked if they were interested in moving forward. Thorn clarified that she was coming from her council position rather than her position with the business group.

Gates said the business group was specific about their requests. He felt that Council should decide on the general areas that they support. Gates reviewed the business groups concerns as he saw them. He felt that improving communications would be the easiest one to handle. Comprehensive Plan Review is an on going thing. They asked that information packets be made available to them. Regarding the capital improvement, they could be referred to our Finance Director for responses. Discussion followed.

Lairson asked Buol about staff that has made presentations to the Business Group. Buol said the Library staff had made a presentation. Discussion came up at that meeting about a penalty for business licenses.

Thorn suggested that staff be directed to begin working on the items on the Business group list.

Clyman suggested that this item be turned over to the administrator. Buol said they had item three, the Transportation Study, at their meeting and passed it around.

Buol wanted to know what item 1(D) meant. Thorn explained.

Betty Mountain, 1381 Buck Street asked that a City Council packet and Planning Commission packet be mailed to her, the secretary.

#8. Adoption of 1988 City Council Goals

Clyman made a motion to adopt the 1988 City Council goals. Thorn seconded her motion.

Ayes: Thorn, Crabb, Clyman, Gates, and Stowell  
Nays: None.

#9. City Administrator's Report

The Librarian needs a councillor to serve on the committee to select a design firm for the interior of the new Library. Clyman made a motion to appoint Councillor Thorn to the committee. Stowell seconded the motion.

Ayes: Stowell, Crabb, Gates, Thorn, Clyman  
Nays: None.

The City Recorder is looking for a councillor to serve on the committee to select an agent of record. Thorn made a motion to appoint Councillor Gates to the committee and Kathy Lairson as an alternate. Clyman seconded the motion.

Ayes: Gates, Thorn, Stowell, Crabb, Clyman  
Nays: None.

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Memo addressed to John Buol from the Library regarding removal of houses on new Library property. The Librarian had contact with the right-of-way agent for the State Highway Department who will handle for no fee. We only pay for legal advertising, at a cost of approximately \$200.00 Buol asked for permission to proceed. He said we have a rental agreement until September 1, so it would be September 1, 1988 before we could proceed. Council had no objections.

Buol said that Mayor Young of Lake Oswego, has asked for a joint meeting with the West Linn City Council to discuss mutual concerns. That meeting was scheduled for June 1, 1988. The two Mayors will prepare the agenda.

#### #10. Business from Council

Bob Stowell attended a meeting at Marylhurst College the night before and there was some concern about proposed development in the area.

Thorn received information from the "Y" about the pilot program they are putting together where the school districts and the cities work together with the high schools. She said she would like to see West Linn participate in the program.

Thorn reminded the Council of a May 26 meeting on 75th Birthday Celebration at City Hall at 7:30 P.M..

Thorn was interested to know from the City Administrator when the Council will be getting the policy on public use of the City Attorney. John Buol said that it was assigned to Charlene and he did not know when it would be complete.

Gates added an item to a future agenda. He wanted to discuss what the Council can do to reach out to the Sunburst Neighborhood Association.

Lairson handed out 75th anniversary candy.

Council adjourned to Executive Session pursuant to ORS 192.660 (D)(d) Labor Negotiations and Pending Litigation. Council came out of Executive Session and went into regular session to adjourn.

*Liana J. Nicolay, CMC*  
*City Recorder*

Council Members Present: Sherry Clyman, Jonathan Cox, Jim Crabb, Bob Stowell, Jill Thorn.

Council Members Absent: Mike Gates

Staff Members Present: John A. Buol, City Administrator, Loryn Moore, Administrative Staff Assistant, Earl Reed, Public Works Director, and Mary Ronning, Recreation Coordinator.

#1. Mayor Lairson called the meeting to order at 8:00 P.M. and lead the flag salute. Lairson announced that there were agendas and testimony forms on the back table.

#2. Council continued approval of the minutes.

Mayor Lairson read two proclamations. The first was proclaiming Safe Boating Week as June 5 through 11.

ABH540

Mary Ronning, Recreation Coordinator, told the Council that the week would kick off with a free safety boating clinic at the Cedar Oak Boat Ramp on June 5, and at Bernert Landing on June 11. These classes are being provided by the Coast Guard Auxiliary Power Squad. Packets will be passed out to all boaters entering the boat ramps. During the week of June 5 and 11, the dive team will be at the Willamette River to clear debris from under the boat ramps. Mayor Lairson read the proclamation in full.

The second proclamation named June 1 through 7, National Garden Week in celebration of Garden Club Week in the City of West Linn. Lairson read the proclamation in full.

#3. Open Period - None.

#4. Metropolitan Service District Builders Business License Fee Program

Steve Lee, Metro Local Government Coordinator, and person responsible for the program, asked for adoption of Resolution No. 88-09 authorizing West Linn to enter into an intergovernmental agreement to act as agents for Metro in the issuance of the licenses when builders do business in West Linn.

John Buol explained that it is projected that if Metro issues approximately 500 licenses the City of West Linn will receive around \$4,750. If we issue the license, we will receive \$2.25 to cover our costs. Buol asked the Council to authorize the agreement with Metro, and modify our Business License ordinance to fit the new agreement.

Jill Thorn made a motion to adopt Resolution No. 88-09, effective May 26, expressing the City of West Linn's intent to enter into and execute a contract with the Metropolitan Service District to be a participating jurisdiction for purposes of the Builder License Program. Sherry Clyman seconded the motion.

Ayes: Clyman, Cox, Crabb, Stowell, Thorn  
Nays: None.

Jack Hammond explained the need for the change to our ordinance on Business Licenses. Mayor Lairson read the Ordinance by title.

Sherry Clyman made a motion to adopt Ordinance No. 1235, effective July 1, 1988, modifying the West Linn Business License requirement as specified in the ordinance. Jill Thorn seconded the motion.

Ayes: Clyman, Cox, Crabb, Stowell, Thorn  
Nays: None.

Mayor Lairson read Ordinance No. 1235 a second time by title. Sherry Clyman made a second motion to adopt Ordinance No. 1235, effective July 1, 1988, Thorn seconded the motion.

Ayes: Crabb, Clyman, Cox, Stowell, Thorn  
Nays: None

#5. Discussion - Metro's Transfer Station - Serving Clackamas County Residents

Mayor Lairson said that she asked to have this item on the agenda because, as of this week, residents in Clackamas County are not able to use the Transfer Center as individuals. Metro's Tom DeJardin was present to explain the situation.

Tom DeJardin informed the Council that there is a limit of tonnage imposed by the courts that can go into the Transfer Station daily. They were receiving over the limit so cuts needed to be made. Ten percent of the traffic was created by the individual Clackamas County resident who was using the station.



Metro was told to comply with mandated cuts within one week or legal action would be taken. Metro felt that the quick solution would effect the smallest number of people. 93

Dejardin answered questions from the Council. He asked for Council's input on the matter. No Council action was taken.

#6. West "A" Street Project - Consultant Agreement

Earl Reed, Public Works Director, explained that the City applied for and received project approval for a \$40,000 grant to construct bike lanes on West "A" Street from Skyline Drive to Highway 43. The project involves street widening to accommodate the addition of bike lanes. West "A" Street has been scheduled for storm drainage improvements as well as repairs to the street in general for the last two years. The consultant agreement is for the preparation of plans, contract preparation, and all engineering services for a combined improvement project (street, storm, and bike lanes). Residents of the area are clearly opposed to being financially involved in the project, but they were not opposed to the project so the City has planned the project without sidewalks. Reed recommended that the City Council authorize the Mayor on behalf of the City to sign the consultant agreement contract to furnish engineering services for the West "A" Street Improvement Project.

Reed explained what would happen if the project is in excess of our budgeted funds.

Stowell asked if the storm drainage design would be done according to the new construction code that we don't have in effect yet.

Reed answered yes, that it would be done according to the proposed construction code.

Jill Thorn made a motion to authorize the Mayor to sign the consultant agreement on behalf of the City of West Linn for improvement of West "A" Street. Bob Stowell seconded the motion.

Ayes: Crabb, Cox, Clyman, Stowell, Thorn  
Nays: None.

#7. Sanitary Sewer Master Plan Agreement

Earl Reed, Public Works Director, explained that the West Linn City Council recently awarded the contract for the preparation of the sanitary sewer master plan to the firm of Murray, Smith and Associates with the understanding that the consultant agreement would contain a statement that the price would not exceed \$45,000; and that the City Council would review the contract prior to authorizing the Mayor to sign it. The consultant agreement does contain the required wording as is shown on page three, article three. Reed recommended that the Council authorize the signing of the agreement with Murray, Smith and Associates.

Sherry Clyman made a motion to authorize the Mayor to sign the consultant agreement. Bob Stowell seconded the motion.

Ayes: Stowell, Clyman, Cox  
Nays: Crabb, Thorn

#8. Library Project - Land Survey Agreement

This item was pulled from the agenda to be handled at a later date.

#9. Resolution No. 88-10, certifying the City's eligibility to receive state shared revenues.

John Buol explained that it is a requirement of state law.

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Bob Stowell made a motion to adopt Resolution No. 88-10 certifying to the State of Oregon that the City will provide in 1988-89, four or more municipal services to be eligible for State shared revenues. Jon Cox seconded the motion.

Ayes: Clyman, Cox, Crabb, Stowell, and Thorn  
Nays: None

#10. Proposed Resolution No. 88-11, Park Serial Levy

Bob Stowell made a motion to adopt Resolution No. 88-11 setting the election on August 9, 1988 for the three year Park Serial Levy.

Ayes: Clyman, Cox, Crabb, Stowell (strongly), and Thorn  
Nays: None.

#11. Administrator's Reports:

Buol reminded the Council of their joint work session the following week with the Lake Oswego City Council, to be held at 7:00 P.M. at the McLean House. He reminded them that it would begin with a barbecue.

He also reminded the Council of their June 2, 1988 Budget Committee meeting to discuss a tax base.

He said that June 22, 1988 there will be a public hearing on the budget and the City needs a quorum.

At a work session the Council agreed to form a ~~Chater~~ *Charter* Review Committee and it was supposed to be on this agenda. Thirty-five letters were mailed out and three responses were received. Irv Koellermeier, ex-councillor, Gus Mohr, ex-councillor, and Ted Phillips, ex-councillor. Buol asked if the Council could solicit more interested citizens to serve.

Michell Huff has resigned due to illness and the Planning Commission would like to appoint someone to complete her term which expires December 31, 1990. Council will appoint new member at June 8, 1988 Council meeting.

Jill Thorn made a motion to accept the resignation of Michelle Huff and authorize staff to advertise for the vacant position, with a deadline of June 1, 1988 at 5:00 P.M. Bob Stowell seconded the motion.

Ayes: Clyman, Cox, Crabb, Stowell, Thorn  
Nays: None.

Mayor Lairson will write a letter of appreciation to Michelle Huff.

The meeting was adjourned.

Council Members Present: Jill Thorn, Jim Crabb, Jonathan Cox, Mayor Kathleen A. Lairson, Sherry Clyman, Mike Gates, and Bob Stowell

Staff Members Present: City Administrator John A. Buol, City Recorder Diana J. Nicolay, Administrative Assistant Charlene S. Richards, Michael L. Gabriel, Building Maintenance

#2. The minutes of the May 11, 1988 City Council meeting were approved by a motion from Clyman seconded by Crabb.

Ayes: Thorn, Crabb, Cox, Clyman, Gates, and Stowell  
Nays: None

- #3. Michael L. Gabriel, Building Maintenance Worker, was named notable employee of the 1987 year. His name was chosen by the Employee Recognition Committee. Mayor Lairson presented Michael with a certificate of appreciation for his work moving portions of City Hall to the Annex. A check for two hundred dollars was given to Gabriel. Mike will also be honored at the next city-wide staff meeting. His name will be the first on a plaque that will contain the annual notable employee every year. 95

#4. Open Period -

Thorn announced that there will be a meeting of the 75th Anniversary Committee at 7:00 A.M. tomorrow at City Hall. She said that anyone interested is welcome to attend.

Thorn brought up discussion regarding snow removal in December along Rosemont Road, a County road, just outside West Linn. She asked the City Engineer to obtain an agreement with Clackamas County to sand County roads to the City limits because City residents must use the County roads to get to work during bad weather. She said the Public Works Director has been working on this problem, but some push is needed from the City Council to get the County interested in the agreement. Thorn asked for concurrence from fellow Councillors to pursue, or have the City Administrator pursue, such an agreement. Council decided to place this item on next agenda.

Bryan Daum, President of the Robinwood Neighborhood Association addressed the Council regarding the effects of the emergency clause in the recent water rate referendum. He felt the Council should be aware of the intent to stop the water rate increase that was shown on the part of the people. He felt that the citizens had gone to a lot of trouble to gather the signatures, and it was apparent to him that there was an agreement that the rates were not wanted. He stressed the spirit of the referendum laws. He felt the City Council should make a motion to suspend the water rate increase and put it up to the vote of the people because it would support the people even if it was a legality that caused the problem. As Neighborhood Association President, Daum asked for information on emergency clauses.

Lairson explained that City used to go by their own election process and this is the first time the City has used the State election process. She explained that the City Attorney got his information from the Secretary of States office when questions arose.

Daum asked for a clear summary of the law, saying that the State laws were hard for a citizen to interpret. He once again asked for a motion of the Council to look towards the spirit of the people who put forth the petition.

Clyman felt the Council had followed the law but there happened to be an emergency clause that caused a problem.

Gates wanted a positive solution from the citizens that were opposed to the water rate increase, rather than having them simply oppose the increase.

A majority of the Council felt that they have already dealt with the issue. (Earl Reed arrived at 8:20 P.M.)

Mayor Lairson said she felt that the Council acted responsibly to keep the water fund in the black. Clyman supported the Mayor's comments, saying the action was needed.

Crabb also supported the Mayor's comments. He also wanted the citizens to go with an Initiative Petition.

Stowell agreed that the Council made a great effort to get the information out to the public, but the general public never availed themselves to the information.

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- #5. Cox nominated Debra Zachman to fill the Planning Commission vacancy. Clyman seconded the motion.

Ayes: Clyman, Stowell, Thorn, Cox, Crabb, Gates  
Nays: None.

- #6. Municipal Legal Service Agreement

Lairson declared that her husband had recently contacted this law firm for their services, but she felt she had no conflict.

Buol explained the proposed agreement, and standards for the annual evaluation of the City Attorney. He asked the Council to accept, reject, or modify the agreement and the evaluation format.

Mike Skee, 1684 Dollar, recommended the formation of a commission to evaluate the idea of an in-house attorney versus a contracted attorney.

Clyman commented that the difference in cost has been investigated by the Council in the past, and it turned out that we were getting a better deal now than we would be if we hired an in-house attorney, because there are so many expenses involved in making the change. She cited such examples as offices for the attorney and staff.

Bryan Daum, Robinwood Neighborhood Association, 18304 Shady Hollow, supported the idea of a Commission to look into an in-house attorney.

Gates felt that a contract with the city attorney from month to month was needed. He asked what the process would be for going out for RFP's. Buol explained the process. He wondered why a formal RFP wasn't drawn up at the time of the work session. Gates was under the impression that advise was given at the work session as to what should be in a Request for Proposal. Gates asked that a date be set up for RFP's to be available. He suggested mid Fall or early Winter, and then take action in first part of 1989. Gates said he thought that the current firm took a lot for granted. He asked, how many law suits over the last 15 years have named West Linn, compared to other cities. He wondered how many were settled in court and how many favored West Linn? He said that the current firm is held in very high esteem, and he thought the report would put to rest charges and comments going around community. He felt that too many off-the-cuff statements were being made, such as responses are not speedy, or that Council is being mis-directed, or that the City to readily goes in to legal action rather than settling out of court. Gates was asking for two separate things, an RFP and report on specific things.

Thorn like the idea of requiring a Request for Qualifications.

Crabb supported Mike Gates comments. After work sessions Crabb felt the City was getting a good deal from their current city attorney. He said he would like to prove to the citizens that we have a good attorney and were getting a fair deal.

Gates said he was not trying to imply that the reputation of the firm was negative.

Buol suggested that Section 2 in the agreement, the March 1 date, be changed according to what Council wants to do. He explained that the thirty day clause made this a month to month agreement.

Clyman spoke supporting the agreement. She made a motion to adopt the agreement for municipal legal services, effective July 1, 1988 Cox seconded the motion.

Crabb agreed with Councillor Thorn. Both wanted to wait on the signing of the agreement until after discussion of the Request for Proposals. 97

Clyman appreciated what Crabb said, but thought that it was incumbent on the Council to sign the agreement and contract for the service in compliance with the way all of the other services are handled.

Cox didn't want to make this an issue. Clyman tried to get Mr. Crabb to change his vote. Crabb explained that he felt there was no need to rush into a contract. Clyman said that she felt that the agreement clarifies issues about current services provided by the City Attorney.

Gates presented a sample monthly billing from the City Attorney's office, which was provided to him by Mr. Buol. He passed it around for Council to see, and said that he was surprised to see that there wasn't already a contract for Municipal Legal services.

Ayes: Stowell, Clyman, and Cox

Nays: Crabb, Gates, and Thorn

Mayor Lairson: Aye, and the agreement was adopted.

Thorn encouraged the council to ask for requests for qualifications, and requests for proposals both. She also wanted to see a time line laid out. She asked for the time line at their first meeting in July.

Council wanted information on case records for the last five years, as requested by Gates. Lairson said that other jurisdictions may not have that type of information available or want to provide it to us for comparison. Discussion followed.

Hammond suggested that the City go out for RFP's and then conduct interviews of the top candidates. He felt the Council would get more out of that type of process than a report from them and other jurisdictions, and a comparison.

Council decided they did not want the report on cases and comparison.

Performance Evaluation Standards were then discussed. Thorn felt that Council should wait to go through the process before they decide on evaluation standards. Council concurred.

Lairson read a letter naming a Presidential Scholar from West Linn High School. Ms. Barclay was one of 144 scholastically outstanding High School seniors in the nation.

- #7. Ordinance No. 1236, proposed System Development Fee allocations.

Buol explained that the ordinance would change the distribution of funds in the fiscal year. Buol explained that the change in distribution was based on the capital improvement needs shown in the City's System Development Fund's 1989 budget proposal. Buol asked the Council for adoption of the ordinance.

Gates questioned the procedure of adopting this before the budget is adopted. Hammond said Council is bound to the first \$95,000. Thorn said she thought the Council had voted on this ordinance prior to the adoption of the budget every year.

Lairson read proposed Ordinance No. 1236 by title. Clyman made a motion to adopt Ordinance No. 1236 effective July 1, 1988. Thorn seconded the motion.

Ayes: Gates, Stowell, Thorn, Crabb, Cox, and Clyman

Nays: None.

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Mayor Lairson read Ordinance No. 1236 a second time by title. Clyman made a motion to adopt Ordinance No. 1236 effective July 1, 1988, and Thorn seconded.

Ayes: Gates(with explanation), Stowell, Thorn, Crabb(with explanation), Cox, and Clyman

Nays: None.

#8a Bid Recap - West "A" Street High School Sidewalks

Reed presented a bid recap showing Parker Northwest Paving Company as the low bidder at \$28,041.25, and recommended that Council award the bid to Parker Northwest Paving.

Stowell made a motion to award the bid to Parker Northwest Paving in the amount of \$28,041.25. Thorn seconded the motion.

Ayes: Thorn, Stowell, Gates, Crabb, Cox, and Clyman

Nays: None

8b Bid Recap - West "A" Street Skyline Drive and Highway 43 Bike Lanes.

Reed presented the bid recap showing Eagle-Elsner, Inc. as the low bidder at \$233,686.30, and recommended Council award the bid to Eagle-Elsner who have done other work for West Linn. Questions of clarification of Mr. Reed from Mr. Gates.

Clyman made a motion to award the bid to Eagle-Elsner at \$233,686.30, Stowell seconded the motion.

Ayes: Clyman, Stowell, Cox, Crabb, Thorn, Gates

Nays: None.

Council concurred that the City give the citizens an opportunity to fund the sidewalks in front of their home.

#9. Consent Agenda

A. Employee Recognition Program - Mary Ronning was awarded a Commendable Employee award for her work in the Parks Department. Buol explained.

Clyman made a motion to approve the nomination of Mary Ronning, and Cox seconded.

Ayes: Thorn, Stowell, Gates, Crabb, Cox, Clyman

Nays: None.

#10. Administrator's Reports

None.

#11. Council Business

Gates - the historic display in his office has been moving around. It was at the First Baptist Church for the Garden Club, and will be in the Willamette area next. Gates referred to an article from 1967 West Linn Tidings about the Willamette area. He said that the Willamette area is celebrating 80 years while West Linn is celebrating 75 years.

Gates referred to an article about a community in Canada that Buol provided him. He asked that the article be given to the Charter Review Committee.

Thorn asked if odd/even watering would be in effect again this year. Buol answered yes, and said he would get information out to her at the next meeting.

Thorn asked for brochures for Kindercare regarding West Linn's recreation program. She also mentioned the graduation to be held Friday evening for West Linn High School.

Lairson began discussion regarding Charter Review Committee appointments. She said we need representation from the Willamette and Holly Garden areas. She suggested the following appointments:

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Irv Koellermeier  
Gus Mohr  
Ted Phillips  
Burton Weast  
Alan Brickley

Gates made a motion to appoint the five men to the Charter Review Committee. Clyman seconded.

Ayes: Clyman, Stowell, Cox, Crabb, Thorn, and Gates  
Nays: None.

Council adjourned to Executive Session pursuant to ORS 192.660 (D)(d) Labor Negotiations.

Council came out of Executive Session and back into regular session. They were presented with a Memorandum of Understanding with the City of West Linn's Firefighters. It was moved by Clyman, seconded by Cox to adopt the Memorandum of Understanding regarding negotiated salaries and benefits for the West Linn Fire Department.

Ayes: Stowell, Thorn, Gates, Crabb, Clyman, and Cox  
Nays: None.

The City Council was presented with a proposed salary schedule for the 1988-89 fiscal year starting July 1, 1988 for non-union and management personnel of the City.

It was moved by Thorn, seconded by Stowell to adopt the salary schedule for non-union and management personnel for the 1988-89 fiscal year, effective July 1, 1988.

Ayes: Cox, Clyman, Crabb, Stowell, Gates, and Thorn  
Nays: None.

The City Council was presented two memorandums from Sherry Clyman and Mike Gates on their intent to be out of the area and unable to attend City Council meetings for parts of June, July and August.

It was moved by Thorn, seconded by Stowell to approve the leave of absence from Council meetings as requested by Councillors Clyman and Gates.

Ayes: Thorn, Stowell, Crabb, Gates, Cox, and Clyman  
Nays: None.

The meeting was adjourned by Mayor Lairson.

Council Members Present: Jill Thorn, Jim Crabb, Jon Cox, Mayor Kathleen A. Lairson, Sherry Clyman Council President, Bob Stowell.

Council Members Absent: Mike Gates

Staff Present: John A. Buol City Administrator, Diana J. Nicolay City Recorder, Dennis Koellermeier Operations Supervisor, and Jack Hammond City Attorney.

#1. Call to Order - Flag Salute

#2. Minutes of the June 8, 1988 Council meeting were approved by a motion from Thorn, seconded by Clyman. Minutes of the May 25, 1988 Council meeting were continued.

Ayes: Thorn, Crabb, Cox, Clyman, and Stowell  
Nays: None.

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## #3. Open Period:

Aileen Wilder, 1675 Marylhurst Drive, spoke to the Council regarding the wording in the garage sale ordinance. Mrs. Wilder owns samples that she would like to be able to sell in a garage sale. She asked that the wording be changed, and offered suggested wording from the Oregon City garage sale ordinance. "items not acquired for the purpose of resale".

Bob Stowell was interested in placing this item as a future agenda item.

Sherry Clyman asked if the items she is referring to have already been sold to a retailer for purchase by the public. Wilder answered that "there are a number reasons she ends up with samples. Most items would not be a current item in a store."

John Buol mentioned an incident in the Marylhurst area where the person was selling new clothing.

Thorn asked if her product could be called a used product because she has already used it for her purpose. Hammond said that was a fine line, and recommended reviewing the code, and possibly changing the definition.

Buol suggested that the Planning Department be asked to review the code.

Council asked to see this item on a future agenda. It will either be on a Planning Commission agenda or City Council agenda. Council decided to initiate the inquiry.

Sherry Clyman read a prepared statement resigning January 1, 1989, to allow for the timely filing for her council seat. Council officially accepted her resignation and reappointed Councillor Clyman for remainder of the year. Thorn made the motion and Cox seconded the motion. Stowell and Lairson had supportive comments.

Ayes: Stowell, Crabb, Cox, and Thorn  
Nays: None.

## #4. Public Hearing - 1988/89 Fiscal Year Budget and public hearing on proposed use of Federal and State Revenue Sharing Funds

No challenges from the public, no abstentions from action on the Council. William Gin presented the proposed budget for the 1988/89 FY as approved by the Budget Committee. Gin asked for public comment. Buol asked the Council to continue this public hearing because of the Park Levy which was not included in the budget at this time. No one else wanted to speak on the budget.

Lairson referred to a letter from the Traffic Safety Commission to the City Administrator asking that certain items be funded in the budget.

Discussion followed regarding Christmas Tree disposal. Ed Druback explained the Christmas Tree disposal problem.

Thorn asked if the number of trees that were being left in the wading pools after Christmas were decreasing? Druback answered no.

City Calendar was considered. Buol also mentioned workman's compensation refund that is expected back because of our good record last year. Council discussed using that money to restore the calendar. Thorn said that she had a problem adding above the money we have available.

Lairson asked John Buol about money expected from the Tri-City Sewer. Buol answered that nothing could be funded back.

Stowell asked if uncollectable taxes had changed any over the last few years. Gin answered that there hasn't been any real change in uncollectable taxes over the last three years.

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Crabb suggested that he would have the Lions Club man the recycling station and go ahead with the budget as it stands. Discussion followed. Council asked Gin to try to fund the calendar, traffic safety's request and city-wide clean-up.

Clyman made the motion to amend the budget to include those items. Cox seconded the motion.

Ayes: Cox, Thorn, Clyman, Stowell  
Nays: Crabb

Clyman made a motion that the public hearing be continued to June 30, 1988 at 7:30 pm for further discussion. Stowell seconded the motion.

Ayes: Crabb, Cox, Thorn, Clyman, Stowell  
Nays: None.

#### #5. Public Hearing Proposed Street/Utility Design and Construction Standards

Earl Reed, Public Works Director, explained the process that had taken place to create the proposed construction standards, saying that the Construction Standards Committee recommends approval. Reed pointed out changes that did not appear in the proposed construction code, and asked for adoption. Hammond will prepare an ordinance to adopt.

Lairson said that a letter from T/S Commission recommends adoption of the standards also.

Clyman made a motion to close the public hearing. Thorn seconded the motion.

Ayes: Cox, Stowell, Thorn, Clyman, and Crabb  
Nays: None.

Clyman made a motion which was seconded by Cox to adopt the proposed Construction Standards, and direct the City Attorney to prepare the necessary ordinance.

Ayes: Cox, Stowell, Thorn, Clyman, and Crabb  
Nays: None

Buol publicly thanked Earl Reed for his work.

#### #6. Discussion - Sanding and Plowing of County Roads

Earl Reed updated the Council regarding the flashing light for the intersection of Parker Road. He said that the County was aware of the deadline, and would try to get the light in before that time.

Reed said the County had some reluctance as to liability and they aren't interested in an intergovernmental agreement to clear County streets that are within West Linn. Thorn would like to see something in place by the time school starts. Hammond suggested that the agreement be prepared and given to the County.

Another issue Reed discussed was roads that the City could clear and sand quicker than the County. The City's request for additional snow removal equipment was removed from the budget. Dennis Koellermeier, Operations Supervisor addressed the topic. He said it will cost the City money to work on the County roads. He said that the County is reluctant to reimburse the City for work they do for the County. Discussion followed.

Staff was asked to address the County Commissioners in the Council's name. Hammond suggested that staff talk to their staff prior to going to the Commissioners.

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Charles McAllister, former employee of Dorsey Bus Company, member of the Traffic Safety Commission addressed the Council. He suggested that the City apply the sand and clean the street and then deal with the County and politics later.

Council asked for an agreement with the County. Staff is to schedule a meeting with the County to pursue.

- #7. Proposed loan from Caufield Trust Fund to fund Public Works Administration Building.

John Buol explained the request. Buol said that the City is short of funds for the needed facility and William Gin has come up with a proposed method for funding. Gin explained the proposed interfund loan plan. Gin also asked Council to request authorization for the City Attorney to investigate the legality, through the Circuit Court, of such a loan. Hammond addressed the process.

Clyman made a motion to approve the recommendation on page three of the agenda bill dated June 13. Stowell seconded the motion

Ayes: Clyman, Thorn, Cox, Crabb, and Stowell  
Nays: None.

- #8. Proposed Library Agreements:

Buol showed Council preliminary design concepts for the Library. Discussion followed.

- A. Library Architect Contract with SRG for \$74,600. John Buol said that staff recommend approval, and Hammond had approved. He said this was a "not to exceed" figure.

Thorn asked about miscellaneous expenses. Are there any loopholes? Hammond said that a number of meetings would be required to achieve certain tasks. Hammond said this seems like ample meetings, but anything over this number will mean an hourly rate. Thorn was concerned that we don't go over.

- B. Interior Design - SRG Partnership \$11,000. Recommended by the Building Task Force. An agreement will be ready for Council at their next meeting. Thorn commented because she sat on the selection committee. She said the committee was concerned with signage in the new building and SRG agreed, unlike some of the other firms.

- C. Art Selection Committee for the Library. It was recommended that the committee consist of a member of the Council, Kathy Lairson volunteered. Three artists from the Oregon Arts Commission, a Project Architect, a Library staff member, John Hooley and Alan Brickley, and a member of the City's new arts committee. A second member of the Council was appointed. Jill Thorn.

- D. Land Survey - Kampe Associates of Lake Oswego - \$3,700

- E. Geotechnical Work -Rittenhouse-Zeman \$3,600 maximum (it is agreed that they will strike the word "estimated") Staff recommended approval of all agreements.

Stowell made a motion to approve Agenda item number 8A,B,C,D, and E as presented. Cox seconded the motion.

Ayes: Stowell, Crabb, Thorn, Cox, and Clyman  
Nays: None.

Staff will be soliciting proposals for landscape architecture. Thorn has asked to serve.



## #9. Agent of Record Recommendation

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John Buol explained that proposals were received and interviews of the two firms who submitted proposals were held. The committee unanimously recommended that the City reappoint J,B,L, and K Insurance.

Cox made a motion and it was seconded by Stowell to appoint J,B,L, and K Insurance for the next three years.

Ayes: Clyman, Cox, Stowell, Crabb, Thorn  
Nays: None.

#10. Ordinance No. 1237, Declaring City's election to receive State Shared Revenues.

Buol explained that this was necessary because of a State requirement. The Ordinance was read by title by Mayor Lairson. Stowell made a motion which was seconded by Clyman to adopt Ordinance No. 1237.

Ayes: Thorn, Crabb, Stowell, Clyman, Cox  
Nays:

Mayor Lairson read the Ordinance a second time by title. Stowell made a motion, seconded by Clyman to adopt Ordinance No. 1237.

Ayes: Thorn, Crabb, Stowell, Clyman, Cox  
Nays: None.

## #11. Consent Agenda:

- A. Transfer Budget: T-88-3 for the 1987/88 Fiscal Year. Resolution No. 88-14, adopting the Transfer Budget and Making Appropriations
- B. Liquor License request - JT Roth Construction Company - Convenience Store Highway 43 and Hidden Springs Road.

Thorn made a motion to approve consent agenda items 11A/B. Stowell seconded the motion.

Ayes: Crabb, Cox, Thorn, Clyman, and Stowell  
Nays: None.

#12. Resolution No. 88-15, Calling for Odd/Even Watering in the Rosemont Pressure Zone.

Buol explained this has been done for the last two years, and we hope this is the last summer.

Mayor Lairson asked that Mr. Buol write a letter to the Realty Board and major developers.

Stowell made a motion to adopt Resolution No. 88-15. Cox seconded the motion.

Ayes: Crabb, Cox, Clyman, and Stowell  
Nays: Thorn

## #13. Administrator's Reports

Buol reminded Council of a Work Session on the tax base, and asked for a date from Council. Council decided on August 3. Staff is to invite the Budget Committee.

Buol informed the Council that the City had requested extension of time for our Periodic Review submittal. We were given a date of August 14, 1988.

## #14. Business from Council

Thorn asked anyone interested to participate in the parade July 30, 10:00 A.M. and said it would be televised regionally. Applications for the parade are available at City Hall.

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Thorn also solicited volunteers for working at the City's Fair booth.

Charlie McAllister, Vice Chairman of the Traffic Safety Commission volunteered to help.

Jon Cox volunteered to help on the Fair Booth.

Crabb spoke regarding the problem of large trucks parking on the main street in Willamette area. He also made a statement about getting along and being aware of each others rights.

Clyman expressed her gratitude to the Council.

Stowell wished his son a happy 18th birthday.

Lairson's boss is heading up discussion of Children's needs. She said a forum will be held in West Linn July 6, W.L. Lutheran Church.

Adjourned at 10:25 P.M.

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Adjourned Regular Council Minutes

June 30, 1988

Members Present: Acting Mayor Bob Stowell, Councilor Jill Thorn, Councilor Jim Crabb, Councilor Jonathan Cox, City Administrator John Buol, Finance Director William Gin.

The meeting was called to order by Acting Mayor Bob Stowell. Acting Mayor Stowell asked if there was anyone present who objected to the Council holding the continued hearing on the 1988-89 fiscal year budget. Since there was no one present, there was no objection.

Acting Mayor Stowell asked if the Councilors had any comments about the 88-89 fiscal year budget. Councilor Thorn asked about the revenues to offset the items included in the budget for the 1988-89 year in the amount of \$7,500.

Finance Director William Gin says he has reviewed the budget but has found some items that are short and some items that are over in the expenditure column and revenue seems to be pretty much on projection.

Finance Director Gin recommended that the Council decrease the contingency by \$7,500 and maybe in September or the first part of year the City will have a better understanding and review of the 87-88 year budget and can make changes with a supplemental budget at that time.

Acting Mayor Stowell asked if anyone had any comments about including the \$500,000 per year for the serial levy for Parks. The City Administrator stated the election is scheduled for August 9, 1988. It is necessary to include this levy in the 1988-89 fiscal year budget so the taxes may be levied in this fiscal year if the voters approve the levy. The serial levy is for three years for \$500,000 per year for a total of \$1,500,000.

It was moved by Crabb, seconded by Thorn to close the public hearing. The vote was: Crabb, yes; Thorn, yes; Cox, yes; Stowell, yes.

The Acting Mayor called for a motion to adopt the budget. It was moved by Crabb, seconded by Cox to adopt the 1988-89 fiscal year budget as amended in the amount of \$17,500 for a total budget of \$12,831,202 plus the \$500,000 a year for the park levy, effective July 1, 1988.

The vote was: Cox, yes; Crabb, yes; Thorn, yes; Stowell, yes.

Council was presented with proposed Resolution 88-13, a resolution adopting the budget for the 88-89 fiscal year, commencing on July 1, 1988 and making appropriations and providing for appropriations therefore and determining, making and declaring ad valorem taxes levied for each fund.

It was moved by Cox, seconded by Thorn to adopt resolution 88-13. The vote was: Cox, yes; Thorn, yes; Stowell, yes; Crabb, yes.

The meeting was adjourned by Acting Mayor Stowell.

*John A. Buol*

## CITY COUNCIL MINUTES

JULY 13, 1988

Council Members Present: Jill Thorn, Jim Crabb, Mayor Kathleen A. Lairson, Bob Stowell

Council Members Absent: Jon Cox, Mike Gates, and Sherry Clyman

Staff Members Present: John A. Buol City Administrator, Diana J. Nicolay City Recorder, and DeAnn Darling City Attorney

1. Call to Order - Flag Salute
2. Minutes of the May 25, and June 22, regular Council meeting, and the June 30, 1988 Continued Council Meeting. Thorn made a motion to approve the minutes, seconded by Stowell.

Ayes: Thorn, Crabb, and Stowell  
Nays: None

3. Open Period:

A. Information/Public Announcements:

B. Future Agenda Items:

Thorn said that the Fair princesses would like to come to the next meeting. Crabb would like to look at what we have on weeds on vacant lots, dumping grass and litter in parks such as Wilderness Park, because there is abuse and a few other things that he would like to cover with John Buol. Crabb said people were dumping grass and leaving it and dumping in holes in the road. Buol asked if he would like to see the information before he decides whether to put it on the agenda. Staff pointed out where it is in the code. Lairson presented the City with a plaque from the County commemorating our 75th Anniversary.

C. Staff Information to Council: None.

4. Addendum to Agreement - Oregon State Hwy. Div. - Hwy. 43/McKillican/Hood Streets - Resolution No. 88-16.

Buol explained that in April of 1984 the City negotiated the original agreement for improvements, and at that time our share was \$27,000. Since then a revision of the improvements will change our contribution to the project to \$37,000. Staff says we have funds budgeted in the 1988/89 budget. Thorn wondered who would pay if Council did not approve this. Buol said it would be on hold until that was decided.

Stowell made a motion to adopt Resolution No. 88-16, seconded by Thorn.

Ayes: Crabb, Stowell, and Thorn.  
Nays: None.

5. Agreement - SRG Partnership - Design Service for new Library

Buol explained the Agreement. Thorn made a motion, seconded by Stowell to adopt the agreement in the amount of \$10,658.

Ayes: Stowell, Crabb, and Thorn  
Nays: None

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## 6. TCI Cable Request

Buol explained the request to provide a Surety Guarantee in lieu of providing a bond. Stowell made a motion to authorize the Mayor to accept the Surety Guarantee to replace the Bond Guarantee with TCI Cablevision of Oregon, Inc., and revising the address of the City of West Linn in the Surety Guarantee to be 22825 Willamette Drive. Thorn seconded.

Ayes: Thorn, Crabb, Stowell  
Nays: None

7. Ordinance No. 1238, Construction Standards

Buol explained that Council had previously authorized the City Attorney to prepare this Ordinance. Mayor Lairson read Ordinance No. 1238 by title. Stowell made a motion for adoption of Ordinance No. 1238 Thorn seconded.

Stowell commented saying it was a good set of standards to have. Lairson spoke supporting.

Ayes: Crabb, Stowell, Thorn  
Nays: None.

Mayor Lairson read Ordinance No. 1238 a second time by title. A motion was made by Stowell, second by Thorn to adopt Ordinance No. 1238 effective July 14, 1988.

Ayes: Stowell, Crabb, Thorn  
Nays: None.

8. Resolution No. 88-17, functions, governance, and funding of Metropolitan Service District.

Buol explained that the 1987 Legislature set up a task force on the Metropolitan Regional Governments to examine and make recommendations concerning regional governments in the Portland Metropolitan area. The study is being funded by the legislature and Metro. He said there have been many hearings held to consider a wide range of regional government issues, including Metro's function and its relationship with other regional governments such as the Boundary Commission, Tri-Met, and the possibility of Metro providing other services such as regional libraries and parks. Buol asked Council to endorse a resolution and forward it along to the Task Force on Metropolitan Regional Government. Thorn made a motion to adopt Resolution No. 88-17, and it was seconded by Stowell

Ayes: Thorn, Crabb, Stowell  
Nays: None.

## 9. Presidential Congratulations - West Linn Solid Waste and Recycling Committee

Mayor Lairson read a formal congratulations to the West Linn Solid Waste and Recycling Committee on being nominated for the 1988 President's Volunteer Action award.

## 10. Election Results - June 28, 1988 Special Election - Charter Amendment

Buol said he would like to see the official election results recorded in minutes. Thorn made a motion to put the results in the record, Crabb seconded the motion.

Ayes: Thorn, Crabb, Stowell  
Nays: None

June 28, 1988 Charter Amendment

\$1,597 Yes

\$1,359 No

The Charter amendment changes the number of Council members to four and a mayor, and makes all positions at large. It also changes the term of office of the Mayor to four years, and allows the Mayor to be a voting member of the Council.

The Charter amendment also makes each Council member liaison to a city department. The new amendment officially takes affect on January 1, 1988, but candidates will run at large in the November, 1988 election. 107

11. Consent Agenda:

A. Appointment - Charter Review Committee

Stowell made a motion to appoint Dale Fortuna to the Charter Review Committee. Crabb, seconded.

Ayes: Stowell, Crabb, and Thorn

Nays: None.

12. Administrative Reports:

Buol presented Council with a request prepared by William Gin, Finance Director, to terminate a lease with Xerox, for the copy equipment in the Finance Department. Buol asked for authority to execute the letter requesting termination.

Stowell made a motion to support execution of the letter. Crabb seconded the motion.

Buol made a request to continue with shortened hours that Development Services and Finance is open to public.

Stowell made a motion to continue the hours of operation of 10am. to 5pm at Annex for the next year, or until July 1, 1988, Crabb seconded

Ayes: Crabb, Stowell, and Thorn

Nays: None.

Buol brought up the time table for selection of legal services, and asked for comments.

A letter from Penny Line resigning from the Recycling Committee, was read. Thorn moved to accept the resignation, and advertise for the vacancy, Stowell seconded.

Ayes: Thorn, Crabb, and Stowell

Nays: None.

Council asked that staff check the files for other applicants that weren't appointed, and then advertise if necessary.

13. Business from Council

Jill Thorn reviewed a schedule for 75th Birthday Celebration. There will be a "beautiful yard" competition and a "lights out for neighborhoods" event. Thorn reviewed the schedule of fun for the celebration.

Lairson read a letter from Buck Medical Services regarding our Fire Department employees who staffed two first aid booths at the Portland 200 Races.

14. Adjourned at 8:45 P.M.

*Diana J. Nicolay*

DIANA J. NICOLAY, CMC  
City Recorder

CITY COUNCIL MEETING

AUGUST 10, 1988

1. Mayor Lairson called the meeting to order and lead the flag salute

Special Presentation - History of West Linn - The Incorporation of the City - Mayor Lairson and Councillor Jim Crabb from the Willamette area of West Linn buried the hatchet together. Lairson then asked for permission from the rest of the Council to post an Historic Area sign in Willamette area. Lairson asked that two more signs be made and put at the entrance of the Willamette area. Council vote was unanimous. Councillors Crabb, Gates, Stowell, and Thorn received plaques for 75th year. Mayor Lairson reviewed the celebration plans for week.

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2. Minutes of the July 13, 1988 regular Council meeting were continued.

3. Open Period

A. Information/Public Announcements

Mike Gates proposed the formation of a Heritage Committee for the City of West Linn.

Gates proposed the renaming of Sunset Firehall to Sunset Heritage Hall.

Gates also announced that 75th Anniversary sweatshirts were now available at City Hall.

Steve Russell, 3500 1st Interstate Tower, representing Luella Dunford on her appeal, asked to help City prepare a draft ordinance change to be heard at the September window to the Comprehensive Plan. Lairson spoke for Council, saying that Council is careful not to make ordinance changes that would affect one property owner positively, and twenty other property owners negatively. Buol explained why staff had not been working on this issue for the September window. Hammond said this was one of the Planning Director's next priorities, and it applies to all arterials in the City and must be carefully reviewed from the big picture. Russell said he was willing to work with guidance from staff, and to do some of the work for the City.

4. Annual Report to Council - Library Board

Lenore Buth, member of the Library Board gave the report including county automation, the new Library building, future needs once in new building is in. She said the board was anticipating ways to fill new shelves with books, writing grants, and fund raising. The Library is planning a new adult lecture series. Next year will be the 50th anniversary of the West Linn Library.

Mayor Lairson thanked the Library Board for all of their work this last year.

5. Proposed Resolution No. 88-18, declaring a portion of Bolton Pump Station Surplus Property.

John Buol explained that with the construction of the sewerage plant there was a trade of property and it left a parcel of property along the riverfront that the City could sell. He said the City must declare the property surplus first. He asked for adoption of Resolution No. 88-18, and said we also need an appraisal and ask for sealed bids. He said Council could also list the property with a realstate firm. Gates made a motion to adopt Resolution No. 88-18, seconded by Stowell. A vote of the Council showed:

Ayes: Crabb, Thorn, Gates, and Stowell

Nays: None.

Thorn was in favor of obtaining an appraisal and obtaining sealed bids.

6. Proposed Resolution No. 88-19, amending Resolution No. 87-27, Hunter Way Condemnation

Buol explained the change of law firms requires an amendment.

Stowell made a motion to adopt Resolution No. 88-19 and Thorn seconded the motion. A vote of the Council showed:

Ayes: Gates, Stowell, Thorn, and Crabb

Nays: None.

7. Proposed Ordinance No. 1239, creating an Arts Commission

There was a Council consensus to waive the full reading of the proposed ordinance. Mayor Lairson explained the Ordinance.

Lairson stated the purpose of the Commission.

Stowell made a motion to adopt Ordinance No. 1239 effective August 11, 1988. Thorn seconded the motion. A vote of the Council showed:

Ayes: Stowell, Gates, Crabb, and Thorn  
Nays: None.

Mayor Lairson read Ordinance No. 1239 a second time by title. Stowell made a motion to adopt Ordinance No. 1239, forming an Arts Commission, Thorn seconded the motion. A vote of the Council showed:

Ayes: Stowell, Gates, Crabb, and Thorn  
Nays: None.

8. Letter and Policy on use of McLean House

Charlene Richards, Assistant to the Administrator, explained the request was that non-profit religious organizations should not have to pay a fee to use the McLean House. Gates abstained from conversation and voting.

Richards explained that other religious groups have previously been charged to use the McLean House. She said that other jurisdictions charge at least \$15.00 per hour. She said that some don't even rent to religious organizations. Richards felt that a \$18.50 fee was reasonable. Hammond supported Richards comments.

Marcia VanOrman said her group would not be using the facility as a religious facility. She said their purpose was to hold seminars to raise families.

Hammond said you have to look at the sponsorship of the activity and not the nature of the activity.

Buol added that most non-profit organization give something back to the City. Lions Club etc.

Hammond said that the Constitution says you cannot use public money to subsidize a religious activity.

Richards added that staff is planning an amendment to the existing policy on McLean House fees.

VanOrman said it is difficult to find a location for a small group like theirs to meet.

Stowell supported \$18.50 fee. Thorn supported \$18.50 fee.

9. Consent Agenda:

A. Employee Recognition Program

Tom Yeomans was named commendable employee for investigation of the City's water system prior to preparing the new mapping system through our consultants.

Thorn made a motion to approve the commendable employee award. Gates seconded the motion. A vote of the Council showed:

Ayes: Crabb, Thorn, Gates, and Stowell  
Nays: None.

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## 10. Administrative Reports

Reminded Council of two meetings August 1, 1988 with Planning Commission, and August 18, 1988 on Charter Review.

## 11. Business from Council

Thorn summarized events Council should attend - Historic Reception in Hammerle Park, and 75th Anniversary Celebration on Sunday in Willamette Park. Thorn also said that the Fair was a success.

Crabb gave letter of resignation from Council as of January 1, 1988.

Stowell made a motion to accept the resignation of Jim Crabb, and reappoint Crabb to fill the position until December 31, 1988. Gates seconded the motion. A poll of the Council showed:

Ayes: Gates, Stowell, Thorn, and Crabb

Nays: None.

Lairson announced that Ballet tickets were on sale at City Hall, for the 75th Anniversary Celebration ballet at Clackamas High School.

## 12. Adjourned.

*Marian J. Nicolay, CMC*  
*City Recorder*

## CITY COUNCIL MINUTES

AUGUST 24, 1988

1. Call to Order 8:05 P.M.- Mayor Lairson lead the Flag Salute.

2. Minutes of the July 13, and August 10, 1988 regular Council meetings were approved with a motion from Clyman and seconded by Cox.

Ayes: Thorn, Cox, Clyman, Gates, and Stowell

Nays: None

3. Open Period:

Clyman announced that September 2, 1988, 5:00 P.M. is the final filing deadline for Mayor and Council positions. Clyman asked for people to come forward and run for office.

Thorn asked for a formal presentation on September 14, 1988 of a check to West Linn High School Jazz Band for their part in the Sternwheeler Cruises at the 75th Celebration.

Mayor Lairson thanked Councillor Thorn for her work on the 75th Celebration, citing that everything went well and a good time was had by all.

4. Annual Report to Council - Park Board

Samantha McAlister of Norfolk Street in West Linn, and Park Board Member, read the Park Board's report entitled "West Linn Parks and Recreation Advisory Board Report to City Council 1988". A copy of the report will be on file in the office of the City Recorder.

## 5. Report and Recommendation of Charter Review Committee.

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John Buol explained that Gus Mohr was Chairperson and Irv Koellermeier was Secretary of the Committee. There were six members who used the model charter from the League of Oregon Cities along with other documents to come up with recommended changes to existing Charter. Buol explained the process the committee had gone through, and gave their recommendation. Buol said that at their work session with the Council several modifications were made to their recommendation.

Jack Hammond explained the distinction between the two proposed amendments he had prepared for the Council's consideration. Mr. Hammond had prepared two resolutions, and two different Charter amendments, Amendment A, and Amendment B. Discussion followed, regarding the two amendments, and the current charter. Jill Thorn felt that the new Charter, which was recently voted in by the citizens, should be implemented and given a chance before the City attempts to change it.

Mike Gates had questions of clarification regarding Amendment A vs. Amendment B. His questions were answered by Jack Hammond. Gates felt that the order of the wording on the two proposed amendments should have been done in the same order on both so that it would be easier to compare them. Hammond clarified that he had prepared the two amendments so that anyone reading them could easily see the main difference between the two proposals.

Lairson had questions of clarification which were answered by Buol and Hammond.

Stowell expressed his thoughts on the two amendments.

Thorn said she was opposed to Amendment A and supported Amendment B because she felt the voters clearly told us what they wanted, and that hasn't even gone into effect yet.

Stowell supported putting both choices on the ballot.

Clyman was opposed to both amendments, and to the recently approved Charter amendments. She was in favor of the City Judge being appointed, but did not like the process the City was going through proposing these amendments. She did not feel that the public should be asked to vote on whether or not Council members should be liaison to departments. She did not support any of the amendments, or the current Charter as approved by the voters.

Buol explained that the Charter Review Committee went by the updated Model Charter submitted by the League of Oregon Cities.

Mike Gates felt that it was too soon to try to change the Charter since it hasn't been in effect yet. He also disagreed with some of the sections of the proposed amendments.

Cox supported Amendment A.

Stowell supported both amendments, and at least Amendment B.

Discussion followed. Clyman almost concurred with Amendment A. Testimony forms were received from two citizens.

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Mike Skee, 1684 Dollar, supported the new Charter Amendment recently voted in. Skee suggested not sending these amendments to the voters at this time, because the passage of these amendments would not effect the health or welfare of the community.

Sharon Killian, read a statement for her husband Richard Killian, regarding the New Charter and the proposed Charter Amendments. He was opposed to the addition of positions on the Council, and removal of liaison positions. Mr. Killian had attended Charter Review meetings. Killian supported keeping the Charter the same as it was last approved by the voters. Supported liaisons to departments.

There were no other testimony forms.

Stowell made a motion to place Amendment B before citizens. Thorn seconded. Clyman discussed her opinion of the two proposed amendments. Discussion continued.

Mike Gates asked for a dictionary, and looked up the word liaison. Gates then supported liaisons saying that the intent of the department liaison was not to go around the City Administrator, but to improve communication between Council and the City Departments. Gates supported liaisons, and the motion that was made.

Ayes: Gates, Thorn, Cox and Stowell

Nays: Clyman

6. Proposed City Council Policy - McLean House

Buol explained the proposed amendment to the McLean House policy. Staff recommends approval. Clyman made a motion seconded by Thorn to approve the policy as amended.

Ayes: Clyman, Cox, Stowell, Thorn, and Gates

Nays: None

Gates commented that the reason he abstained from the vote in the last meeting was that he had hired Marsha VanOrman to do some work for him and it may have been a conflict.

7. Proposed Intergovernmental Agreements:

A. Animal Control - Clackamas County

Buol explained the renewal agreement with Clackamas County.

Thorn made a motion and Gates seconded, to approve the renewal of the Clackamas County Animal Control Agreement.

Ayes: Stowell, Clyman, Gates, Thorn, and Cox

Nays: None

B. Historic Review Board - Clackamas County

Buol explained that Resolution No. 88-21 would be needed to adopt the Agreement with Clackamas County for use of their Historic Review Board.

Gates had questions clarification

Thorn made a motion to adopt Resolution No. 88-21. Gates seconded the motion. The vote was unanimous.

Ayes: Cox, Gates, Clyman, Stowell, and Thorn

Nays: None



8. Consent Agenda: Mayor Lairson reviewed the Consent Agenda items.

A. Bid Recap and Recommendation - Asphaltic Concrete

Recommendation to award the bid to K F Jacobsen of Portland in the amount of \$88,447.86.

B. Bid Recap and Recommendation - Public Works Building

Staff recommended that all bids be rejected due to the fact that they were inflated. Staff also recommended that bids be called for later this year, after an evaluation of the building plans.

C. Resignation - Traffic Safety Commission Member

Accept the resignation of Don Burton from the Traffic Safety Commission and authorize the City Recorder to advertise for the vacancy.

D. Election Results - August 9, 1988 Park Levy  
 1,384 YES VOTES 2,337 NO VOTES D. Nicaay  
 Gates moved and Clyman seconded to approve consent agenda.

Ayes: Thorn, Cox, Clyman, Gates, and Stowell  
 Nays: None.

9. Proposal to rename Sunset Fire Hall, and form Heritage Committee.

Mike Gates wanted to make two separate motions. First to rename Sunset Firehall to Sunset Heritage Hall. Gates made the motion to rename the Fire Hall "Sunset Heritage Hall". Thorn asked for an explanation of why he wanted to change the name. Gates explained it would be a reminder of some of the good things from years ago. He would also like to create a heritage committee to acquire historical materials and keep track of them. He was also interested in creating a living library where pictures and biographies of West Linn residents who have lived in the community for fifty years would appear. After some discussion, Gates repeated his motion. Cox seconded.

Stowell was in favor of public notification of this proposed name change.

Gates withdrew motion. Cox withdrew the second.

Thorn asked if Mr. Gates would go ahead and set in motion the Heritage Committee to proceed with a recommendation for Council to consider. Thorn suggested looking towards the first of October to rename the Fire Hall

Gates was interested in seeing as many people on committee as interested.

Clyman supported the formation of the committee, and the idea.

Gates made a motion to form a Heritage Task Force to recommend a permanent Heritage Committee, and suggest the possible rename of Sunset Fire Hall. Cox seconded. Thorn asked if there should be a time line, and suggested the last meeting in October. The Council was interested in taking applications for the committee, right away, to get started.

Ayes: Gates, Thorn, Cox, Clyman, and Stowell  
 Nays: None.

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## 10. Administrative Reports

Buol announced that the 1989 City Calendar would be historic.

Buol announced that there would be a Special Council meeting Wednesday, September 7, on the appeal of the Planning Commission decision on the water tower. Buol also mentioned that the September 14 and 28 meetings of the Council would mainly be Comprehensive Plan Review.

## 11. Business from Council

Jill Thorn asked about the progress of the snow plow agreement with Clackamas County, for Rosemont Road. Council asked staff to check on the status of the agreement and let them know.

Thorn had questions about the size of the community meeting room for evening use at the new library facility that was being planned. She was afraid, by reading the latest update, that the meeting room was smaller than it was supposed to be. She wondered if the council wanted to address the size. Lairson explained that there was a parking space problem. Clyman wondered if the size of the room was cut down to add landscaping.

Buol explained his knowledge of the situation, and said there would be a Library Building meeting Monday evening at 7:15 P.M. at the McLean House that Council may like to attend.

Mike Gates asked Ken Worcester to have a basketball hoop added to a future budget for the tot lot at the end of Mark Lane.

## 12. Adjourn at 9:35 P.M.

## Special Council Meeting

September 7, 1988

Purpose: Continued discussion on proposed revision on West Linn's City Charter Amendments.

Council Members Present: Jill Thorn, Jim Crabb, Mayor Kathleen A. Lairson, Mike Gates, Bob Stowell

Council Members Absent: Jonathan Cox, Sherry Clyman

Staff Present: John A. Buol City Administrator, Diana J. Nicolay, City Recorder

Mayor Lairson opened the meeting at 8:00 P.M. Lairson announced that the public hearing on the Rosemont Water Tower which was originally scheduled to heard this evening would be rescheduled for the 21st of September due to notice requirements.

Mayor Lairson lead the flag salute.

Lairson opened the Charter discussion regarding garbage burning within two miles of schools in West Linn.

Buol announced that Councilor Thorn had been contacted by members of the public on this matter. Buol said he had asked Hammond to prepare an amended resolution for Council consideration.

Buol explained that the original reason for Hammond recommending that the section of the Charter be removed was that he felt the language was unenforceable.

Larry Bollinger, 2592 Hillcrest Ct. said that the language was placed in the Charter by a successful initiative petition, and was passed by West Linn voters by a margin of more than three to one. Bollinger referred to his memorandum of September 7, 1988 (Exhibit A). He asked that the wording in the Charter remain.

Gates asked Bollinger if he would be interested in a policy adopted by the Council saying that they supported language such as that shown in the Charter, so that the unenforceable language in the Charter could be removed. Bollinger didn't think the policy was as enduring as something in the Charter.

Lairson suggested adding one word "Municipal" to the section already in the Charter, and leaving the section in. Thorn had no problem with leaving the section in the Charter and adding the word municipal. Stowell suggested adding the words "commercial and municipal" to the Charter as it is currently written. The idea was discussed.

Thorn asked if technology were to change, would Bolinger have a problem at that time with the language being taken out? Bollinger answered that he was not a fan of garbage burning, he would want to see the plan before he could make a decision like that. He said he was more interested in creating another type of fuel from the product.

Thorn asked if the tax credit was not in effect, would we need this section in the Charter? Bollinger felt we probably would.

Bob Mountain, 1381 Buck Street, originally supported the garbage burner, but said realizes now that it would over-pollute the air, which is already polluted. Mountain felt that taking the language out of the Charter would be like saying that we don't mind having the garbage burning facility here. He said that all surrounding jurisdictions still have language that opposes such a facility in this area. Mountain felt that there was strength in numbers, and that language from one jurisdiction that was unenforceable would become stronger if all surrounding jurisdictions supported it.

Stowell made a motion to include the words "municipal" and "commercial" in the current language in the Charter, and leave the language in the Charter. Thorn seconded the motion.

Ayes: Thorn, Crabb, Gates, Stowell, Lairson  
Nays: None

Thorn made a motion to adopt Resolution No. 88-20. Stowell seconded the motion.

Ayes: Thorn, Crabb, Gates, Stowell, and Lairson  
Nays: None.

Gates posed a question. Can the Mayor make motion when she is a voting member of the Council? Buol will look in to the answer.

Gates showed the Council a picture of a Heritage Hall in Montana that was an example of the type of Heritage Hall West Linn could have.

At 8:35 P.M. Council adjourned.

*Diana J. Nicolay*  
\_\_\_\_\_  
Diana J. Nicolay, CMC  
City Recorder

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1. Call to order at 8:00 P.M.. Mayor Lairson lead the flag salute.
2. Presentation - West Linn High School Jazz Band

Mayor Lairson then introduced Mr. Bob Fosberg and thanked him for being the one who brought up the idea of having the Sternwheeler during the 75th Anniversary Celebration. It was also his idea to have the West Linn High School Jazz Band entertain during this cruise. Mayor Lairson presented the Director of the West Linn High School Band, Mr. Irwin, a check for their participation in the Celebration. John Buol mentioned that \$1.00 extra was charged for the Sternwheeler cruise and this is what went to the West Linn High School Jazz Band, the check being in the amount of \$405.00. Mr. Ron Albert was thanked by Mayor Lairson for coordinating all the buses and drivers for the 75th Anniversary Celebration.

3. Minutes of the August 24 regular Council meeting and the September 7th Special Council Meeting were approved with a motion from Gates and seconded by Cox.

Ayes: Thorn, Crabb, Cox, Clyman, Gates, Stowell, Mayor Lairson.

Nays: None.

4. Presentation by Kurisu International on proposed Library landscaping.

Mr. Larry Tamiyasu of Kurisu International made a presentation of the landscaping ideas his firm had drafted so far. Stowell had a question about the entrance and exit of the parking lot, which Mr. Tamiyasu explained further. Thorn wondered if the number of parking spaces allowed in the proposed plan would be 35 or 40, and proposed that there be 40. Cox pointed out that some trees would have to be moved to accommodate 40 parking spaces. Stowell wondered if plants would be planted in those areas that didn't have any and if the native trees would be preserved as much as possible. Mr. Tamiyasu explained further the various alternatives in the proposed plan. Mr. Mike Skee spoke in support of at least 40 parking spaces.

Clyman moved to accept the proposed landscaping and Library parking lot with 35 spaces, and Cox seconded the motion.

Nays: Stowell, Thorn, Gates, and Cox

Ayes: Clyman, Cox, Lairson

Motion defeated and more discussion followed.

Gates moved to design a new Library parking area with 40 spaces and landscaping, and Thorn seconded the motion.

Ayes: Thorn, Stowell, Crabb, Gates

Nays: Lairson, Clyman, and Cox

5. Open Period: Mr. Mike Skee made a few comments about citizens running for Council positions and felt that some sort of introduction to the citizens of West Linn would be in order so that they could get to know these individuals and their qualifications. He didn't think this would be a waste of time, but rather would allow citizens to participate and hopefully vote.

Gates had a question about whether the Mayor has the right to make a motion, and Jack Hammond said no.

John Buol mentioned that there will be a candidates' night October 5th for the purpose of explaining the goals, issues, and plans for the next five years for West Linn, so that candidates for office would know more about what the City was planning.

6. Proposed Intergovernmental Cooperative Agreement with Lake Oswego and Tri-City Service District - Resolution No. 88-23.

John Buol explained that the Lake Oswego City Council has asked the City of West Linn to provide sewer service to a residence which is in the Lake Oswego Service District but not contiguous to it. The owner of the property, Mr. Bob Auguston, has agreed to pay all costs of this project. The Lake Oswego City Council approved this agreement September 6th and Buol recommended this Council adopt the resolution also.

Stowell moved to adopt Resolution No. 88-23, and it was seconded by Gates.

Ayes: Thorn, Stowell, Crabb, Gates, Cox, Clyman, Lairson

Nays: None.

7. Proposed Ordinance No. 1240, Revising parking on motor trucks, semi trailers, and truck tractors.

John Buol said that the West Linn Police Department has had a number of citizen complaints regarding semi trailers and trucks parking in a residential area, and the West Linn Police Department was asking for some kind of direction as to how to proceed with resolving the problem. Their suggestion is to prohibit parking of these rigs from 9:00 p.m. to 7:00 a.m. Mr. Jack Hammond stated that such a law is already on the books, but it does not apply to truck tractors, which are the most frequent violators. Mr. Don Sanders expressed his desire to have something done on the matter, since his neighbor parks trucks on his property and he feels he has no legal recourse to rectify the situation.

Clyman moved to adopt Proposed Ordinance No. 1240, revising parking on motor trucks, semi trailers, and truck tractors, effective September 15, 1988. Crabb seconded.

Ayes: Stowell, Clyman, Thorn, Gates, Crabb, Cox, and Lairson

Nays: None.

Clyman moved and Cox seconded to approve the second reading of Proposed Ordinance No. 1240, revising parking on motor trucks, semi trailers, and truck tractors, effective September 15, 1988.

Ayes: Cox, Crabb, Thorn, Stowell, Gates, Clyman, and Lairson

Nays: None.

8. Proposed Resolution No. 88-22, Setting date for public hearing on Street Vacation - 10th Street between Greene and Blankenship

Mr. John Buol explained that the Council was being asked to set a date for a public hearing on this matter and suggested the date of October 26, 1988.

Cox moved and Thorn seconded to set 8:00 P.M. October 26, 1988, as the date for the public hearing on Proposed Resolution No. 88-22, setting date for public hearing on Street Vacation - 10th Street between Greene and Blankenship.

Ayes: Clyman, Gates, Stowell, Thorn, Crabb, Cox, and Lairson.

Nays: None.

9. Public Hearing - Periodic Review to Comprehensive Plan and Development Code.

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Mr. Mike Butts, Planning Director, was present to explain the proposed amendments to the Periodic Review package being recommended by staff and the Planning Commission for adoption. These proposed amendments are:

1. Economic Development
2. Historic Landmarks
3. Wetlands
4. Transportation
5. Parks
6. Solar Access
7. Mobil Home Parks
8. Cumulative Effects of Past Amendments
9. Miscellaneous Amendments
10. Citizen Involvement
11. Public Facilities Plan

Only the first three are scheduled for discussion tonight.

Cox expressed a conflict of interest on item number three, and thought he should exclude himself from the discussions of Nos. 1 and 2 as well. Jack Hammond saw no problem with his participation and he was allowed to participate.

Mr. Butts explained that there are two parts in the economic development plan, waterfront development and existing commercial industrial lands. He introduced Mr. Terry Moore of Echo Northwest, 99 W. 10th, Eugene, Oregon, who had studied the various possibilities for development of the waterfront area. These included office space, small-scale professional offices, retail services, administrative offices, and a regional commercial undertaking in the same vein as Town Center. However, a financial feasibility study of these projects hindered such development. He recommended that the City of West Linn continue to work with the Department of Transportation for highway improvements in the waterfront area, continue discussions with the James River area, postpone an urban renewal project, and continue to monitor the market for the waterfront area.

Mr. Butts continued on to number two, Historic Landmarks. He explained that Clackamas County had formed an Historic Landmark Task Force, whose job it was to identify and rate any landmark site to be considered for preservation. The City of West Linn hired their own consultants to act in this capacity for the purpose of taking a fresh look at the criteria for historic preservation. They came up with forty-five possible landmarks to be included for preservation, which was narrowed down to thirty structures after more careful study; and it is these thirty structures which are being proposed under this amendment.

Thorn brought up the point that only a portion of the High School structure is considered an historic landmark, and if any changes were to be made to the structure, would the whole building be subject to review or just that portion of the building that is the historic part. Mr. Butts assured her that only those structures identified in the proposed amendment were subject to review.

Gates raised questions about the disadvantages to a homeowner or business owner of having their property listed as an historic landmark, and Mr. Butts explained that their property, of course, would be subject to more review than other property.

Clyman wondered if having your property listed in the registry would qualify you for any loans or grants in order to make that preservation possible, and Mr. Butts explained further.

John Buol wanted further clarification of that area of the amendment that dealt with the high school, and Mr. Butts gave further information.

Mr. Jack Caldwell, an attorney from Oregon City, spoke on behalf of the School Board.

He stated that the School Board is not interested in any way in having their High School included in the landmark registry as an historic building. He stated that the term "historic" needs a rather firm definition, not one along the lines of just-because-something-is-old-it's-historic. He explained further the ramifications to the taxpayer if something were to be done to the rest of the high School and they had to shore up the historic part. He also took issue with the consultants' report regarding the proposed preservation of a portion of the high school, and wondered why there is no provision in the amendment to allow an owner to decline to have his property declared historic.

Gates wondered if the School Board were considering any changes to the high School structure, and Mr. Caldwell wasn't sure if they were or not.

Clyman wanted to know of Mr. Butts what the Historic Task Force used as their criteria, and he assured her that they used the same guidelines and criteria as other local task forces had in the past.

Thorn stated she remembered that the School Board had intended to remodel the front of their building, and wondered if there was a way the City Council could change the designation of the High School.

Mayor Lairson had questions about the recent renovations of the City Hall and whether they would have been allowed under this proposal, and Mr. Butts confirmed that they could have done them as planned.

Cox was excused from the hearing before the discussion of No. 3, and a five-minute break was taken.

Mr. Butts then began the discussion about the proposed wetland development by stating that Mr. Mike Houck of the Audubon Society did a preliminary study of the wetlands. Mr. Butts said that what was needed was to identify what the boundaries of the wetlands were and to incorporate those boundaries clearly on a map. He also discussed the preservation of the plant and animal species within the wetland area.

Thorn wondered about development occurring up the hill from the wetlands creating new wetlands. Jack Hammond stated that nothing can be done about runoff that occurs naturally. Thorn wondered if someone could come back on you in the future and redesignate your land as wetland if the topography has changed, and further discussion followed.

Gates moved to continue the public hearing on the Periodic Review of the Comprehensive Plan and Development Code to Wednesday, September 28, 1988, at 8:00 P.M. Stowell seconded.

Ayes: Stowell, Thorn, Gates, Crabb, Clyman, and Lairson  
Nays: None.

#### 10. City Administrator's Reports

John Buol reminded the Council of the special meeting September 21st, Wednesday, to hear the appeal of the Planning Commission's decision on the Rosemont Water Tower. Also, he invited any Councilor who wished to tour the old intake area of the South Fork, since the Board is applying for transferring water rights, to let him know.

#### 11. Business from Council

Gates asked John Buol if he had received any applications for the Heritage Task Force and John replied he had gotten two. Gates then expressed a desire to serve on the Task Force himself.

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Thorn suggested setting time to do a change over at the next meeting of the City/School Liaison, September 20, 1988 at 7:30 A.M.; and Gates concurred. Thorn also wished to introduce a new cameraman, Bob Hoffman, a new resident on Buck Street.

Gates wondered if someone would come in and speak to the Council on any of the points that have already been covered tonight, and Mayor Lairson assured him that they could.

Mayor Lairson mused about an old water trough that they found and what could be done to preserve it. She also recommended that citizens take in the production of James and the Giant Peach at the very little theater across the street.

12. Adjourn at 10:30 P.M.

  
City Administrator

Special Council Meeting  
Rosemont Water Tower Appeal

September 21, 1988

Council Members Present: Jill Thorn, Jim Crabb, Jonathan Cox, Mayor Kathleen A. Lairson, Sherry Clyman, Mike Gates, and Bob Stowell

Staff Members Present: John A. Buol City Administrator, Diana J. Nicolay, CMC City Recorder, Jack Hammond City Attorney, Peter Spir Associate Planner, Ken Worcester Parks Supervisor.

1. Call to Order - Mayor Lairson, lead the flag salute.
2. Recommendation to purchase play equipment for Skyline Ridge Park.

Ken Worcester requested authorization to purchase play equipment for Skyline Ridge Park. Worcester explained the process the Parks Department went through on this item. Three companies sent proposals. Each gave a forty-five minute presentation. The proposals were close, but one company didn't meet specifications. Another company met price but was not a suitable design for us, because of safety problems. Columbia Cascade Timber Company had the best proposal. A model was present for Council to view. Worcester said that the proposed equipment was divided by age groups. The Parks Department liked the layout best of all those proposed. The proposed dollar amount was \$13, 875. Worcester asked for approval.

Thorn made a motion to authorize the purchase of \$13,875 worth of play equipment from Columbia Cascade Timber Company, for Skyline Ridge Park. Gates seconded the motion.

Ayes: Thorn, Crabb, Cox, Clyman, Gates, Stowell,  
Lairson

Nays: None.

3. Public Hearing - Review of Planning Commission decision on Rosemont Water Tower

Challenges - None

No Conflicts of Interest on Council

Exparte contact Lairson - Attended Water Task Force meeting in Spring of 1987- Met with the Design Committee Winter and Spring of 1988.

Exparte contact Gates - Had contact with two engineering firms outside West Linn-Made note of newspaper articles-visited site-letters from Murray, Smith and Associates.

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Exparte contact Thorn-Had conversation with citizens King and Breum.

Exparte contact Crabb-Had contact with former owner of property in subject area (Bill Zimmerman) since Zimmerman moved from the area.

Stowell had no Exparte contact-only attended the various previous hearings on the matter-nothing else.

There were no challenges from the audience.

Staff report was given by Peter Spir, Associate Planner.

Spir explained this was a Conditional Use Permit to construct a water tower in the Rosemont Pressure Zone. He showed an eight minute video that was submitted by Steve Breum to the Planning Commission. He referred to a document entitled General Findings before the West Linn City Council.

Lairson asked Hammond about the Final Order for Council. Hammond explained that this final order has been looked at by staff and has been revised. Hammond explained that Council could uphold the Planning Commission decision and staff would incorporate any matters they find tonight into the Final Order. He explained that the Final Order was a living document.

Spir went over approval criteria for the conditional use permit. Design Review Criteria was then reviewed. Staff asked that council endorse Planning Commission's decision.

Gates asked if the Council had the authority to amend the findings or change from stand pipe to some form of pumping system. Hammond was concerned about a funding problem, because of the ballot title that was approved. Gates had questions about the water tower shadows as shown in the video. He wondered if the 80 foot height of the matured trees was considered in the shadowing figures. Gates also addressed affects on property values.

Margaret Kirkpatrick, representing the appellant, abbreviated her presentation because most of the appellants comments are part of the record. She felt that basically she was content with the record, but wanted to state that she felt the City had not addressed the criteria for approval of the Conditional Use Permit and Design Review, and it was contrary to the policies of the Comprehensive Plan. She did not feel that the findings showed evidence of mitigation. She felt that size of facility questions were not answered in this proceeding. She felt that the buffers could not be adequate, especially in this lifetime. She incorporated all objections made at the Planning Commission level.

Thorn asked for discussion regarding the size of the water tower. Is it big enough?

Kirkpatrick answered that she doesn't see evidence that the water tower size should have been downgraded. If a school was built, it would need a larger facility.

Clyman asked for clarification of the appellants stand.

No other testimony in support of the appeal was heard.

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Project Engineer, Phil Smith, of Murray, Smith and Associates, gave history of the project saying that this was the best site in the Rosemont area. It is the highest point in Rosemont area, centrally located within the water zone, and the Master Plan recommended building the water tower in this area in 1982.

Smith felt that the City had followed the correct process in this matter. Urged Council to reject the appeal that evening. Smith addressed the downsizing of the water tower saying that the Council should be comfortable that the water tower was the correct size.

Thorn asked a question regarding the capacity.

Cox asked if this water tower would be enough in twenty years. Phil Smith assured Cox that it would.

No one with standing wished to speak against the appeal.

Rebuttal - None.

Clyman made a motion that was seconded by Cox to close the public hearing.

Ayes: Thorn, Gates, Crabb, Stowell, Cox, Clyman,  
Lairson

Nays: None.

Clyman made a motion, seconded by Cox, to adopt the Final Order of the Planning Commission and deny the appeal.

Discussion followed. Clyman felt that the evidence was adequate

Ayes: Clyman, Lairson, Crabb, Stowell, Cox  
Nays: Gates, Thorn

4. Business from Council:

Cox announced that there was finally a signal-light up at five corners.

Gates asked about the number of applications received for the Heritage Task Force.

Stowell asked that the final two blocks on "A" Street be completed with curbing and resurfacing.

Lairson announced that City Hall has a new shipment of City T-Shirts now available..

5. The City Council adjourned at 10:15 P.M.

  
Diana J. Nicolay, CMC  
City Recorder

Council Members Present: Sherry Clyman, Jonathan Cox, Jim Crabb, Mike Gates, Mayor Kathleen A. Lairson, Bob Stowell, Jill Thorn.

Staff Members Present: John A. Buol, City Administrator, Loryn Moore, Acting City Recorder, Jack Hammond, City Attorney, Mike Butts, Planning Director, Peter Spir, Associate Planner.

1. Call to Order - Mayor Lairson led the flag salute.

Mayor Lairson welcomed public to the meeting. Mayor Lairson and Council agreed to reverse the order of the agenda, reversing items four (4) and five (5).



2. Minutes of the September 14, 1988, regular Council meeting and the September 21, 1988, special were accepted by a motion from Thorn and a second by Clyman.

Ayes: Clyman, Cox, Crabb, Gates, Lairson, Stowell, Thorn.

Nays: None.

3. Open period. Mike Skee requested a list of all costs incurred by the City for remodeling of City Hall and the full amount billed to the City by Murray, Smith & Associates. Mr. Skee began reading a letter and document regarding the Rosemont Water Tower and Jack Hammond, City Attorney reminded Mr. Skee that the public hearing on the Rosemont Water Tower was closed and no new evidence could be presented.

4. Final order for adoption of Rosemont Water Tower. Motion was made by Clyman to adopt the final order of Conditional Use 88-01 and Design Review 88-08 for the Water Tower. Seconded by Cox. Discussion: Gates felt that two points in the Order were not sufficiently addressed: (1) property values and; (2) shadowing- trees to shadow. Items #10, #23, #31. Mayor asked a point of order regarding Mr. Gates' statements and City Attorney, Jack Hammond, City Attorney responded that this information and any other new information could not be considered because it was not submitted during the public hearing. Clyman responded that those two items were supported well enough in view of all the other items and they outweigh the importance of the issue and the total significance of the total project.

Ayes: Clyman, Cox, Lairson, Stowell.

Nays: Crabb, Gates, Thorn.

5. Mayor Lairson continued the public hearing of the Periodic Review of the Comprehensive Plan and Development Code.

Items 1-9 were reviewed by Mike Butts, Planning Director. Council asked questions and heard reports from Peter Spir, Associate Planner; Mike McKeevey, Metro Solar Project; Richard L. Durham, Lake Oswego City Council Solar Project; Charles Hales, Homebuilders Association of Metropolitan Portland.

Item #1. Adoption of West Linn Waterfront Study, Market Analysis and Concept Design, commercial zone changes and other economic development amendments.

Item #2. Historic Landmark Designation and Protection Standards. Council heard report and concurred that they want to remove the West Linn High School from the historic designation.

Item #3. Wetland Identification and Protection Standards.

Item #4. Adoption of West Linn Oregon Transportation and Access Management Study and Highway 43 Design Concept. Peter Spir addressed this item. Peter Spir, Associate Planner, covered Item #4, explaining how the City developed this portion of the study. Thorn asked about signalization along Highway 43 and Mr. Spir explained that the City defers to the standards of State of Oregon on these issues. City Administrator stated that the State Highway Department department has final authority.

Item #5. Park Plan Policies. Mike Butts, Planning Director, answered questions. Our Comprehensive Plan Policy is inconsistent with the motion adopted this year which supported a park and recreation district and this is to solve that inconsistency.

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Item #6. Solar Access Ordinance. Mike McKeever, consultant to the Portland/Vancouver Metro Solar Project with the State of Oregon gave a slide presentation to provide basis of information on solar access for ordinances and to respond to questions. Purpose of this project was to develop a set of uniform ordinances to implement in the 22 governments in the Metropolitan area. The three primary ordinances are: (1) Solar Access for New Development, (2) Solar Balance Point Ordinance and (3) Solar Access Permit. Richard Durham, City of Lake Oswego Councilor, stated that he was delighted with West Linn's position on adopting a solar access ordinance and complemented the City on their 75th Birthday. He also pointed out that there is no other project like this in the United States where 22 jurisdictions have gotten together and worked toward a common goal. Charles Hale, Homebuilders Association of Portland addressed the necessity of adopting a solar access ordinance. The hallmarks of this project are the involvement of the industry from day one and the regional cooperation - two successes to remember. Councilor Thorn questioned the residential restriction, Mike Butts, Planning Director, responded.

Item #7. Mobile Home Park Standards. Mike Butts, Planning Director, addressed the Council explaining this section of the review. Mr. Butts stated that a mobile home standards section had also been prepared and was a part of this report.

Item #8. Review of Cumulative Effects of Past Amendments on Comprehensive Plan and Code. Mike Butts, Planning Director, explained the cumulative effects of past amendments (since 1983) on the Comprehensive Plan and Code. Mr. Butts said they had looked at every amendment since 1983 and organized them by topics. In my analysis there are no changes that are detrimental to the LCDC goals and most changes have to do with better protection of our natural environment.

Item #9. Other Miscellaneous Amendments required to bring Comprehensive Plan and Code into conformance with Periodic Review Requirements. Mr. Butts, Planning Director, stated the only thing not addressed was a noise ordinance and he recommended that the City of West Linn does not need a noise ordinance because we have not had any noise complaints or concerns and the City drop that policy calling for us to adopt a noise ordinance. Jack Hammond, City Attorney, responded to a question from Thorn saying that we would not rely on a State agency if we did have a problem. Mr. Hammond said it would be incumbent upon us to adopt our own ordinance at that point to respond to those complaints.

Other proposed Code Amendments being considered, but not required under the Periodic Review Process:

Item #1. Street Name Change Standards. We do not have a procedure for changing street names and this will give us a standard.

Item #2. Reduce Appeal Time Limit. Mike Butts, Planning Director, explained that there is presently a 14 calendar day appeal time limit and this would reduce the time to a 10 calendar day appeal time limit. Discussion followed. Councilor Clyman inquired of Mr. Butts what purpose would be served in shortening the appeal time limit. Mr. Butts explained that it would streamline the process, and allow the City to move ahead more quickly with the process. The appeal time limit is measured in calendar days, not working days. Gates questioned when the actual counting of the appeal time began, City Attorney responded that it began when the notice is held by the City.

Mike Skee testified that these appeals involve attorneys and as a habit they don't jump to your beckon-call and it takes a number of days to find an attorney to help you get your appeal together and I think it would be a serious error to shorten the appeal time to 10 days. Proper public notice has sometimes not been posted and that in itself has caused people to be late.

The Council concurred that they wish to leave the appeal time at 14 days, not shortening it to 10 days.

Item #3. Allow Newspaper Drop Boxes. Mike Butts, Planning Director, explained drop boxes are frequently used by nonprofit organizations, may be very large and when parked next to a residence in a store parking lot become a problem for the homeowner. The current zoning does not allow for drop boxes and we would like to have control on placement. Councilor Thorn asked if he would present this information to the West Linn Business Group for their input, Butts agreed. A licensing fee was discussed for drop boxes, Butts said he would suggest \$25 fee. Butts stated that fee is a separate ordinance than community development code.

Item #4. Other Miscellaneous Code Changes. Mike Butts, Planning Director, listed several miscellaneous code changes: expanding curb width, projection of decks, maximum square footage for accessory structures (ex. Garage for 20 car, car collection). This will set standards for garages and accessory structures.

The last portion is street name signs and who is responsible.

Following discussion and questions from Council Members Mayor Lairson read through the main points of the review and asked if there was additional testimony on any point. A Motion was made by Gates to close the public testimony portion of this public hearing. Seconded by Stowell.

Ayes: Clyman, Cox, Crabb, Gates, Lairson, Stowell, Thorn.

Procedurally, City Attorney Jack Hammond stated you could go through it title by title or request comments from the Council at large for recommendations. What you will approve by motion is a tentative approval which is a submission to LCDC for their review and they have 90 to 120 days to complete this review. If they do not come back to you for more public hearings after those days, at that point you will go through the formal adoption process. If there are things you don't agree with or want removed, now is the time to excise that before submittal to LCDC.

Mayor opened floor to Council. Clyman addressed removing the High School from Historic Designation Register and leave the appeal days at 14 days. Council concurred to remove the High School from Historic Designation. Council concurred that they wish to leave the appeal time at 14 days.

Exemption of public buildings from solar access portion of the Comprehensive Plan was discussed.

A motion was made by Gates to adopt the Periodic Review of the Comprehensive Plan with the amendments of removing the West Linn High School from the Historic Designation Register and retaining the appeal time limit of 14 calendar days and direct the Staff to prepare the final draft and submit it to LCDC for approval. Seconded by Stowell.

Ayes: Clyman, Stowell, Lairson, Gates, Crabb, Cox, Thorn.

Nays: none

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Mayor asked that Staff inform the West Linn School Board that we have removed the Historic Designation from the High School before submission to LCDC.

Clyman and the Mayor thanked the Staff for their fine work on the preparation of the Comprehensive Plan and Development Code.

6. AFSCME Salary Schedule Revision and Creation of New Non Union/Non Management Position. John A. Buol, City Administrator explained the issue before the Council. A motion was made by Gates to approve the AFSCME salary schedule revision for the Building Inspector III and Building Plans Examiner and to create the new position of Building Official Supervisor, effective October 1, 1988. Seconded by Cox.

Ayes: Clyman, Cox, Crabb, Gates, Lairson, Stowell, Thorn.

Nays: None.

7. Appointments to newly formed Heritage Task Force. Mayor Lairson recommended appointing: Paddy Pynch, James. M. Manning, Dana Bietschek, Charles McAllister, and Councilor Mike Gates. Motion was made by Thorn to approve the recommendation of Paddy Pynch, James. M. Manning, Dana Bietschek, Charles McAllister, and Councilor Mike Gates as advisor to the newly formed Heritage Task Force. Seconded by Cox.

Ayes: Clyman, Cox, Crabb, Gates, Lairson, Stowell, Thorn.

Nays: None.

John A. Buol, City Administrator stated that Diana Nicolay, City Recorder, would like to serve as staff representative to the Heritage Task Force.

8. Appointments to newly formed Arts Commission. Mayor Lairson recommended appointing: Carol A. Neff, Judy L. Keller, Mary Ellen Berry, Jeannette M. Hamel, and Suzanne Jacobsen. Motion was made by Stowell to approve the recommendation of Carol A. Neff, Judy L. Keller, Mary Ellen Berry, Jeannette M. Hamel and Suzanne Jacobsen to the newly formed Arts Commission. Mayor Lairson will set the terms of office. Seconded by Gates.

Ayes: Clyman, Cox, Crabb, Gates, Lairson, Stowell, Thorn.

Nays: None.

City Administrator stated that Pam Williams, Librarian, is interested in serving as staff representative for the Arts Commission. Council concurred that Mayor Lairson set the terms of office for the Arts Commission.

9. Administrator's Report. City Administrator, John A. Buol, announced there will be a Candidate's Night October 5, 1988. At this meeting a report of Critical Issues for the next three to five years will be presented.

John A. Buol, City Administrator, reported that he has been appointed Chairperson of the Timothy Lake Park & Recreation Task Force of Clackamas County and they held their first meeting Monday evening, September 26, 1988. Representatives from all areas of the County are on this Board and they are seeking representation from Lake Oswego and Sandy/Estacada area.

10. Business from the Council. Jonathan Cox asked for a report on Ed Druback's daughter. John Buol responded that the early report was positive. Gates asked if a council candidate had withdrawn, City Administrator responded that we have not received official notice of any withdrawals.

Stowell reflected on an article in Southwest Metro this morning and comments from residents in the Hidden Springs area.

Mayor Lairson testified before the Metro Task Force last week and felt that our points were made. Mayor Lairson announced the election of City Recorder, Diana Nicolay, to the Vice President/President Elect position for the State of Oregon City Recorder's Association. Diana also received the President's Award for City Recorders in the State of Oregon. She has received this award the past two years.

Meeting adjourned at 9:38 p.m.

*Sherry Clyman*

## City Council Minutes

October 12, 1988

Council members present: Jill Thorn, Jim Crabb, Jonathan Cox, Sherry Clyman, Mike Gates, and Bob Stowell

Council members absent: Mayor Kathleen A. Lairson

1. Call to Order - Flag Salute

The regular meeting was called to order by Council President Sherry Clyman in the absence of Mayor Kathleen A. Lairson, who was absent because of a death in her family. Clyman lead the flag salute.

2. Minutes of the September 28, 1988 City Council Meeting

Thorn made a motion which was seconded by Gates to approve the minutes as presented.

Ayes: Thorn, Crabb, Cox, Clyman, Gates, and Stowell  
Nays: None

3. Proclamation - Crime Prevention Month

McGruff the crime dog was present to assist in the reading of a proclamation naming the month of October, Crime Prevention Month. Clyman read the proclamation in full.

4. Open Period

Mike Skee, resident of West Linn, and candidate for Mayor, 1684 Dollar Street, informed the audience that on the 23rd of September on Channel 11, there will be a candidates night, and on the 24th at 7:30 P.M. in the High School Band Room another candidates night. Again on November 3 the League of Oregon Cities in the City of Lake Oswego City Hall, will host a candidates night with candidates from three cities, the state, and the senate.

Skee also asked for information in reference to the water tower and site and city hall remodel. He pointed out that there had been \$58,000 in extras in the city hall remodel. He also referred to Murray, Smith and Associates report regarding the water tower. Skee asked for a discussion at some later date. He complemented Willie Gin on the financial report he provided him on these two projects. Buol explained that there were approved change orders on the City Hall project, and gave examples. Skee pointed out that there were 14 hours of research done by Gin on this project for him and he felt they were hours well spent. He thanked Bob Stowell for Planning Department signs that were being used that he felt he designed four years ago.

The public was reminded that Willamette School would be the site of the first Council meeting in November.

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Gates spoke regarding local government education in the school district sharing some ideas he had. Council supported Gates suggestion.

Bryan Daum, President Robinwood Neighborhood Association, announced that the Association would hold a meeting this Tuesday, at 7:30 P.M. Cedar Oak School Music Room. The subject will be drugs in the school. Ella Kimble of the West Linn Police Department will make a presentation.

Gates asked Buol about requiring drunk drivers to pay some of the expense of court. Hammond will report in writing.

5. Proposed Administrative Rules for Recycling of Yard Debris and Proposed Rate increase of West Linn Sanitary Service

Ed Druback, Solid Waste and Recycling Coordinator for West Linn referred to his agenda bill and report. He explained that Metro's rules have changed for local jurisdictions. Druback listed the three changes, saying that the yard debris program that West Linn has is very good but does not meet the needs. Staff recommended that City personnel develop the required plan, and provide the required promotion and education component. Staff further recommended that West Linn continue to use the Recycling Center to comply with the rules.

He said this would necessitate additional expenditures by the City. Specifically, this would require capital expenditures for the purchase of equipment to increase the ability to process material received at the Recycling Center. It will also require additional expenditures for increased City personnel involvement.

Staff further recommended that the funding for these additional expenditures come from two sources. The first being direct user fees at the Recycling Center. The City Council should adopt rates for the center of \$3.00 for the first cubic yard and \$2.00 per yard for each additional yard. The second being a systems charge on all garbage service customers of \$.50 per month per can, which would be in addition to the current \$.35 per month per can system charge.

Druback said that West Linn Sanitary Service, Inc. is requesting a rate increase due to a 132% increase in disposal fees charged by Metro. The \$2.15 residential rate increase appears justified by the calculations made on page two of their request, and coincide with staff's calculations. Staff recommended that Council approve the requested rate increase with an effective date of November 1, 1988.

Gates asked how well the education process was working in the schools. Druback said it was going very well and gave examples.

Druback showed the Council a proposed addition to the 1989/90 budget totaling \$30,000.00.

Mr. Schultz, attorney representing West Linn Sanitary, 1001 Molalla Avenue in Oregon City presented the request for rate increase for the garbage company, saying that Metro has increased their rates by ton, and their request is revenue neutral. Milwaukie allowed the same increase, and more has been allowed in some other jurisdictions.

Gates asked about full curbside collection, wondering what the increase would be to our citizens? Druback answered roughly \$2.50 per household. Schultz said there will be no guarantee that this increase will last a year. If Metro increases again the sanitary service will have to increase.

He said that one major force was poor planning on St. John's Landfill, and the second thing is that they pay Oregon City a surcharge for use of the property in Oregon City for a resource recovery center.

Gates made a motion to increase West Linn Sanitary rates by \$2.65 beginning November 1, 1988, and all schedules be modified to reflect this increase. Stowell seconded the motion. Gates amended the motion to add submitting West Linn's Plan to Metro. Stowell seconded the addition.

Crabb asked if low income seniors could have a discount in some way. Hammond said that we would have to renegotiate with the franchisee, and the franchise expires in 1994.

Council was interested in stating that staff look in to senior rates for garbage collection before the next increase. February was suggested.

Ayes: Stowell, Clyman, Gates, and Thorn  
Nays: Crabb

6. Resolution No. 88-24 - Adopting Final Order - Proposed Periodic Review

Mike Butts, Planning Director, explained the final order and a few minor other required amendments.

Stowell made a motion to adopt Resolution No. 88-24  
Thorn seconded the motion.

Ayes: Stowell, Clyman, Gates, Thorn, and Crabb  
Nays: None

7. Ordinance No. 1242 - Adopting Community Development Code Amendments

Mike Butts, Planning Director, explained Ordinance No. 1242.

Stowell made a motion to adopt Ordinance No. 1242.  
Gates seconded the motion. Clyman read the Ordinance by title. Gates remade his motion to adopt Ordinance No. 1242.

Ayes: Stowell, Clyman, Gates, Thorn, and Crabb  
Nays: None.

Clyman read Ordinance No. 1242 a second time by title. Stowell made a motion seconded by Gates, to adopt Ordinance No.

8. Ordinance No. 1243 - Adopting Comprehensive Plan Amendments

Mike Butts, Planning Director, explained Ordinance No. 1242. Clyman read the Ordinance by title. Stowell made a motion to adopt Ordinance No. 1242 effective October 13, 1988. The motion was seconded by Gates.

Ayes: Stowell, Crabb, Thorn, Gates, Clyman  
Nays: None

Clyman read Ordinance No. 1242 a second time by title. Stowell made a motion to adopt Ordinance No. 1242 effective October 13, 1988. Gates seconded the motion.

Ayes: Stowell, Crabb, Thorn, Gates, Clyman  
Nays: None

9. Consent Agenda

- A. Bid Recap and Recommendation - Willamette Falls Drive Sanitary Sewer

ABH540

- B. Proposed Amendment to Lease Agreement on City Hall Annex
- C. Bid Recap and Recommendation - Walling Way Storm Drainage Improvements

A motion was made by Thorn seconded by Stowell to approve the consent agenda items A, B, and C.

Ayes: Gates, Thorn, Stowell, Crabb, and Clyman  
Nays: None

#### 10. Administrator's Reports

John Buol reported that the November 9 City Council meeting will be held at Willamette Grade School.

#### 11. Business from the Council

Thorn reminded everyone of Fall Clean Up day, this Saturday 9:00 A.M. to 4:00 P.M.

Gates pointed out that a West Linn resident, Elizabeth Snodgrass recently won the Portland Marathon.

Stowell asked questions about College Hill Estates original design and the reason for adopting the present street layout. He thought the plan was to relieve traffic flow in that area for other residents.

*Diana J. Nicolay*  
Diana J. Nicolay CMC  
City Recorder

#### *10-26-88 Minutes*

City Council Minutes  
Willamette Grade School

November 9, 1988

Members present: Mayor Kathleen A. Lairson, Jill Thorn, Council President Sherry Clyman, Jim Crabb, Mike Gates, Bob Stowell, Jonathan Cox

Staff Present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Jack Hammond, City Attorney

1. Call to Order 8:00 P.M. by Mayor Lairson. Flag Salute lead by Mayor Lairson.
2. Approval of minutes of the October 26, 1988 City Council meeting.

Clyman made a motion which was seconded by Gates to approve the October 26 minutes with one correction. Mayor Lairson pointed out that it was the West Linn Cross Country teams that won first place.

#### 3. Presentation - Solid Waste and Recycling

Mayor Lairson announced the winning entry in the name the compost contest. Mr. Norbert McGee won with the name "OSCAR", which stands for Organic Soil Conditioning Amendment - Recycled. Mr. McGee will receive two cubic yards of OSCAR. Runners up will receive two large bags of the compost.

#### 4. Open Period:

- A. Information/Public Announcements
- B. Future Agenda Items
- C. Staff Information to Council

Marie Horvath, 4256 Terra Vista Ct. asked for the evidence she submitted two weeks ago in the last public hearing back

Gates said he wants to hear plans in relation to the Comprehensive Plan from the School District.

There was a 7:00 P.M. Executive Session regarding Personnel Matters, which was held in the 1st Floor Conference Room.

Council Members Present: Jill Thorn, Jim Crabb, Mayor Kathleen A. Lairson, Sherry Clyman, Mike Gates, and Bob Stowell

Council Members Absent: Jonathan Cox

Staff Members Present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Jack Hammond City Attorney, Michael V. Butts, Planning Director, and Peter Spir Associate Planner.

1. Call to Order - Flag Salute

Mayor Lairson called the regular meeting to order at 8:00 P.M.. Lairson lead the flag salute and then presented an award to Elizabeth Snodgrass, a West Linn resident, who recently won the Portland Marathon.

Lairson also pointed out that West Linn Three Rivers League recently took first place also.

2. Approval of the minutes of the October 12, 1988 Council meeting

Gates made a motion to approve the minutes of the October 12, 1988 regular Council meeting. Clyman seconded the motion.

Ayes: Stowell, Lairson, Crabb, Clyman, Gates, and Thorn

Nays: None.

3. Open Period

Mike Skee, 1684 Dollar Street, spoke on the Library issue, saying that he has spoken with 500 residents in West Linn homes, and most of those he has spoken with are seniors. Because of those conversations, Skee asked that the Library project not be allowed to go forward until all information is made public. He also asked that Council take full charge of the project. Hammond interrupted to say that this is a part of the agenda where the public suggests items for future agendas. Skee proceeded, saying that the only public forum to the citizens has been in front of the Planning Commission, and the citizens are paying the bill.

Clyman recommended that the Council take Skee's message under advisement and consider it for a future agenda.

Lairson asked if Council wanted to hear this agenda item at a future agenda.

Council pointed out that it was a two-way street as far as release of information, that the property owners must agree to release the information.

Council set December 14 as the date to hear this issue.

Gates said that at the next Council meeting he will have a suggestion for a curriculum to work with the school system.

Lairson announced that she had made liaison appointments to different departments. Jill Thorn was appointed to the Police and Fire; Sherry Clyman was appointed to the Planning Department; Mike Gates was appointed to the Parks Department; Jon Cox and Jim Crabb were appointed to the Public Works Department, Bob Stowell and Sherry Clyman were appointed to the

Library, and she appointed herself to the Administrative and Finance Departments. She said she hoped the Councillors would take time with their departments to develop the necessary dialog.

4. Representative - Cable TV Advisory Board - Annual Report to Council

Randy Stevens, member of the West Linn Cable Advisory Board presented a written copy to the Council, and highlighted some of the achievements, and listed three goals for next year.

Gates asked if they had contacted the Oregonian about program disclosure. Regional papers only was the answer from Stevens.

Lairson thanked the van and studio for the productions done during this campaign time.

Thorn announced that there will be election returns on Channel 11 live from the studio and other areas.

5. Public Hearing - Appeal of Planning Commission decision - 104 Apartment Complex

Mayor Lairson opened the public hearing. Lairson asked if any member of the audience wished to challenge any member of the Council from taking action in this matter. There were no challenges - no abstentions from the Council. Gates said he had visited the site and talked with Jim Montgomery from West Linn Engineering Department. Thorn said she spoke with two residents from the area who contacted her regarding procedure appeal rights and those types of things. Crabb, Lairson, Clyman, and Stowell had all heard from citizens prior to the Planning Commission public hearing, all regarding procedural questions.

Peter Spir explained to the Council that the hearing for that evening was restricted to the grounds relied upon in the Notice of Review as submitted by Marie Horvath of the Robinwood Neighborhood Association. He explained that this was not a denovo hearing. He explained that the grounds for review identified four topics only. The four topics were:

1. "False testimony was presented by the applicant regarding the West Linn School District's position on the proposed development."
2. The planning staff and applicant did not adequately present to the Commission, the traffic and safety hazards fronting the planned site.
3. "The applicant and planning staff presented misleading and controlled information regarding the storm drainage system of the proposed site."
4. The applicant misrepresented information and the position of residents of Mohawk Lane regarding building the proposed development which borders their property.

Spir added that public testimony would be allowed from persons with standing. Spir also added that the 120 day rule requires a final decision by the Council within 120 days of submittal of the application. OTAK submitted their application on July 18, 1988, and the 120 days will expire on November 15, 1988. If no decision is reached by the City of West Linn by that date, the applicant may seek a court judgement to approve the project.



Hammond expanded upon Spir's comments, saying that only individuals with standing would be allowed to speak. Time limits will be the same as they were before the Planning Commission. Hammond outlined the procedure that would be followed for the hearing.

Clyman asked if someone can stand in for someone who has standing who could not be here. Hammond said only an attorney.

Gates asked if we have been told that we may have made our decision with false information how can we hear new information? Hammond said Council could remand back to Planning Commission for acceptance of new information.

Lairson reviewed the four points that could be considered that evening.

Marie Horvath, Robinwood Neighborhood Association, spoke of a problem she had out at the Planning Department. Hammond cut Horvath off saying that we could only accept testimony of record. Horvath asked that it be remanded back to the Planning Department.

Mayor asked for testimony from all those in favor of the appeal.

Wanda Bleyhl, 2740 Jolie Pointe Road, read a letter dated August 11, 1988 to the Chairman of the Planning Commission.

John R. Jones, wanted to read a letter into the record that was not part of the record. Members of the Council had received the letter in the mail, and claimed exparte contact because it was not a part of the record. Jones clarified what part of the testimony was incorrect at the Planning Commission level. Jones spoke to capacity of the schools in the area and stated that they were already over capacity. He said that planned growth should be provided in the community, and this has not been done. He asked for adequate representation from the school board as to long range planning.

Jacquelyn Spielmann, addressed the topic of traffic. One hundred and twenty-six people signed a petition, in opposition to the development, which she read.

Mrs. Beaver, 3760 Mohawk Way, attempted to enter an August 11, 1988 letter that was not part of the record. She felt OTAK had misrepresented the Mohawk Way homeowners regarding buffering and landscaping.

Carol Ford wished to speak, but did not have standing.

Wanda Bleyhl, testified that neither the State Parks Department or the City Parks Department testified during the public hearing portion of the Planning Commission hearing, and neither one is in favor of the proposal. She said that the only mention of the parks was brought up after the public hearing was closed, and the public was not allowed to comment. Since their testimony was not part of the record, she asked that the Council remand back to the Planning Commission. She also felt that an environmental impact study needed to be done to determine the impact the runoff from this development would have on Mary S. Young State Park.

George Highly of Corvallis, representing the owners of the property, said he felt this was not a properly formed appeal and he wanted that entered into the record. He also added that the numerous meetings held by the developer were attempts to build a meaningful addition to the community, and to be a good neighbor.

Mr. Tom Hammond and Mr. Frank Charbonneau the civil engineer and traffic engineer and representing OTAK were introduced by Mr. Highly.

Tom Hammond, architect with OTAK, said that in general OTAK did research and did contact neighbors, one group chose not to meet with them. The Mohawk neighborhood did meet with them however. He said that neighbors were concerned about schools. He said they told the neighborhood that they had called Mr. Nutt from the School District, and neighborhood said they should talk to Mr. Cox. He also addressed icy conditions across Highway 43, and explained that water from the developed area will be piped into a closed system that will cross the highway and go towards Mary S. Young State Park. He explained that there will be less water on the road than there is now.

Frank Charbonneau, registered traffic engineer in the State of Oregon and author of the traffic report of record, was present to answer questions. Charbonneau testified that this development will operate in a safe manner under all traffic conditions. He said there was nothing unusual about the development and operation as it will meet the surface loads described in the traffic report.

Thorn asked what improvements will be made on the Highway. He answered that a left turn lane would be included. He said that no traffic signal was being proposed because it did not meet the signal warrants under the Federal guidelines. Clyman wondered if Mr. Charbonneau took issue with any of the testimony presented by Mrs. Spielmann. Charbonneau took exception to the accident history portion of her testimony. He said his research indicated quite different information regarding accident history for the area. He reported a much reduced rate. He said he researched 500 feet in either direction of the intersection and he showed that the traffic in this area will be safe compared to States average for this type of highway.

Gates clarified that these were reported accidents, and had a question regarding storm drainage. Because of the funneling effect, and in an effort to create a better condition for the highway, how many storm drains will OTAK be putting in? Charbonneau answered that systems would be going in on both sides of the site and connect into a new pipe below and under the highway and goes into an open drainageway on the other side of the highway. Thorn asked what the definition of an open drainageway was. Tom Hammond said that at the time of the Planning Commission hearing the drainage after it went under the highway was not addressed. He said he now knows what will happen to the drainage, but he is not able to explain it because it was not part of the record at the time of the Planning Commission hearing. Clyman asked if Tom Hammond was satisfied at the time of the Planning Commission hearing with the plan for the drainage in Mary S. Young, and that it would not have a negative environmental impact on the park. Hammond answered that at the time of the hearing it was OTAK's engineers understanding and the city staff's engineers understanding that it would not have negative environmental impact. There was an understanding that the drainage water was going to go down into a ball field, and that that needed to be resurfaced. He said that has been resurfaced, and it is okay.

George Highly, OTAK attorney, gave closing comments. Highly stated that appealants have not shown where the Planning Commission used false testimony to reach a particular result in their findings. Highly suggested that the Planning Commission did a good and credible job. OTAK is a highly respected, award winning design

firm and this project is a responsible addition to the community. Highly requested that the Council sustain the Planning Commission's decision.

There were not testimony forms to speak in opposition to the appeal.

Peter Spir, Associate Planner, spoke regarding the false testimony claim by appealants concerning the West Linn School District's position on the proposed development. He said that staff was very concerned about the availability of schools and the impact on the school system. It was the judgement that the development proposed in the price range that it was would not be attracting large numbers of elementary school aged children. He did not see that there was any attempt to represent the school district's position as being in favor of this project. He felt that the transportation issue had been gone over very thoroughly by Mr. Charbonneau. At the time of the Planning Commission decision it was agreed that the storm drainage system would be worked out to the satisfaction of the City Engineer, and that is a standard condition. He did not feel that there was any attempt on the part of the developers to misrepresent the views of the Mohawk neighborhood.

Thorn asked how many one bedroom and two bedroom apartments were proposed for the project. Spir answered 55 two bedroom and 49 one bedroom. The two bedroom units would be in the higher price range. Thorn wondered if there were any State requirements regarding a one bedroom apartment and the requirement that if you had so many children you have to have so many bedrooms. Hammond was not familiar with such a law. Thorn clarified that she had run into it in a military environment.

Thorn also asked about the island at Mark Lane. She wondered if there were any plans to straighten that intersection. Spir said that the pork chop would be realigned and paid for by the developer, if it were needed. The State Highway Engineer would make that decision.

There were questions of clarification by Thorn and Gates regarding traffic flow.

Stowell asked about the maximum density allowed in the zone compared to an R-10 zone. Spir clarified.

Mayor Lairson called for rebuttal from appellants.

Ten minutes in total was allowed for rebuttal.

Wanda Bleyhl addressed traffic accident statistics that she obtained from the State Highway Department. She said that the City's Traffic Safety Commission was not asked to testify on this project. She stated that several people had gone to the apartments to look into the cost of renting and everyone who called got a different quote. She also felt that each set of apartments should be different looking so they don't all look the same. She felt that the Planning Commission had ignored a petition signed by 126 residents. She claimed that the residents of the area would not do the remodeling they were planning on their units because of the apartments going in. She felt that the area provided some nice lots for single family housing, and she did not see any reason for granting a zone change. She felt that the Council should take a course in listening to their citizens. Bleyhl felt that she was discouraged by the Planning Department from even filing an appeal.

Mrs. Spielmann felt that the public never got a chance to ask questions in either forum, the Planning Commission public hearing, or the City Council public hearing, during the appeal.

Mrs. Janet Jones, made comments supporting testimony in favor of the appeal. She spoke about a letter she wrote to the Planning Commission. She felt the schools were being misrepresented. Jones also addressed traffic concerns. She also pointed out that the man who OTAK referred to that was in favor of the proposal was a resident of White Cloud Circle, and not Mohawk. The residents of Mohawk would be more directly impacted by the proposed apartments.

Hearing no further testimony for or against, Clyman made a motion to close the public hearing. Stowell seconded the motion.

Ayes: Crabb, Thorn, Gates, Stowell, Lairson, and Clyman

Nays: None.

Gates made some observations regarding the testimony of record. He said that if no variance were made they would still be allowed to put in 65 apartments down the highway. They would then build another 49 houses above. That totals 114 units. That would constitute the same amount of traffic coming down the highway, without making a change in the zoning. He also added that if citizens want to modify the code they must get involved in the process earlier.

Stowell made comments regarding the process the city must follow. It is impossible at this stage of the game to make changes to the code. He also said that the City Council does not control the direction that the School District goes.

Lairson regarding the 120 day rule saying that if the decision was not made by the City by November 15 it would automatically mean that the decision of the Planning Commission would be final. Hammond said there would have to be a waiver of the 120 days in order to continue the decision. Hammond reviewed possible ways council could go.

Clyman said she could only decide on what is in the record before her, and what grounds were established by the appellant. She did not find evidence of misrepresentation or false information. Clyman moved that we affirm the Planning Commission decision. Stowell seconded for discussion.

So that all the people who testified understood that their concerns had been heard and considered, Gates reviewed their comments as he understood them. Crabb agreed with Gates statement. Crabb asked a question of clarification about the drainage in Mary S. Young State Park, and stated that not knowing what would happen with the drainage was enough to warrant remanding back to the Planning Commission.

Gates was not comfortable with the dollar figures mentioned in number 24 of the Final Order. He suggested deleting reference to the amount of rent that would be charged. He also had a question regarding section three of the Conclusion. He wondered if the language could be changed so that the decision was predicated upon the Park Director's approval. Hammond explained that staff could be allowed to make final decisions on a development or any portion of it. Discussion followed. It was decided by Council that they would not change the language of number three of the Conclusion due to the density bonus that had been given to the developer in exchange for the dedication of park open space.

Gates also asked that the fence that is required be maintained by the developer. Gates asked that the necessary language be added to section five of the Conclusion.

Gates made a motion to amend the original motion. The maker of the motion approved the amendment to include deletion of everything after the word considered, in section 24 of the findings, and language that stated that the developer would be responsible for maintenance of the fence that is required in number five of the conclusion.

The Council then voted on the amendment.

Ayes: Gates, Clyman, Stowell, Lairson

Nays: Thorn, Crabb

The Council then voted on the main motion, to affirm the Planning Commission decision.

Ayes: Gates, Clyman, Stowell, Lairson

Nays: Thorn, Crabb

6. Public Hearing - Street Vacation - 10th Street between Greene and Blankenship Road

Mayor Lairson opened the public hearing. Lairson asked for challenges from the audience, or declarations of exparte contact from the Council.

There were no challenges from members of the audience against any member of the Council acting in this matter. There were no declarations of exparte contact.

Dennis Koellermeier, Operations Supervisor presented the staff report.

Hearing no testimony in the matter, Clyman made a motion, which was seconded by Thorn to close the public hearing. A vote showed:

Ayes: Clyman, Crabb, Thorn, Lairson, Stowell, Gates

Nays: None.

Stowell then made a motion to approve the vacation of a portion of 10th Street. Clyman seconded the motion. A vote showed:

Ayes: Clyman, Crabb, Thorn, Lairson, Stowell, Gates

Nays: None.

7. Proposed Ordinance No. 1241 - Cable TV Board Purpose and Duties

Mayor Lairson read Ordinance No. 1241 by title. Thorn made a motion to adopt Ordinance No. 1241 effective October 27, 1988. Gates seconded the motion.

Ayes: Lairson, Clyman, Crabb, Stowell, Thorn, Gates

Nays: None

Mayor Lairson read Ordinance No. 1241 a second time by title. Thorn made a motion to adopt Ordinance No. 1241, effective October 27, 1988. Gates seconded the motion. The vote showed:

Ayes: Lairson, Clyman, Crabb, Stowell, Thorn, Gates

Nays: None.

8. Consent Agenda

A. PERCS, Inc. - Liquor License

B. Appointment - Solid Waste and Recycling Committee



Lairson explained the two items on the consent agenda to the audience. Thorn made a motion that was seconded by Gates, to approve the consent agenda. The vote showed:

Ayes: Thorn, Gates, Clyman, Lairson, Crabb, Stowell

Nays: None.

9. Administrator's Reports

Buol reminded the audience and the Council that the November 9, 1988 Council meeting would be held at Willamette Grade School in the Library.

Buol referred to a memorandum regarding the scheduling of meetings in November and December. After some discussion, it was decided that the second meeting in December be cancelled because of the Christmas holiday. The second meeting in November will be held on Tuesday evening instead of Wednesday, because of the Thanksgiving holiday.

10. Business from Council

Gates suggested that staff send a copy of the City's zoning map to all citizens with an explanation of what it was.


Clyman asked about lawn signs between Marylhurst and City Hall that were disappearing. She wondered if the City had been going on private property to remove them. Buol assured her that the City was not removing them. The only signs the City has are outside along the side of City Hall. Someone thought that maybe the State Highway Department was removing the signs. The City will look into this matter.

Crabb spoke regarding the large trucks and trailers parking behind Willamette Builders Supply and about young Fritchie being talked into to obtaining his required training so he can stay with the Volunteer Fire Department.

Lairson called the Council's attention to a letter from the City of Portland regarding Gabel's outstanding performance at the Police Chief's Conference in Portland.

Lairson also called the Council's attention to a letter from the League of Oregon Cities regarding a possible award for excellence. Winners will be announced November 15, 1988 at the League Conference in Portland. West Linn has been asked to have a representative present. This may mean we have won an award.

The meeting was adjourned at 11:30 P.M.

  
Diana J. Nicolay, CMC  
City Recorder

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Gates also asked for a work session with the Planning Commission and the City Council to review the appeal process and the 120 day rule. He asked that the work session be held in January.

Gates announced that the West Linn's girls soccer team and boys soccer team both won their games. The boys game in double over time, and one man short.

Gates spoke regarding the stairway on Riverview Drive and the intention to reopen it when it is repaired.

Bryan Daum, 18304 Shady Hollow, and member of Robinwood Neighborhood Association addressed the Council regarding the last review of appeal and the evidence that was not allowed to be submitted, yet it could not be remanded because of the appeal period. Daum agreed with Gates, but in the mean time he asked Council to consider referring it back to the Planning Commission.

5. Public Hearing - Appeal of Planning Commission decision for 66 unit apartment complex on Willamette Drive near Barlow Street

Gates declared that he had contacted members of the neighborhood and visited the site.

Challenges to hear. George Heilig, attorney, read a statement dated November 1, 1988. Heilig was opposed to allowing appeals to be filed by whoever wants to file one. He said he felt the appellant should be a party of interest who appeared in front of the Planning Commission.

Gates asked for a reference of injury to appellants. City Attorney Hammond said that our code requires that you appear at the hearing and sign in to have standing. It was decided that Mrs. Horvath did sign in at the Planning Commission hearing and the question was then asked if she had representational capacity.

Heilig clarified what Hammond said, and asked that the City Council not follow Hammond's opinion as shown in his November 7, 1988 memorandum regarding the Barlow Complex. Hammond referred to a court of appeals case where they stated that all you have to do is appear at the primary hearing.

Mayor Lairson asked if any member of the Council wished to abstain from action in this matter. No member of the Council abstained.

Mayor Lairson then asked if anyone in the audience wished to challenge any member of the Council from acting in this matter. There were no challenges.

Hammond gave the short staff report and explained the process the city would follow in this appeal hearing.

Peter Spir, Associate Planner, addressed the Council saying that the grounds for appeal were lengthy, and saying that he was present to answer any questions that the Council may have regarding the record.

Toni McConnell, 6590 Lowry Drive, pointed out an error on page 10 of her text and asked the Council to disregard page 10 of her application. She asked if all codes were adhered to in the process of this application, and reviewed her main points of appeal.

Gates asked McConnell how many developments could be built on the property, and asked questions about changing the entrance to the development. He also asked about a transit stop.

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Jack Dennis, Willamette Drive, spoke in support of the appeal. His main concerns were traffic and safety with 66 new units going in. He could foresee a lot of problems about safety on his side of the road. He was concerned that traffic will go on his property. He has five children. He felt that no one has really looked at it yet. He felt there was a need for a guardrail. He said that traffic moves faster than 35 MPH on the highway.

Gates asked if the developer would work with him on that guardrail. He said no.

Tom Neff, 671 Marylhurst Cr., spoke in favor of the appeal saying that residents were concerned about the height of the buildings.

Ted Kile, 2465 Randall Street, and civil engineer in Oregon for 12 years spoke representing fifteen people on the list, and no one else. He testified that the Planning process was adequate, and that the Planning Commission had upheld their duties. He claimed that Earl Reed was an excellent engineer.

Thorn asked about two lists for clarification of who he was speaking for.

Gates asked questions about drainage. Kile answered that city staff was doing their job.

Five minute break was taken.

Louise Morgan, spoke against the development saying that this high density is in the wrong place. Traffic is a problem already.

Stowell asked if she was aware that the property was in a high density zone. She said that she was not aware.

Gates asked if she was present for the Comprehensive Plan process when the zoning for this property was done.

George Heilig, attorney from Corvallis, on behalf of OTAK the applicant spoke. Heilig introduced Tom Hammond. Tom Hammond consolidated his comments mainly addressing comments from previous testimony. He stated that a traffic engineer, expert was hired OTAK to access the traffic impact of this development.

Gates asked about what they had done for security. Hammond explained lighting and that there were no recessed areas.

Mr. Heilig asked for questions, and stated that OTAK was willing to install the guardrail for Mr. Dennis's property, if it was required by the State Highway Engineer.

John Forsloff, 20925 Willamette Drive, spoke in favor of the development. Thorn clarified Forsloff's address showed in the record as 6552 Portland Avenue.

Peter Spir, Associate Planner made a few comments.

Thorn asked about street trees, wondering what kind of trees would be put in? She also asked if we should reconsider the process to allow citizens to address their concerns directly with the developer.

Gates spoke regarding a quotation in the Planning Minutes regarding the school crowding conditions.

Spir answered that the impact on the School District had been addressed, and the School District did not oppose the project.

Gates asked about staff using the developers calculations on density bonus and asked why we were put in the position of challenging. Gates asked questions regarding the density bonus.

Clyman was also interested in aesthetics. Spir felt that these apartments could be rated highly compared to most apartments in West Linn.

Clyman clarified what a hearing "on the record" means.

McConnell spoke in rebuttal of some testimony given.

Hammond addressed how the 120 day rule limited the Council's options. He said their decision would be to approve or deny the application.

George Heilig stated that the developer would not extend the 120 day period.

Hearing no further testimony either for or against the appeal, Clyman made a motion to close the Public Hearing. Thorn seconded the motion.

Ayes: Stowell, Lairson, Clyman, Gates, Thorn, Cox, and Crabb

Nays: None.

Clyman made a motion to affirm Planning Commission's decision, and deny the appeal. Stowell seconded the motion.

Discussion followed. Gates suggested a couple of changes to the findings. He was interested, if possible to add that the State Highway Engineer make The Dennis property safe, or any other property across from the project. Gates reviewed the public comments he had heard during the testimony, and how he processed the comments.

Clyman agreed with Gates comments. Thorn complimented the appellant on their presentation. Cox agreed.

Stowell felt that the Traffic Safety Commission should be listened to.

Gates suggested that the maker of the motion add a section to protect the Dennis family with a guardrail, and any other property that could be in danger from this project. The maker of the motion added it and it was seconded.

Ayes: Stowell, Lairson, Clyman, Gates, Thorn, Cox, Crabb

Nays: None.

6. Proposed City/County Agreement on sanding and snow plowing - Resolution No. 88-25

Thorn explained the Resolution. Thorn made a motion to adopt Resolution No. 88-25, Stowell and Cox seconded the motion.

Ayes: Clyman, Cox, Lairson, Gates, Crabb, Thorn, and Stowell

Nays: None.

7. Readdressing and renumbering of various areas in the City including the Willamette area. This item was continued to a later meeting due to a lack of time to adequately cover the issue.
8. Proposed Ordinance No. 1244 on vacation of 10th Street between Greene and Blankenship Road. Mayor Lairson read the ordinance by title.

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Gates made the motion to adopt Ordinance No. 1244, which was seconded by Thorn.

Ayes: Cox, Gates, Clyman, Thorn, Stowell, Lairson, and Crabb

Nays: None.

Mayor Lairson read the ordinance a second time by title. Thorn made a motion which was seconded by Gates to adopt Ordinance No. 1244.

Ayes: Cox, Gates, Clyman, Thorn, Stowell, Lairson, and Crabb

Nays: None.

9. Final Order - 104 Apartment Complex - Willamette Drive near Mark Lane

It was noted by Gates that the text should be changed to a 102 unit apartment complex in the conclusion, and the open space should be dedicated for the city and remain as open space. Gates explained, and then made a motion, seconded by Cox to approve with the change to page 7 #3, and correct the typo to 102 units in the conclusion also. It was decided that the City Attorney will revise the text.

10. Appointments - Various Boards and Commissions. This item was continued to a future meeting.

11. Proposal to dispose of building on new Library site

Buol recommend council authorize the agreement -

Stowell made a motion to approve, Cox seconded.

Ayes: Thorn, Crabb, Cox, Lairson, Clyman, Gates, and Stowell

Nays: None.

12. Administrator's Reports:

Buol reported that November 22, 1988 the Council would hold a meeting and there would be one item on the agenda. He also reminded the Council that at their November 15 meeting, at 7:30 P.M., Council would consider a final order.

13. Business from Council

Mayor Lairson asked that copies of John's evaluation forms be delivered to the Council.

Council then scheduled November 15, 1988 for Buol's evaluation.

Thorn wondered if the contract for the Library landscaping had been approved. She also asked about Hidden Springs Road near Hidden Springs Summit in front of Erickson's property, wondering if it would be required to be improved and when it would be done. John Buol said that the developer was doing the project.

Crabb wondered if private funds had been used in repairing the steps in question before.

Gates wondered, in an appeal to LUBA if they could change their grounds for appeal?

Stowell announced a meeting regarding Lake Oswego development to be held on Monday the 14th at 7:30 P.M.



City Council Minutes

November 9, 1988

~~Lairson spoke regarding the transition with new Council members. Buol said that Ardis Stevenson would serve as facilitator in a joint meeting. Council asked staff to avoid setting the meeting on the 10th. December 3 was decided upon. John Buol will look into the number of Councillors that would be available for such a meeting.~~

~~The meeting was adjourned to November 15, at 7:30 P.M. at City Hall.~~

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The meeting was adjourned to November 15, at 7:30 P.M. at City Hall.

*Diana J. Nicolay*  
 DIANA J. NICOLAY, EMC  
 City Recorder

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CITY COUNCIL MEETING, NOVEMBER 14, 1988, 8:00 P.M.  
 CONTINUED FROM WEDNESDAY, NOVEMBER 9, 1988

Members Present: Mayor Kathleen A. Lairson, Councilor Jill Thorn, Mike Gates, Jim Crabb, Jonathan Cox and Bob Stowell. Also present was City Administrator, John A. Buol.

Meeting was called to order by Kathleen A. Lairson, Mayor and was followed by the flag salute.

The Mayor presented the final order for the 66 unit apartment house complex on Willamette Drive near Barlow Street. The Mayor informed the Council that at their last meeting the Council upheld the Planning Commission recommendation. Councilor Gates stated that he had several items he would like to have changed in the final order: (1) item number 24, he suggested the removal of the dollar amounts for the monthly rental fee for the apartments, he suggested that item number 24 read, "The impact of the project upon the local school system was considered. The Planning Commission found that the price structure of the apartments and the small size of the units would discourage families with children locating there." The balance of that particular finding was eliminated.

Councilor Gates also suggested one other correction on item number 16, it should be 66 units instead of 68 units.

After discussion, it was moved by Gates, seconded by Cox to accept the final order and findings of the matter of the application between OTAK, Incorporated for a zone change to a planning, development and design review for a 66 unit apartment complex and the appeal by the greater Robinwood Neighborhood Association. All Councilors voted yes.

The next item, which was not on the agenda as the Mayor reported, was a Council representative on the selection process for city attorney. The Mayor stated that she would like to appoint Councilor Mike Gates as the Council's

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representative on the city attorney selection committee.  
All voted yes.

Councilor Bob Stowell gave a report on the Lake Oswego Planning Commission on the property adjacent to the City limits near Arbor Drive which is being developed by the Sisters at Marylhurst College. Councilor Stowell reviewed the Planning Commission report with the Council.

Councilor Mike Gates gave a report on the Heritage Task Force. Councilor Gates stated that instead of forming an ordinance and setting up a committee similar to the Arts Commission, he was suggesting that possibility setting up a group more like a neighborhood association and having representatives on the committee from outside the city limits. Councilor Gates stated that the group would be more of an informal organization.

Meeting adjourned.

  
JOHN A. BUOL, CITY ADMINISTRATOR

CITY COUNCIL MINUTES  
West Linn City Hall

NOVEMBER 22, 1988

Members present: Mayor Kathleen A. Lairson, Council President Sherry Clyman, Jim Crabb, Mike Gates, Jill Thorn, Bob Stowell

Members Absent: Jonathan Cox

Staff Members Present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, Jack Hammond, City Attorney

1. Call to Order - Flag Salute

Mayor Lairson lead the flag salute. Lairson then asked the Solid Waste and Recycling Committee to come forward and she made an award to them. The League of Oregon Cities excellence program awarded West Linn's Solid Waste Yard Debris Program a first place plaque. Ed Druback gave a brief history and thank you to the many volunteers that had assisted with their efforts. Judi Morton of the committee thanked the Council

2. Open Period

Betty Mountain, 1381 Buck Street, spoke to the Council regarding the Christmas Tree Committee. Mountain asked for a contribution from the City, of a transformer in the amount of \$1367.00. They asked for a loan with a two-year repayment period, unless the City was interested in funding it completely.

Buol said that there are special departmental funds in each departments budget.

Thorn was interested in suggesting that the City purchase transformer equipment for future use.

Thorn made a motion, Clyman seconded, to purchase a transformer to light the Christmas Tree at I-205 and Highway 43.

Ayes: Thorn, Crabb, Lairson, Clyman, Gates, Stowell.  
Nays: None.

## 3. Public Hearing - Sale of Surplus Property

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Buol gave the staff report explaining the history of the property and reason for selling. Buol said it was necessary to hold a public hearing. He also added that the property was appraised at \$66,000. Bids would be accepted and opened on Monday, December 12, 1988, and awarded at the regular Council meeting of December 14. Lairson described the property located on Failing Street in West Linn as being 85 feet north of 6591 Failing Street, and zoned for single family residential. Lot size is approximately 18,000 square feet.

Buol added that the sewage for this lot would have to be pumped.

Lairson opened the public hearing. No one was present to testify.

Gates made a motion that was seconded by Clyman, to close the public hearing.

Ayes: Thorn, Crabb, Lairson, Clyman, Gates, Stowell  
Nays: None.

Clyman made a motion which was seconded by Gates to approve the sale of surplus property on Failing Street at a cash price no lower than \$66,000, to be received within thirty days. The City Recorder is to begin advertising a call for bids.

Ayes: Gates, Thorn, Crabb, Stowell, Clyman, Lairson  
Nays: None.

## 4. Proposed Municipal Lease Agreement - Gross property.

Buol explained that this was a parcel of land adjacent to Willamette Park. The purchase of this property was originally included in the serial levy that was voted down in August of 1988. Council authorized staff to continue negotiations with the Gross family in an effort to obtain the lot. Staff has now arrived on an agreement with a sale price of \$90,000. The City does not have funds budgeted to purchase this property, the appropriate instrument is a municipal lease agreement. The Gross family has agreed to such an agreement and the City Attorney has prepared one. The Park Board gives their approval. Buol asked the Council to authorize the Mayor and City Recorder to execute the agreement on behalf of the city and to authorize a \$10,000 payment to the Gross family by December 1, 1988. Buol referred to the proposed payment schedule and noted that there was one error on the interest that has been corrected. The City would pay for the lease over a five year period. The City would also have the option to pay off at any time. Buol added that we have been in contact with the State on grants, and have been told that we may be able to get a grant if we apply by December 31. If that would come about, we would get \$40,000 and we would have to match another \$40,000.

Mike Skee, 1684 Dollar, testified that the Park Serial Levy failed almost two to one. He said that without a Master Plan in place he did not feel it frugal to enter into this agreement at this time. He said that the property would be costly to prepare for use because about three acres of it is wetlands. He felt that additional land acquisition might also be required to develop this property.

Gates had questions and comments. He wondered how much it would cost to change the wetland. Hammond explained that the Corps of Engineers requirements allow you to convert other property to wetlands and make an exchange to allow you to use wetland.

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He said he knows it is an involved process, but he doesn't know the cost involved. Hammond reminded the Council that we have been working on this project and agreement for over a year. The Gross family has finally agreed to sell under these terms, and the City would have a difficult time getting to this point with them again.

Buol added that he does not know what it would cost to move the wetlands, or develop the wetlands, but he had a discussion with the Parks Supervisor, Ken Worcester, and the Planning Director, Mike Butts, and they did not see any problem with it, they both felt that the wetlands could be utilized. Buol said that Mr. Worcester was currently working on a plan for the property, and would be completed in approximately 40 days.

Lairson added that the property is listed in our current Parks Master Plan as expansion to Willamette Park.

Gates pointed out that at each anniversary date of the agreement the City can get out of the agreement, and all payments go toward the purchase price. Gates asked for the formal appraisal price. Buol answered \$74,000. Buol added that the price goes up when you lease purchase. \$74,000 was the cash price.

Samantha McAlister, 4375 Norfolk, Parks Board Chair, added supportive comments.

Stowell made a motion to authorize the execution of the Municipal Lease Agreement with the Gross family and authorize the initial payment of \$10,000 by December 1, 1988. Clyman seconded the motion.

Clyman felt that the purchase was justified because it was a part of the future of planned park development as shown in the Parks Master Plan.

Crabb did not feel that the citizens were voting against the purchase of that piece of property when they voted the levy down.

Ayes: Thorn, Crabb, Lairson, Clyman, Gates, Stowell  
Nays: None.

5. Proposed Ordinance No. 1245, Relating to unnecessary noise.

Hammond explained that the ordinance was necessary to regulate noise from off road vehicles. There have been complaints that there was a loophole in our current ordinance. Lairson added that this also came to her as a complaint and she went to the Police Department. Lairson read Ordinance No. 1245 by title.

Stowell made a motion to adopt Ordinance No. 1245  
Clyman seconded the motion.

Ayes: Stowell, Clyman, Lairson, Crabb, Thorn  
Nays: Gates

Because there was one negative vote, a second reading will be held at the next Council meeting.

6. Administrator's Reports:

Buol explained an agenda bill regarding the Caufield Trust Fund that was submitted by Finance Director Willie Gin. Gin pointed out that the City has to convey their one-half interest in the Caufield property located in Portland, since the purchaser has paid off the contract balance. It requires that a Resolution No. 88-28 be passed authorizing the Mayor and City Recorder to sign and execute the Special Warrenty Deed on behalf of the City.

Staff recommended that the City adopt Resolution No. 88-28.

Thorn made a motion that was seconded by Gates to adopt Resolution No. 88-28.

Ayes: Gates, Thorn, Crabb, Stowell, Clyman, Lairson

Nays: None.

Buol informed the Council that the City has now received a letter from Loaves and Fishes requesting the \$5,000 budgeted for the Senior Van. Buol was asking for permission to disperse the money.

7. Business from the Council:

Crabb regarding Council's short timer attitudes.

Gates regarding styrofoam products and the fact that the City of Portland is considering a ban on such products. Gates asked staff to obtain information about what other communities are doing in this area.

Secondly, whether or not other communities have adopted a tax on beverage containers such as those from 7-11, Plaid Pantry, etc. Gates concern was about the litter produced by beverage containers from fast food venders and stores.

Gates also wondered what the status was on the City property acquisition procedures.

Gates also addressed a memorandum from the City Attorney regarding the Mayor making a motion. He asked that discussion regarding this item be placed on the agenda during the first meeting in January.

Gates updated the Council on the progress of the Heritage Task Force toward developing an ordinance regulating a Heritage Committee for West Linn.

Executive Session following the regular meeting pursuant to ORS 192.660 evaluating Chief Executive Officer

*Diana J. Nicolay*  
DIANA J. NICOLAY, CMC  
City Recorder

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CITY COUNCIL MEETING

DECEMBER 14, 1988

Council Members present: Jill Thorn, Jim Crabb, Jonathan Cox, Mayor Kathleen A. Lairson, Sherry Clyman, Council President, Mike Gates, and Bob Stowell

Staff members present: John A. Buol, City Administrator, Diana J. Nicolay, City Recorder, and Jack Hammond City Attorney

Also present: Craig Allen, Willie Gin

1. Call to Order - Mayor Lairson

The meeting was called to order by Mayor Lairson. Lairson lead the flag salute.

2. Minutes of the November 9, and November 22, 1988 City Council meetings were considered.

Gates made a motion that was seconded by Clyman to approve the minutes of the November 9 and November 22, 1988 Council meetings.

Ayes: Thorn, Crabb, Cox, Lairson, Clyman, Gates, and Stowell

Nays: None.

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## 3. Presentations - Mayor Lairson

Crissy Coleman winner of the Mayor's Spirit award in the 1988 Poetry Contest was presented with a certificate. Crissy read her poem entitled "Christmas Light Fight". Her poem was about her parents fight about putting up Christmas lights outside the house. All the other houses in the neighborhood had lights, but their home stood bare. On Christmas Day there were lights.

Gale and Maxine Knapp were presented a certificate for having a business in the Willamette area called Knapp's Cafe for twenty years. Knapp's Cafe was a gathering place for citizens to meet and talk.

Mayor Lairson thanked her Council members who she served with for from four to six years. She presented Sherry Clyman with a plaque and a paper weight for her desk. Next she made presentations to Bob Stowell, Jill Thorn, Jim Crabb, and Jonathan Cox. Lairson thanked Mike Gates and wished him luck as he was the only member of the Council who would be continuing on.

Sherry Clyman made a presentation to Mayor Lairson. Clyman presented a plaque and a paperweight.

Betty Mountain spoke regarding the Christmas Tree at I-205 and Highway 43, and presented the City with a small plaque of appreciation for the City's help with the funding of the project.

## 4. Open Period:

Larry McIntyre, 1629 Jamie Circle, thanked the Council as a former Mayor and member of the Council, and a member of the community, for their volunteer services and long hours.

Craig Allen thanked the Council and asked that two items be placed on a future agenda, noxious weeds and vegetation, and investigation of the regulation of electric driveway gates within the city.

Gates asked that the Council hold a discussion on a future agenda, regarding the possibility of supporting a suggested change of language in the Oregon Constitution concerning the incarceration of criminals, to include consideration of the possible impact a criminal has on the public in the future.

Gates asked if John Buol or Jack Hammond had discussed how we would handle the reduction of Budget Committee members needed in the next year, due to the Charter change in the number of members on the Council. There will only need to be five lay citizens on the Budget Committee instead of the seven members needed in the past. Buol explained that two members of the Council have resigned now, and one appointment will be necessary.

Gates asked how Section 89 of the Internal Revenue Code which has to do with employee benefits would be effecting the City of West Linn. Buol explained that the Assistant to Administrator is working on that at this time and the City does not yet know what the impact will be. The Council will be receiving a report.

## 7. Item seven was handled next. Bill Barker, a representative from Coopers and Lybrand CPA's presented the 1987-88 fiscal year audit. Barker briefly reviewed the audit report, saying that there had been several technical violations of the ORS Statutes by overspending in several accounts.

The audit recommended that the City explore new revenue sources and means of cutting expenses in the Street Fund due to the fund requiring approximately \$214,000 of assistance from the General, Federal revenue Sharing, and State Revenue Sharing Funds. Barker suggested investigating federal, state and county funding through grant programs. He also suggested meeting with PGE to discuss means of reducing the expense for street lighting, which was approximately \$164,000 for the current year.

Barker stated that in order to maintain stricter control over expenditures, the City may like to make appropriations by functional classification for the various departments in the General Fund.

The audit also suggested the implementation of a Strategic Long Range Planning Process to provide services, and establishment and maintenance of detailed Fixed Asset Records.

Thorn made a motion to accept the Audit report as presented. Cox seconded the motion.

Ayes: Thorn, Crabb, Cox, Lairson, Clyman, Gates, and Stowell

Nays: None.

5. Public Hearing - Comprehensive Plan Amendment - Medium Density Residential to General Commercial.

Mayor Lairson asked if there were any challenges by any member of the public against any member of the Council acting in this matter. There were none. Mayor Lairson asked if any member of the Council wished to express a conflict of interest or exparte contact. None.

Peter Spir, Associate Planner, presented the staff report.

No one was present in the audience to testify on this matter.

Spir informed the Council that the application met all requirements.

Gates made a motion that was seconded by Clyman to close the public hearing.

Ayes: Stowell, Gates, Clyman, Lairson, Cox, Crabb, Thorn

Nays: None.

Gates made a motion to approve the recommended change to zoning seconded by Cox.

Ayes: Stowell, Gates, Clyman, Lairson, Cox, Crabb, and Thorn

Nays: None.

6. Public Hearing - Proposed name and street numbering recommendation.

There were no challenges from the audience of any member of the Council acting in this matter, and there were no abstentions on the Council.

Craig Allen presented the report.

The first area that was discussed was the Rosemont Road area. The second area was a number of address changes throughout the entire City, and the third was the Willamette area of West Linn.

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Gates asked about documented incidents of confusion in the area of the City. Allen could not state exact documentation.

Gates had questions regarding the numbering system chosen in the Rosemont area. He did not feel it went with the Portland Grid. Allen agreed, and said it was approximately four blocks off the Portland Grid.

Thorn said she thought the Council had decided not to use the Portland grid about five years ago. Allen agreed that decision may have been made.

Clyman asked why some of the street spelling errors were being corrected. Allen explained the spelling changes and why they were needed.

Clyman asked what assurance we have that future developers spell street names correctly on their plats. Allen said staff now has a process for looking over the names.

Gates asked about the change of Barrington Drive to Imperial Drive. Allen explained, and added that there are no homes on that section of street at this time.

Clyman asked how recent the developments were whos names were being changed. Allen answered, with the exception of Barrington, 5,6,7, or 8 years old.

Crabb asked why names of people where chosen over tree names. Allen answered that tree names were being used already in other parts of the City.

Crabb asked if we could use futuristic names like Luke Skywalker?

Olive E. Kuhl asked when 35 S. Rosemont Road moved from a rural route to a number. She also wondered if the Post Office was involved in the proposed changes. Allen answered that the Post Office was part of the proposed changes.

Mayor Lairson made reference to letters from John Anicker Jr. of Rosemont Road, Fern Comegys of East "A", Mrs. Ed Bietschek of 15th Street, Debbie and Pat O'Brien of 14th Street, Mrs. Harry Schroeder of 16th Street, Orman Woodward of Rainier Place, Mrs. Marie Weinhart of 19th Street, Ronald Pope, Elisa Jolmam, Kenton R. Hill, Principal of Willamette Middle School, Zella Eyler of 12th Street, Agnes Bernert of 14th Street, Peggy Clutts of Apollo Drive, Erwin C. Remmele of Calaroga Drive, Jack Sandmeyer of Skyline Drive, Agnes Parker, Mary Bernert and Mary Ann Perlot of 12th Street, the resident of 2475 19th Street, Dell Draney of Troy Ct., and Jim Manning of 5th Avenue.

Nancy Delanty spoke in opposition to a number change at her address. Allen explained that on sheet B-4 or page 11 of the new atlas, the two homes are out of sequence in the numbering system.

Bill Padrick of Oak Street agreed with the need for the address changes, and Allen agreed with Mr. Padrick.

Mayor Lairson made the letters part of the record. Council received copies of each letter.

Don Read, 2957 Troy Ct., wondered if this type of change was going to happen again in West Linn? Allen explained the situation on Troy Court, and added that this Council could not predict what a future Council would do with City addresses. Gates supported Mr. Read's comments.

Nathaniel Hanes, 11th Street, spoke in opposition to name changes in the Willamette area.

Zella Eyler, 1204 12th Street, since 1922, couldn't understand the change, didn't want a name change.

Alvin Peter, hesitant about changing something that has been this way so long. But since Willamette is historic area and end of Oregon Trail, he felt that we should use Indian names, tribes, chiefs, or Indian words for animals.

Jim Zauner, 1683 SE 19th Street, wanted to know how long it would be before the City decided to make changes again. Allen said for the most part, the numbers would stay the same.

Niel Rosenthal, 1849 SE 13th Street, supported leaving the addresses the same in the Willamette area.

Robert Vanderberg, 1294 14th Street, 40 year resident, spoke against the proposed change of 14th Street to Schnoerr Street. He said that Schnoerr lived across the Tualatin River. He asked that the City leave the name of 14th Street the way it is.

George McFall, 1409 14th Street, 35 year resident, was opposed to changes to streets in the Willamette area. Mr. McFall used to be a volunteer fireman, and did not feel there was any problem in the area. He felt the City should let the firemen learn the streets.

Mrs. Dietz, 1397 SE 11th Street, 33 year resident whose family has lived in West Linn for 66 years. Mrs. Dietz felt there was no reason to change addresses in the Willamette area. She said that 5th Avenue does not intersect in any way. She also added that her husband was a volunteer fireman for years and had no problem.

Walter Peterson, 1724 4th Ave, was opposed to the name of Schnoerr. He said Schnoerr lived across the river. He felt that the City should start the numbering at City Hall and work out instead of the way it was done.

Emily Rosenbaum, 1849 SE 13th Street, was opposed to the address change.

Beverly Bellinon, 12th street, was also opposed to a name change on 12th Street.

Bill Eyler was also opposed to the proposed name changes in the Willamette area.

Craig Allen spoke about how the names were chosen for certain streets.

Gates asked what the most critical name and number changes would be? Allen said everything in front of page 39. He said that 19th Street presents the least problem. Allen said that proposed changes in the Willamette area may be more of convenience than necessity. Allen addressed possible city liability if addresses are not changed.

Hammond said there is a discretionary immunity that in a lot of areas will protect the City in their decision to make these name and address changes.

Jim Manning, 2248 5th Ave, spoke regarding 19th Street. He said the City should do it right if it needs to be done, and don't do it half way.

Stowell made a motion to close the public hearing. Clyman seconded the motion.

Ayes: Crabb, Stowell, Gates, Clyman, Thorn, Lai  
Ayes: Crabb, Stowell, Gates, Clyman, Thorn, Lairson,  
and Cox  
Nays: None

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Stowell suggested that the new Council make the decision regarding the Willamette area.

Thorn supported leaving Willamette numbered streets as they are except 10th Street at the I-205 Interchange.

Council decided to deal with the Willamette issue first.

Stowell felt that some changes were needed and the new Council should decide what they are.

Clyman said she would have to vote against the proposal as it existed at that time.

Gates did not feel there had been enough support given for need. He asked staff to show more need, and also asked that items be prioritized.

Crabb was interested in seeing some of the volunteer firemen in the Willamette area on a committee to work on this.

Clyman made a motion to defer the decision about the Willamette area to the next council with direction from this council. Stowell seconded the motion.

Thorn wanted to handle everything now and not change the Willamette area addresses at all.

Clyman said she believed there were addresses that needed to be corrected in the Willamette area but she didn't support the current proposal for changes as submitted by Craig Allen.

Ayes: Crabb, Stowell, Clyman, Lairson, and Cox  
Nays: Gates and Thorn

Thorn made a motion to accept the proposed address changes for the Rosemont area. Stowell seconded the motion.

Ayes: Crabb, Stowell, Gates, Clyman, Thorn, Lairson, and Cox  
Nays: None

Council then considered all other changes to names and addresses within the City.

Gates suggested changes that he would like to see as part of the motion. He was interested in changing the address of Mr. Padricks residence to Sunset Ct. and delete the proposed changes to Troy Ct. He was in favor of approving all other changes. Gates made a motion to that effect. and added that he would change the one address on Calaroga Court from 4180 to 4080. Crabb seconded the motion.

Stowell stated that he could not support leaving out the proposed change to Troy Ct.

Ayes: Crabb, Lairson, Thorn, Clyman, Gates, and Cox  
Nays: Stowell

Council decided to give the new Council direction regarding the proposed changes in the Willamette area at the orientation meeting that was already planned for the next night.

8. Recommendations on Public Works Administration Building

- A. Proposed Resolution No. 88-26, Authorizing Inter-Fund Loan.
- B. Authorization to rebid Public Works Administration Building



Dennis Koellermeier, presented the staff report asking for adoption of Resolution No. 88-26, and asked for permission to rebid the project because the original bids were to high.

Crabb made a motion to adopt Resolution No. 88-26, Stowell seconded the motion.

Ayes: Crabb, Cox, Stowell, Clyman, Thorn, Lairson, and Gates

Nays: None.

Clyman made a motion to authorize the City to rebid the construction of the Public Works Building. Cox seconded the motion.

Ayes: Crabb, Cox, Stowell, Clyman, Thorn, Lairson, Gates

Nays: None

9. Proposed Ordinances

- A. Ordinance No. 1245 - 2nd Reading - Revising the City Nuisance Ordinance regarding Unnecessary Noise

Mayor Lairson read Ordinance No. 1245 by title for the second time. Stowell made a motion to adopt Ordinance No. 1245 effective December 15, 1988. Cox seconded the motion. (Gates also seconded the motion)

- B. Ordinance No. 1246 - Amending the Code relating to allocation of System Development Charges for the 1988-89 Fiscal Year.

Gin explained the proposed change in allocation amounts to support streets.

Mayor Lairson read Ordinance No. 1246 by title

Stowell made a motion to adopt Ordinance No. 1246, effective January 1, 1989. Cox seconded the motion.

Ayes: Crabb, Cox, Stowell, Clyman, Thorn, Lairson, and Gates

Nays: None.

Mayor Lairson read Ordinance No. 1246, a second time by title

Stowell made a motion to adopt Ordinance No. 1246, effective January 1, 1989. Clyman seconded the motion.

Ayes: Crabb, Cox, Stowell, Clyman, Thorn, Lairson, and Gates

Nays: None

- C. Ordinance No. 1247 - Creating a Heritage Committee

Charlie McAlister, member of the Task Force, was present to say that there is a great deal of support in the community for this idea.

Mayor Lairson read Ordinance No. 1247 by title. Gates made a motion to adopt Ordinance No. 1247, effective December 15, 1988. Clyman seconded the motion.

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Ayes: Crabb, Cox, Stowell, Clyman, Thorn,  
Lairson, Gates

Nays: None.

Mayor Lairson read Ordinance NO. 1247 a second time by title. Clyman made a motion to adopt Ordinance No. 1247, effective December 15, 1988. Cox seconded the motion.

Ayes: Crabb, Cox, Stowell, Clyman, Thorn,  
Lairson, and Gates

Nays: None.

10. Proposed Grant for fitness Court at Hammerle Park

Charlene Richards explained the grant application was offered by the National Fitness Campaign to West Linn along with twenty four other Oregon cities. Hammerle Park is the proposed location. Matching funds are provided through the campaign from MacDonald's hamburgers and the Coca Cola Company. The program will target the whole community with a structured program and local and state wide team challenges, games, etc.

Crabb and Gates questioned the quality of the equipment proposed. Richards stated that Ken Worcester of the Parks Department looked into the equipment and felt it was reasonable equipment at a reasonable price.

Stowell made a motion that was seconded by Cox to authorize the City to proceed with the Grant application with funds to be allotted out of the Parks Department budget for Fiscal Year 1989-90.

Ayes: Cox, Stowell, Clyman, Thorn, Lairson, and Gates

Nays: Crabb

11. Proposed Transfer Budget No. T-89-01 for Fiscal Year 1988-89 Resolution No. 88-27, adopting Transfer Budget No. T-89-01

Gin explained that this was a housekeeping item to mostly cover personal services budget increases (wages, fringe benefits and payroll taxes), resulting from Council approved staff and union contract salary increases. Gin reviewed the significant items.

Thorn referred to Exhibit A page 1A, Employee Recognition Pins. Gin explained that the expenditure was directed by the City Council for recognition of years of service.

Stowell made a motion to approve Transfer Budget No. T-89-01 for the 1988-89 Fiscal Year. Cox seconded the motion.

Ayes: Clyman, Gates, Crabb, Stowell, Cox, Thorn, and Lairson

Nays: None.

12. Consent Agenda

A. Bid Recap and Recommendation on sale of surplus property - Failing Street

Nicolay explained that advertising for bids was done in local papers and one bid was received which was below the minimum bid required. Nicolay asked if Council wished to lower the minimum bid on the property, or readvertise. Council decided to readvertise. Nicolay was asked to broaden the radius of the advertisement.

B. Recommendation on City Hall improvement for handicapped parking

Buol explained the requirements of the Planning Commission due to the City Hall remodel.

Stowell made a motion to authorize the Public Works Director to proceed with the improvements as outlined above for the construction of two handicap parking spaces to be located behind City Hall at a cost of \$8,000. Also, that the \$8,000 be transferred from the contingency of the Municipal Improvement fund. Cox seconded the motion.

Ayes: Cox, Stowell, Clyman, Thorn, Lairson, and Gates

Nays: Crabb

13. Administrator's Reports

Buol reminded the new and old councils of their orientation session to be held the following evening. Buol added that the new Mayor, Mike Skee, would not be attending. Mike Skee will not attend the groundbreaking of the new Library either.

Buol announced that the City had recently learned that the City of West Linn was not eligible for the grant application for the Gross property.

14. Business from Council

Thorn recommended that the City reselect a new landscaping firm for the Library project.

Thorn made a motion that was seconded by Gates to reselect a landscape architect for the new Library.

Ayes: Clyman, Gates Thorn, Lairson, Crabb, Stowell, and Cox

Nays: None.

Thorn said it has been a pleasure to serve on the City Council, and shared with the new Council and the public her major priorities for the City of West Linn. Highway 43, Sister City project, and tax relief for seniors.

Crabb announced that the West Linn Debs took second place in their last drill and that his daughter was part of the group. Crabb wished everyone a Merry Christmas.

Cox we are out of here

Stowell gave his good-byes.

Gates gave his comments in support of the Council's actions over the last couple years.

Clyman and Lairson gave their good-byes.

The meeting was adjourned at 11:45 P.M.

*Diana J. Nicolay*  
Diana J. Nicolay, Recorder

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WEST LINN CITY COUNCIL  
SPECIAL MEETING

DECEMBER 29, 1988

Council Present: Thorn, Crabb, Cox, Lairson, Clyman, Gates, and Stowell

Staff present: John A. Buol, City Administrator and Jack Hammond, City Attorney.

Mayor Kathleen A. Lairson called the meeting to order.

The first item on the agenda was the proposed bids for the new public library. The City Council was presented with the public library site and development design contract by Public Works Director, Earl Reed. Mr. Reed explained the design and construction management agreement for the relocation of the on-site sanitary sewer, storm drainage system and demolition as required before the construction of the new library.

Mr. Reed also informed the Council that this contract would include the required street improvements on Burns Street in front of the new library.

Earl Reed recommended to the Council that they execute the agreement with DeHaas & Associates in the amount of \$7900.

Following discussion by the City Council on the proposed contract, it was moved by Clyman, seconded by Cox to authorize the Mayor to execute the agreement with DeHaas & Associates for site street design for the new library site.

Roll Call: Mayor, yes; Clyman, yes; Gates, yes; Cox, yes; Crabb, yes; Thorn, yes; Stowell, yes.

The City Council was presented with a bid recap for the new public library on site preparation on a recommendation on awarding the bid for these improvements. Mr. Earl Reed, Public Works Director, presented the bid recap of each of the projects for the site preparation for the new library.

Mr. Reed indicated that the low bidder for each of the projects was John Arnold Company of Oregon City. The low bidder for the sanitary sewer relocation was John Arnold Company at \$8260. The storm drainage system was John Arnold Company at \$12,138 and demolition by John Arnold Company at \$2500. Public Works Director, Earl Reed, recommended that the City Council award all three contracts for the three projects to John Arnold Company for a total amount of \$22,898.

The Council held a lengthy discussion on site preparation of the property and the soil stabilization of the property behind the Loren Milliken house near the construction site for the new library.

Councilor Jill Thorn inquired about the stabilization of the soil and performing the work at this time of year. Councilor Clyman and Gates also asked the same questions. After a lengthy discussion it was moved by Cox, seconded by Clyman to award the site preparation bid to John Arnold Company for all three projects; sanitary sewer location, storm sewer drainage and demolition. The total amount is for \$22,898.

Roll call: Thorn, no; Stowell, yes; Gates, yes; Clyman, yes; Crabb, no; Cox, yes; Mayor, yes.

The Council was presented the construction bids for the new public library. Pam Williams, Librarian, stated that on December 22, 1988, eleven contractors submitted bids for the new library. Ms. Williams stated that the City has

December 29, 1988

asked SRG Partnership, the architect, to evaluate the top three contractors and make a recommendation. Ms. Williams stated that Gordon McWilliams, architect for SRG Partnership, contacted the three lowest bidders and spoke with the references from each of the contractors. In the enclosed letter from SRG Partnership, it is their opinion that the third lowest bidder, Silco Construction Company be awarded the bid because of their proven experience and their universal positive references. The Librarian stated that she had discussed SRG Partnership's recommendation with Building Task Force Chairperson, Alan Brickley. Ms. Williams has called Mr. Sam Nutt of West Linn School District, one of the references on the low bidder to confirm his comments.

Ms. Williams stated that Gordon McWilliams of SRG Partnership would like to make comments about the three bid that they evaluated. Mr. McWilliams presented a memorandum addressed to the City Administrator on their recommendations for the low bid and stated that the base bid included the 2400 cubic yards of ravine excavation and refill which was done by addendum number one and made part of the general contract. Mr. McWilliams said that the low bidder was Michael J. Watt, Inc., \$727,033.

The two additional low bidders were Pacific Crest Construction Company at \$734,114 and Silco Construction Company at \$752,542.

Mr. McWilliams proceeded to review the references which he had obtained on the three bidders and stated the positive and negatives of each of the contractors. Mr. McWilliams stated that are familiar with the firm of Silco Construction Company and received very positive recommendations for this construction company.

The Council asked Mr. McWilliams many questions regarding the bids and inquired about the low bidder Michael J. Watt, Inc.

Mr. McWilliams also discussed with the Council in addition to the low bid their firm recommended that the City exercise alternates 8, 9, and 10 which are lighting fixture upgrade and alternate 3, veneer plaster walls and alternates 2 and 4, wood trim.

Mr. McWilliams recommended that the City not exercise its alternate option of installing a sprinkling system in the new library.

The Council held a discussion on sprinkling systems and Mr. McWilliams stated that under the code, this type of building is not required to have a sprinkling system. Councilor Mike Gates discussed, with his experience in the insurance business, that a sprinkling system would be detrimental to the new building with all the books and the way sprinkling systems work if there is a small fire in the building.

Jack Hammond, City Attorney, reviewed the State law on accepting the low bid and stated that in his opinion the City would have to accept the low bid of Michael J. Watt, Inc., since we did not have adequate evidence as required in State law to accept any other bidder than the lowest bidder.

The Council held a discussion with the City Attorney on the State law and accepting low bids. Mayor Lairson asked if there was any member of the audience that wished to discuss any of the items regarding the bids on the new library.

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The Mayor Elect stated that he had solicited a memorandum from Russ Castleman, Fire Chief, regarding a sprinkling system for a new library building. Mr. Skee stated that the Fire Chief recommends that a sprinkling system be included as part of the construction of the new building.

Mr. Skee also had other questions regarding the soil stabilization and a lengthy discussion occurred with Councilors and Mr. Skee regarding these bids and involvement of City staff. Questions were also asked of Gordon McWilliams, architect, and Earl Reed, Public Works Director.

After a very lengthy discussion it was moved by Gates, seconded by Clyman to award the bid to Michael J. Watt, Inc. as outlined in SRG Partnership's letter plus the alternates as suggested being included: 8, 9, and 10, alternate 3 and 2, 4. The City Council held a discussion on the bid and the alternate and Mr. Stowell inquired about having further study on a sprinkling system for the building.

The architect informed the Council that they had 45 days from the awarding of the bid to exercise any of the options on the bid as submitted by Michael J. Watt, Inc.

After discussion, it was decided to exclude alternates 2 and 4, the wood trim and to do further study on the possible use of a sprinkling system. The City does reserve the option of exercising its desire to select other alternates within the next 45 days.

It was moved by Gates, seconded by Clyman to amend the motion to delete and exclude alternates 2 and 4, the wood trim, from the bid to allow the staff to review the alternate on a sprinkling system. After further discussion, roll call showed on the amendment: Stowell, yes; Gates, yes; Mayor, yes; Clyman, yes; Thorn, no; Crabb, no; Cox, yes.

The Mayor called for the motion as amended. The roll call was: Cox, yes; Crabb, no; Thorn, yes; Clyman, yes; Mayor, yes; Gates, yes; Stowell, yes.

The next item on the agenda was the appointments to the Library Board. Mayor Kathleen A. Lairson stated that since two terms on the Library Board will expire on December 31, 1988, those being Mimi Urbigkeit and Gary Olson. The Mayor stated that she felt it very important to reappoint these two members since we need a team united and working together on the Library Board. Councilor Sherry Clyman inquired about having additional members on the Library Board. City Attorney stated that this could be expanded by amending the ordinance.

The Council expressed that they feel they are a lame duck Council and the new Council should appoint the members to the Library Board.

After discussion, the Mayor stated that she would still like to reappoint these two members to the Library Board and asked for a motion. After discussion, it was moved by Stowell with no second to reappoint Mimi Urbigkeit and Gary Olson to a three year term on the Library Board. With no second the motion died.

The Council was presented with two commendable employees as recommended by City staff. Terri Towery, Fire Department, for her outstanding job of coordinating the Santa Mail program for the Fire Department in December. The other recommendation was the nomination of the Employee

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Newsletter Project Team. Those employees involved are: Sheryl Buse, chairperson, Rich Hoffmann, Loryn Moore and Cindy Wallace.

It was moved by Thorn, seconded by Clyman to accept the nominations of the commendable employees as outlined by the City Administrator.

Roll call: Stowell, yes; Gates, yes; Clyman, yes; Thorn, no; Crabb, yes; Cox, yes; Mayor, yes.

The meeting was adjourned.

  
JOHN A. BUOL, CITY ADMINISTRATOR

CITY COUNCIL MINUTES

JANUARY 11, 1989

1. Outgoing Mayor Kathleen A. Lairson called the meeting to order and lead the audience in the flag salute.
2. The minutes of the December 14 Regular meeting and the December 29 Special City Council meetings were approved with two corrections, by a motion from Gates, seconded by Stowell. In the December 29th minutes, it was pointed out that Thorn voted no on the last motion. Gates pointed out that in the same motion the discussion about adding more members was brought up by Sherry Clyman.

Ayes: Thorn, Crabb, Cox, Lairson, Clyman, Gates, Stowell.

Nays: None.

4. Mayor Elect Mike Skee gave opening comments, calling this "day one of a new partnership". Skee asked the City to look to the future and retire the past. He asked the new Council to support each other, to achieve their full objective, and maintain the Community of Excellence.

The Oath of Office was given by Diana J. Nicolay, City Recorder, to the new Mayor Mike Skee, and new Council members Craig Allen, Robert Lohman, and John Steele, .

Each Councilor thanked the public for their support, and introduced their family members who were present in the audience. Each Councilor also made opening comments calling for participation from the public, a better, more giving community, supporting the legacy of volunteering, and open meetings at the convenience of the public.

Mayor Skee pointed out that the Bob Thorn and Rose City Sound had worked on the sound system in the Council Chambers, and it was working much better. He felt the public would notice an improvement on the Cable Channel.

5. Election of Council President:

Mike Gates was unanimously elected president of the Council. City Recorder Nicolay gave the Oath of Office to Mike Gates, as Council President.

6. Selection of Representative for the South Fork Water Board:

Craig Allen was unanimously chosen as West Linn's representative on the South Fork Water Board.

7. Mayor Skee made the following liaison appointments to City departments:

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Councilor Mike Gates will act as liaison to the Police Department and the Parks Department.

Councilor Bob Lohman will act as liaison to the Fire Department and the Library Department.

Councilor Craig Allen will act as liaison to the Engineering and Public Works Departments.

Councilor John Steele will act as liaison to the Developmental Services and Finance Departments.

Mayor Mike Skee will act as liaison to Administration.

These liaisons will be in effect until changes are announced by the Mayor.

8. Open period

A. Items for future agendas

B. Informational items

Council member Mike Gates asked for consent of the Council to direct Ed Druback, Recycling Coordinator, to contact the Burgerville folks to find out what their stand is on polystyrene products and what their attitude is towards recycling.

Bob Lohman did not feel it was appropriate to contact Burgerville since there are no laws that particularly control what Gates was suggesting. He did not feel it was right to invite from Burgerville what they would do. He was against interfering with private enterprise except through City ordinances.

Gates was concerned that because of the higher volume of traffic generated by a Burgerville, recycling becomes critical for us as a city. Gates said that the City of Portland was considering a ban on styrofoam, and a substantial number of businesses in Portland have already committed to not using styrofoam products.

John Steele felt an informal meeting with Burgerville would be useful to find out if they are opposed to it. He thought it was fair to alert them in advance that we have concerns.

Craig Allen felt it was a good idea to alert them to things we were considering. It also made sense to him to look at the larger picture of recycling and litter problems. Allen supported Gates idea.

Bob Lohman had no problem with informing Burgerville of what our intentions were with respect to styrofoam containers. He felt that warning them of our intentions would be appropriate.

Mike Skee echoed Mr. Lohman's remarks and added that to date the application has not been approved. He was in favor of not approaching them until they have an approved application.

After some discussion there was concurrence from the Council with the exception of Mayor Skee and Bob Lohman, that Ed Druback, Recycling Coordinator, be asked to contact the new Burgerville about their attitude towards recycling, and inform them of the City's concerns regarding litter and that the City is considering a ban on styrofoam. Lohman qualified his vote, saying that he would have no objection if we were only going to inform them of what our intentions were in the future, or about regulations we intend to impose.

9. Public Hearing - Amendments to the Comprehensive Plan and Community Development Code