



AGENDA BILL 2012-05-14-01

Subject: Consent Agenda: Approval of City Council Meeting Minutes

For Council: May 14, 2012

Land Use Case Number: N/A

Public Hearing

Required:

Optional:

City Manager's Initials: *CJ*

Attachments:

1. April 9, 2012 Council Meeting Minutes
2. April 23, 2012 Council Meeting Minutes

Initiated by:

- City Council

Budget Impact:

- N/A

Sustainability Considerations:

- As a reminder, you may review draft minutes online and save the printed paper. Please visit <http://westlinnoregon.gov/meetings> to review online minutes, which include hyperlinks to the video from the meeting.

Policy Question(s) for Council Consideration:

- N/A

Summary:

- The above mentioned City Council Meeting Minutes are ready for Council approval.

Staff Recommendation:

This item is on the consent agenda. Approval of the consent agenda will finalize this set of minutes.



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

WEST LINN CITY COUNCIL MEETING MINUTES April 9, 2012

[Call to Order & Pledge of Allegiance](#)

[2012-04-06 City Manager Memo](#)

Council Present:

Mayor John Kovash, Council President Jenni Tan, Councilor Jody Carson, Councilor Teri Cummings, and Councilor Mike Jones.

Staff Present:

City Manager Chris Jordan, City Recorder Kathy Mollusky, Associate Planner Tom Soppe, Chief Financial Officer Richard Seals, Library Director Diane Satchwell, Librarian Rebecca Mayer, and Librarian Carson Mischel.

[Approval of Agenda](#)

Council President Jenni Tan moved to approve the agenda, as revised, for the April 9, 2012 West Linn City Council Meeting. Councilor Mike Jones seconded the motion.

Ayes: Mayor John Kovash, Council President Jenni Tan, Councilor Jody Carson, Councilor Teri Cummings, and Councilor Mike Jones.

Nays: None.

The motion carried 5 - 0

[Proclamations, Recognitions & Presentations](#)

Proclamation - April 8-14 is National Library Week

Library Director Diane Satchwell introduced Rebecca Mayer and Carson Mischel who spoke about the volume of items checked in and out of the West Linn public library and the other services offered at the library.

Mayor John Kovash read the Proclamation declaring this National Library Week and presented it to Ms. Mayer and Ms. Mischel.

[Consent Agenda](#)

Agenda Bill 2012-04-09-01: February 27, 2012 and March 12, 2012 Council Meeting Minutes

[2012-02-27 Draft Minutes](#)

[2012-03-12 Draft Minutes](#)

Agenda Bill 2012-04-09-02: Oregon Department of Transportation Truck Inspection Intergovernmental Agreement

[Agenda Bill 2012-04-09-02 ODOT IGA](#)

Council President Jenni Tan moved to approve the Consent Agenda for the April 9, 2012 West Linn City Council Meeting which includes the February 27 and March 12, 2012 minutes and the Oregon Department of Transportation Motor Carrier Safety Assistance Program Intergovernmental Agreement. Councilor Jody Carson seconded the motion.

Ayes: Mayor John Kovash, Council President Jenni Tan, Councilor Jody Carson, Councilor Teri Cummings, and Councilor Mike Jones.

Nays: None.

The motion carried 5 - 0

[Community Comments](#)

Bill Brant introduced and congratulated the winners of the White Oak Savannah Coloring Contest.

Karie Oakes read and submitted a letter for the record against using an executive session regarding hiring a City Attorney.

[Karie Oakes Letter](#)

[Report from the City Manager](#)

City Manager Chris Jordan reported on the Water System Improvement Task Force's first meeting and agenda items for future meetings.

Business from the City Council

Councilor Teri Cummings inquired what ORS number the executive session was noticed under.

City Manager Jordan responded ORS 192.660(2)(i).

Mayor Kovash reminded Council of their criteria to not demand answers immediately to surprise questions and the City Manager could get back to Council later.

Councilor Cummings did not feel this was a surprise question since it just occurred last month.

Councilor Jody Carson reported on the Clackamas County Coordinating Committee's (C4) ongoing discussions regarding exploring funding possibilities for City and County streets, and infrastructure options across the County. The Regional Water Providers Consortium is putting out public service announcements regarding water conservation. They are also sponsoring workshops for youth and other citizens. Visit the conserveh2o.org website for more information on water conservation.

Council President Jenni Tan spoke about the White Oak Savannah Fun Run/Walk which raised \$1,500 towards restoration and preservation of the White Oak Savannah.

Councilor Cummings responded to Ms. Oakes concerns about the executive session. She spoke about the West Linn City Charter that explains how to govern the City of West Linn. The Charter does not state the City Manager should hire the City Attorney, it states the Council shall. Back in 2008, the City had a Staff Attorney and she did not feel that system worked well. Having a Staff Attorney was proposed in 2009 which she submitted for the record.

Councilor Cummings Submittal

Mayor Kovash is having a Mayor's meeting on Wednesday. They will be talking about climate change and the initiative from Metro. He is also meeting with the County, two other cities and West Linn's Planning Director to talk about the Urban Growth Boundary (UGB), Stafford Triangle, and concept planning. The Staff Attorney is a Staff position and the City Manager is charged with hiring staff. Council made a decision to have him hire a legal advisor. The Charter states Council may retain legal advisors as it deems prudent, it is not required; it also does not say the City is not going to have a Staff Attorney. The majority of the Council decided this is how they are going to do business and are proceeding on that basis.

Councilor Mike Jones stated Council supports its responsibility for a City Attorney and has retained Tim Ramis in that position separate from the Staff position. Council is meeting both the intent and spirit of the Charter.

Business Meeting

[Agenda Bill 2012-04-09-03: Teresa's Vineyard Temporary Use Permit *Public Hearing*](#)

[Agenda Bill 20012-04-09-03 Teresa's Vineyard Temporary Use Permit Public Hearing](#)

Mayor Kovash called to order the Public Hearing.

City Attorney Ramis explained the Public Hearing process.

Mayor Kovash explained how the hearing would be conducted.

No City Council member has visited the site.

No City Council member has had any ex-parte contact or any conflict of interest.

No audience member challenged any City Council member's impartiality or ability to participate in this decision.

No audience member challenged Council's jurisdiction to consider this matter.

Associate Planner Tom Soppe Staff Report.

[Power Point Presentation](#)

Alice Richmond asked Council to approve this permit.

John Doel's residence looks across the road at the construction area. He does not like looking at the trailer. He would like Council to consider the health and welfare of their neighborhood and the children that play there. The added traffic, equipment, and trailer enhance his health and safety concerns. He feels this is the least convenient spot for this trailer; it is the closest one to the surrounding neighborhood. There are other lots that he feels are more convenient to place the trailer on that are further away from the residents.

Councilor Cummings asked why that location was preferred and if there were any discussion about other options. She asked if it was typical to have a temporary use trailer for six months.

Associate Planner Soppe informed Council this use would be for about a year and four months. They applied for this lot; the criteria does not require the applicant to respond to why they chose the space. He does not know why they chose this lot.

Councilor Cummings asked if there are requirements for fencing off the area to keep the children away.

Associate Planner Soppe said there is not criteria for that, Council could make that a criteria.

Council President Tan is a friend of Mr. Doel's wife, prior to this the Doels have not contacted her about this issue. Councilor Tan would like to ask why the applicant chose that spot. She

would like to put in conditions to provide some safety for the children.

City Attorney Ramis stated the code says the use is to be located on the property that is appropriate for the proposed use. Council can condition the proposal to make the site more appropriate, like fencing.

Councilor Jones has the same set of issues as Councilor Tan as they relate to the trailer. He suggested Council continue this hearing for two weeks to get the applicant and Mr. Doel together to find a solution.

Councilor Mike Jones moved to continue this hearing, leave the hearing open, to a date certain of April 23, 6:30 pm at City Hall. Councilor Teri Cummings seconded the motion.

Councilor Carson requested the applicant be here so Council can get the questions answered. To continue and not have the applicant here would not be productive.

Mayor Kovash stated the Planning Director can extend the application to June 9. This was the first objection Council has heard regarding this. He suggested Staff get the parties together to come up with a solution.

Ayes: Mayor John Kovash, Council President Jenni Tan, Councilor Jody Carson, Councilor Teri Cummings, and Councilor Mike Jones.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2012-04-09-04: Resolution 2012-04 Supplemental Budget](#)

[Agenda Bill 2012-04-09-04 Resolution 2012-04 Supplemental Budget](#)

Chief Financial Officer Richard Seals Staff Report.

Councilor Cummings inquired about how to explain that the voters approved \$8.5 million and now it is half a million more.

Chief Financial Officer Seals stated it is actually \$100,000 more which represents the premium on the bonds. What was sold was \$8.5 million. That represents the par value of the bonds. When bonds are sold in a competitive sale, you get one of three results: discount bonds, par value bonds, or premium bonds. West Linn's bonds resulted in premium bonds which totaled the \$8.5 million in par value and the premium which are amortized over the life of the bonds. What Council approved is exactly what was sold.

Councilor Cummings said when this was put out to the voters, it was said we might not spend that much. She would be happier if we could have adjusted our building plan and the whole thing so it would fit into \$8.5 million.

Chief Financial Officer Seals stated if the actual contract comes in less and we end up spending less, we will use that money to pay back the bonds, you cannot use it for any other purpose and the tax rates will be reduced that much faster.

Councilor Cummings asked if we are also using money out of the general fund.

Chief Financial Officer Seals said no. This is all coming from the bond sale.

Councilor Cummings asked if we are taking money away from streets.

Chief Financial Officer Seals explained to her that the street funds are different funds as well. This does not affect general or street funds.

Council President Jenni Tan moved to adopt Resolution 2012-04 adjusting the 2012-2013 biennial budget. Councilor Jody Carson seconded the motion.

Ayes: Mayor John Kovash, Council President Jenni Tan, Councilor Jody Carson, Councilor Teri Cummings, and Councilor Mike Jones.

Nays: None.

The motion carried 5 - 0

Mayor Kovash stated the Work Session was cancelled due to the presenter's illness.

Councilor Cummings stated the March 12 minutes noticed the executive session under ORS 192.660(2)(i) but the minutes do not mention Council adjourning to an executive session.

Councilor Teri Cummings moved to amend the minutes to include the record of the executive session. Councilor Jody Carson seconded the motion.

Ayes: Council President Jenni Tan, Councilor Jody Carson, Councilor Teri Cummings, and Councilor Mike Jones.

Nays: Mayor John Kovash.

The motion carried 4 - 1

[Adjourn Council Meeting](#)

[Call to Order Work Session](#)

[County Economic Development Discussion](#)

[Adjourn](#)



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

WEST LINN CITY COUNCIL MEETING MINUTES April 23, 2012

[Call to Order & Pledge of Allegiance](#)

Council Present:

Mayor John Kovash, Council President Jenni Tan, Councilor Jody Carson, Councilor Teri Cummings, and Councilor Mike Jones.

Staff Present:

City Manager Chris Jordan, Assistant City Manager Kirsten Wyatt, City Recorder Kathy Mollusky, City Attorney Tim Ramis, Associate Planner Tom Soppe, Library Director Diane Satchwell, and Deputy Director Human Resource Tammy Hooper.

[Approval of Agenda](#)

Council President Jenni Tan moved to approve the agenda, as revised eliminating the approval of the minutes, for the April 23, 2012 West Linn City Council Meeting. Councilor Mike Jones seconded the motion.

Ayes: Mayor John Kovash, Council President Jenni Tan, Councilor Jody Carson, Councilor Teri Cummings, and Councilor Mike Jones.

Nays: None.

The motion carried 5 - 0

[Proclamations, Recognitions, and Presentations](#)

[*National Preservation Month Proclamation*](#)

[Preservation Month Proclamation](#)

Mayor John Kovash read the Proclamation declaring May 2012 to be National Preservation Month in West Linn.

~~Consent Agenda~~

~~**Agenda Bill 2012-04-23-01: April 9, 2012 Council Meeting Minutes**~~

[Draft Minutes Information](#)

[Community Comments](#)

Alice Richmond submitted a letter for the record and asked Council to read it and get back to her.

[Alice Richmond Letter](#)

[Report from the City Manager](#)

City Manager Chris Jordan has nothing to report tonight.

[Business from the City Council](#)

Councilor Jody Carson stated there were a lot of volunteer opportunities around town to help clean up the City. She volunteers to clean up the planter beds in the Willamette Falls Historic District area the third Saturday of the month. Some beds are available for adoption. Let Tarra Wiencken, Parks Department, or Councilor Carson know if you would like to adopt a bed.

Councilor Mike Jones informed everyone that Mayor Lou Ogden, City of Tualatin, wrote a letter regarding a series of meetings that are being held with the Stafford Hamlet. Councilor Jones believes these meetings are inappropriate.

[Mayor Lou Ogden's Letter](#)

Councilor Mike Jones moved to direct Staff to write a letter similar to Mayor Ogden's and upon review by the Council via email, signed and forwarded by the Mayor. Councilor Jody Carson seconded the motion.

Councilor Teri Cummings sent an email to Mayor Ogden when she received the letter. When the decision was made to make Stafford urban, she took all the Metro materials, which filled a wheelbarrow, to a meeting and asked why they did not follow the criteria they had laid out. Now West Linn has to spend money on litigation.

Ayes: Mayor John Kovash, Council President Jenni Tan, Councilor Jody Carson, Councilor Teri Cummings, and Councilor Mike Jones.

Nays: None.

The motion carried 5 - 0

Council President Jenni Tan spoke about career day at Rosemont Ridge Middle School. The children love our parks and are thrilled about the teen center. She participated in the ivy pull in Burnside Park which occurs the third Saturday of the month. She invited everyone to participate. Clackamas Women's Services, which the City of West Linn supports through their grant program, had their annual gala Saturday.

Councilor Cummings inquired about responding to a citizen who asked about hiring a staff attorney who feels it was a policy decision, not an evaluation. Councilor Cummings asked for legal counsel on this. She reviewed the meeting and does not think it was an evaluation meeting, but was about creating a position which should be a public process.

Councilor Teri Cummings moved to suspend the March 12 decision regarding the City Attorney position until legal aspects of this matter can be fully investigated and to make the record of that executive session open to the public, all aspects that do not pertain to (i). The motion did not receive a second and was lost.

Mayor Kovash gave the State of the City at the Rotary meeting. This group is dedicated to helping the City of West Linn and he was pleased to be representing the City at that meeting. The City Attorney has been asked to look at the issue of the March 12 meeting. The letter Councilor Jones spoke about is not about including the Stafford area in the Urban Growth Boundary, it has to do with series of meetings the County called to determine the feasibility of developing Stafford. The Mayor attended a meeting with the cities surrounding Stafford during which the County talked about a third meeting regarding developing Stafford. The Mayor of West Linn and two other Mayors were not informed of the date. That is why Council is advising the County that we need to be involved further in the process concerning what happens with Stafford Triangle.

[Business Meeting](#)

[Agenda Bill 2012-04-23-02: Teresa's Vineyard Temporary Use Permit *Public Hearing*](#)

[Teresa's Vineyard Information](#)

[John Wyland Email and Site Plan](#)

Mayor Kovash continued Teresa's Vineyard Temporary Use Permit Hearing.

Councilor Jones has made two site visits since the last meeting to look at (1) the location of the trailer and (2) the traffic.

Council President Tan disclosed that she is friends with the party that spoke last week. She has not spoken to her friends about this issue and did not know they were involved prior to the previous public hearing.

There were no challenges to impartiality or jurisdiction.

Associate Planner Tom Soppe Staff Report.

Applicant Jeff Smith reported they thought lot 16 would be a less obtrusive place to put a construction trailer. They submitted a plan showing temporary screening to help with the four residents off South Road. The trailer is used for one point of contact for inspectors, West Linn staff, subcontractors, etc. They control their business out of the trailer, the superintendent works out of it. They only receive one set of stamped plans and this is where they keep them. They have spent money to set it there and will move it elsewhere later. It is more efficient to have it here, everyone knows where to find it. It is a secure, temporary place to do work. They are willing to screen it and make as nice as they can. Street

of Dreams is using lot 11, when they are done, then they will move the trailer.

Councilor Jones asked how many vehicles come down South Street with the construction trailer as their destination.

Mr. Smith stated if they are coming to construction trailer, they are coming for site business.

Council President Tan asked if there were any other lots besides lot 16 that could be used.

Mr. Smith stated they have spent about \$5,000 for temporary power, put in gravel driveway, prepared the pad, and hired a company to have the trailer moved there. If they have to move it, they will have to redo all that and it will just be closer to someone else's house. Yes they can move it but it will not be less visible. He thinks they chose the right spot for the right reasons. They have already designated lot 11 for the Street of Dreams so they cannot move the trailer to that spot. They need to get to September, then they will move it.

Council President Tan appreciates the fence. The biggest concern she heard was about the traffic.

Mr. Smith stated it is a construction site so there are big trucks. Most of the traffic comes from Vista Ridge and Crystal Terrace. They have worked with the neighbors, they are putting up with a lot. This is an infill job and so they have to go through neighborhoods.

Councilor Cummings inquired about lot 11 and asked how long have you been using the trailer?

Mr. Smith stated 60 days.

Councilor Cummings asked about the process to move to lot 11.

Associate Planner Soppe stated the Code says temporary use for up to two years.

Mr. Smith answered they will have to ask Staff if they can move and will have to go through the process. It is only a couple of months until September. They do not want to move because they are going to work on lot 11, it will be surrounded by new homes. Lot 11 will be a good location later.

Mayor Kovash stated the construction traffic is not going to change with moving the trailer. Council could make it a condition to move in October to Lot 11. The issues from the neighbors are visual and traffic. The fence may resolve the visual issue.

Mr. Smith is willing to put up a fence.

John Doel wants to be collaborative on this. His concerns are based on traffic and the visual issue. His primary concern is the children's safety. He feels they could eliminate traffic if they picked lots 1 to 13, it would eliminate the turn and blind corner on South Road. Traffic construction is driven by busy people trying to get the job done. There are trucks and trailers parked there every day. He feels that any of the other lots would not be a visual problem.

Alice Richmond stated a trailer is a profession tool for any construction site. We have tolerated

construction in the past. Every Council member, with the exception of Jenni Tan, were Planning Commissioners and have not had to discuss the issue of a construction trailer. They cannot construct without an office, their office is a trailer.

Councilor Jones clarified that Councilor Tan was previously on the Planning Commission.

Mr. Smith stated they have to have a trailer, they will screen the trailer. The time to argue about this was before it was put on South Road. It is temporary, we are going to be building on this lot in a few months. The City only allows certain hours, we do not work on holidays. The equipment is going to be on South Road because it is flat. If they move, construction workers will get in their cars and drive to the new location, they try to put the trailer closest to where the work is happening. They try to get the work done more efficiently.

Councilor Cummings inquired if Staff sees any issues with the trailer being moved to lot 11 in the future.

Associate Planner Soppe answered no.

Councilor Jones feels the applicant has done a credible job. There is a lot of traffic on the site, he thinks the trailer site makes traffic flow better. South Road is flat and equipment will be loaded and off loaded there. He would support the applicant submitting a site plan for approval to move the trailer to site 11 by October 2012.

Mayor Kovash asked what the height condition of approval with the fence would be.

Associate Planner Soppe stated the criterion is three feet to six feet.

Councilor Jones said have the fence be per City code.

Council President Tan heard the concerns were aesthetic so she would support that. Traffic is going to exist no matter where the trailer is located or may even cause more traffic. She supports the condition of approval, move to site 11 by October.

Councilor Cummings said this is a temporary situation and they are just trying to do what is reasonable.

Councilor Carson concurs based on the testimony.

Councilor Jody Carson moved to approve the request for a one-year Temporary Use Permit subject to the following conditions: that the applicant adheres to the revised site plan dated April 20 which includes the location of the screening fence and we add a condition that states there will be a screening fence provided and a second condition that the trailer will be moved to Lot 11 by October 1, 2012. Councilor Teri Cummings seconded the motion.

Councilor Mike Jones moved to amend the conditions I would put are: (1) Delete Staff's condition of approval one which seems to be done; (2) the applicant shall screen out the trailer on Lot 16 with fencing consistent with the City's building code; and (3) the applicant shall submit a site plan with adequate fencing for approval and move the trailer to Lot 11 by October 2012 for approval by the

Planning Director.

Councilor Carson offered to amend her motion to reflect what Councilor Jones said.

Mayor Kovash suggested Councilor Carson withdraw her motion and have Councilor Jones remake the motion as his replaces a lot, it is convoluted and he would like it to be clear.

Councilor Jody Carson moved to withdraw her motion. Councilor Mike Jones seconded the motion.

Councilor Mike Jones moved to approve the requested one-year Temporary Use Permit subject to the following conditions: (1) Delete Staff's condition of approval one; (2) the applicant shall screen off the trailer on Lot 17 with fencing consistent with the City's building code; (3) the applicant shall submit a site plan with adequate fencing for approval by the Planning Director and move the trailer to Lot 11 by October 2012. Council President Jenni Tan seconded the motion.

City Attorney Ramis stated for the record that means there is not a need for another application and it will be a decision made by the Planning Director that will be the final decision.

Councilor Carson asked for clarification regarding the condition.

Associate Planner Soppe stated it is to let the applicant know what site plan is being adhered to. It helps guide people in larger, more complicated issues.

City Attorney Ramis said under Oregon law there is a de facto condition binding applicant to the plan that was submitted, even without an expressed condition those limitations would apply.

Ayes: Mayor John Kovash, Council President Jenni Tan, Councilor Jody Carson, Councilor Teri Cummings, and Councilor Mike Jones.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2012-04-23-03: Resolution 2012-09 Library Capital Plan](#)

[Library Capital Plan Information](#)

Library Director Diane Satchwell Staff Report.

Council President Jenni Tan moved to adopt Resolution 2012-09 supporting the library in moving forward to complete the capital projects by approving the Library Capital Improvement Plan. Councilor Mike Jones seconded the motion.

Ayes: Mayor John Kovash, Council President Jenni Tan, Councilor Jody Carson, Councilor Teri Cummings, and Councilor Mike Jones.

Nays: None.

The motion carried 5 - 0

Doug Erickson, Chair of Library Advisory Board, stated the Library Board worked hard on this Plan.

[Agenda Bill 2012-04-23-04: Resolution 2012-07 Campaign Finance](#)

[Campaign Finance Information](#)

City Manager Jordan Staff Report.

Council President Jenni Tan moved to adopt Resolution 2012-07 supporting a Constitutional Amendment to overturn the United States Supreme Court ruling in Citizens United versus Federal Elections Commission. Councilor Jody Carson seconded the motion.

Ayes: Mayor John Kovash, Council President Jenni Tan, Councilor Jody Carson, Councilor Teri Cummings, and Councilor Mike Jones.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2012-04-23-05: Resolution 2012-08 Management and Non-Represented Cost of Living Adjustment](#)

[Management and Non-Represented Information](#)

Deputy Director Human Resources Tammy Hooper Staff Report.

Councilor Cummings inquired what the Police Chief pay range percent increase is and if there will be a special range created just for the Chief of Police.

City Manager Jordan responded approximately 3.5 to 4 percent above the current pay range for this position and the Chief of Police will be the only position in this pay range.

Councilor Carson thanked Staff for looking for ways to reduce the overall costs that allows us to be able to do Cost of Living Adjustments. Changing benefit packages is always a difficult thing to do.

Councilor Jody Carson moved to adopt Resolution 2012-08 adjusting the management and non-represented employee salary ranges to include a Cost of Living Adjustment. Councilor Mike Jones seconded the motion.

Mayor Kovash stated the Police Chief position would be different from other Directors based on studies that counterparts in other cities have a similar differential between Department Heads and Police Chiefs and we need to be competitive.

City Manager Jordan did a study of ten cities in the Portland Metropolitan Area that concluded that the Police Chief position was furthest out of range. Most Police Chiefs are paid more than other Department Directors in their cities because they have bigger departments and the because of the work that they do.

Ayes: Mayor John Kovash, Council President Jenni Tan, Councilor Jody Carson, and Councilor Mike Jones.

**Nays: Councilor Teri Cummings.
The motion carried 4 - 1**

[Adjourn](#)