



**CITY COUNCIL REGULAR MEETING
MINUTES
December 5, 2017**

1. CALL TO ORDER

Mayor Studebaker called the regular City Council meeting to order at 6:31 p.m. on December 5, 2017, in the City Council Chambers, 380 A Avenue.

2. ROLL CALL

Present: Mayor Studebaker and Councilors Kohlhoff, Buck, O'Neill, Manz, Gudman, and LaMotte

Staff Present: Scott Lazenby, City Manager; David Powell, City Attorney; Anne-Marie Simpson, City Recorder; Bill Baars, Library Director; Cyndie Glazer, Coordinator of Volunteer Services and Programs, Library; Bruce Powers, Park Analyst; Ivan Anderholm, Parks and Recreation Director; Kari Duncan, Water Treatment Plant Manager; Anthony Hooper, Public Works Director; Erica Rooney, City Engineer; Leslie Taylor, Communications Manager, Police Department; Dale Jorgensen, Police Captain; Paul Espe, Associate Planner; Scot Siegel, Planning and Building Services Director; Crystal Shum, Associate Engineer; Debra Andreades, Senior Planner; Shawn Cross, Finance Director

Others Present: Parker Verhaeghe, P&C Construction

3. PLEDGE OF ALLEGIANCE

Mayor Studebaker led the Council in the Pledge of Allegiance.

4. PRESENTATION

4.1 Lake Oswego Reads 2018

Mr. Baars discussed the background of Lake Oswego Reads, which is based on a program originally presented in Seattle and now enjoyed in communities across the country. With Ms. Glazer's support, the program in Lake Oswego has been extremely successful and is now emulated by a number of other cities, he reported. Nearly 10,000 participants enjoyed the featured book and related programs in Lake Oswego in 2017. He announced that the book for

2018 would be *Good Morning, Midnight* by Lily Brooks-Dalton, a novel. After distributing copies of the book to Council members, **Ms. Glazer** highlighted various program events planned in the community. She announced the January 8 kick-off, where 800 complimentary copies of the book would be available to guests, thanks to the Friends of the Lake Oswego Public Library. Also through efforts of the Friends, the book's author would be appearing in Lake Oswego on February 13.

5. CONSENT AGENDA

Councilor LaMotte requested that Agenda Item 5.3 (Iron Mountain Park Engineering and Construction Documents Contract Award) be removed from the Consent Agenda so that he could pose questions.

5.1 Approval of Meeting Minutes

5.1.1 October 3, 2017, Regular Meeting Minutes

Motion: Move to approve minutes as written.

Report and Attachment

5.2 Resolution 17-62, A Resolution of the City Council of the City of Lake Oswego Adjusting the Compensation for Charter Officers

Motion: Move to adopt Resolution 17-62.

Report and Attachment

END CONSENT AGENDA

Councilor Gudman moved the adoption of the Consent Agenda with the one item removed. **Councilor Manz** seconded the motion.

A voice vote was held, and the motion passed, with Mayor Studebaker and Councilors Kohlhoff, Buck, O'Neill, Manz, Gudman, and LaMotte voting 'aye'. (7-0)

6. ITEMS REMOVED FROM THE CONSENT AGENDA

5.3 Iron Mountain Park Engineering and Construction Documents Contract Award

Report and Attachments

Councilor LaMotte asked for clarification on progress of the creek restoration, including assurance that the contract award before the Council did not include work within the scope of the existing contract for stream restoration and relocation. **Mr. Powers**, project manager, described the parallel paths of work on the stream and park, noting that work was not being duplicated; rather, it would be performed under two separate contracts by the same firm. He responded to

additional questions about grading and soil studies as related to design. **Councilor LaMotte** posed additional questions regarding the project timeline and opportunities for coordination with the Woodmont Park project. He expressed concern about use of consultants, rather than City staff, for paperwork as shown in the memorandum from ESA Associates (Attachment 1, Exhibit A). **Mr. Powers** explained that these amounts had been provided to him prior to Staff's subsequent streamlining efforts for the land use planning process. He responded to concerns about consultant hours for neighborhood meetings, noting that this number would be updated to reflect that the work was performed largely by Staff. Next he responded about opportunities for soils removed from the site. Finally, he clarified the third item listed under Exclusions in the ESA memorandum (Exhibit A, p 5), related to trails. In response to **Councilor LaMotte's** additional inquiry, he explained that this exclusion was in anticipation of an eventual trails master plan. **Mr. Anderholm** added that Staff believed the most effective planning and cost containment for these trails would be achieved through a future bundled process involving multiple sites.

Councilor Gudman moved to authorize the City Manager to sign a contract for Iron Mountain Park engineering and construction documents to ESA Associates in an amount not to exceed \$384,180.00. Mayor Studebaker seconded the motion.

A voice vote was held, and the motion passed, with Mayor Studebaker and Councilors Kohlhoff, Buck, O'Neill, Manz, Gudman, and LaMotte voting 'aye'. (7-0)

7. CITIZEN COMMENT

- **Gail Grimston, 1292 Cherry Lane**

Ms. Grimston thanked the Council members for their efforts to make Lake Oswego great. As a swimmer since early childhood, she discussed the importance of access to a community swimming pool. A warm-water pool would afford great benefits to those healing from joint surgeries. An upgraded pool facility would also provide opportunities for Lake Oswego citizens to acquire swimming skills, essential in an area surrounded by water, she indicated.

- **Maya Barba, 16965 Chapin Way**

Ms. Barba described her family's use of the Lake Oswego School District pool over the years, including their current involvement with Lake Oswego Swim Club youth and masters teams. Constraints of the current pool facility do not meet needs of the community, she indicated: time and space is inadequate for the various users, including young learners, competitive swimmers of various ages and skill levels, and older adults seeking recreation and fitness. She emphasized the need for adequate deck space in an improved facility. Finally, she cited potential economic benefits to Lake Oswego if competitive swimming events could be hosted at a suitable community pool.

In response to a question from **Councilor LaMotte**, **Ms. Barba** indicated that a second pool for warm-up purposes would be important in a new facility.

- **Bob Heymann, 1156 Cherry Lane**

Mr. Heymann reviewed the background of his involvement with the School District effort to plan for a replacement swimming pool. Among other considerations, a study commissioned by the Lake Oswego Swim Club earlier in 2017 had led to his advocacy for a School District/City partnership. This would allow for an aquatics center that offered more than pool facilities for School District athletes, but also a centerpiece for economic development. Council was asked to explore the partnership opportunity.

- **Brent Washburne, 3217 Fir Ridge Road**

Mr. Washburne characterized residents' desire for a community pool as a quality-of-life issue that deserves serious consideration. The nearest 50-meter pools are located in other cities, requiring drives of 30 minutes or more, he noted. Such facilities offer features that would benefit several segments of the Lake Oswego community, including School District athletes and Lake Oswego Swim Club teams; young families could be attracted to Lake Oswego, with resulting increases in home values and tax revenues.

Councilor O'Neill asked about his preferred configuration, and **Mr. Washburne** indicated that a 50-meter pool with a bulkhead to allow for adjustment of pool space would be desirable.

- **Jim Bolland, 804 5th Street**

Mr. Bolland spoke on behalf of the Lake Oswego Neighborhood Action Coalition (LONAC) in opposition to the proposed consolidation of the Planning Commission and Development Review Commission (DRC). Representatives of 17 neighborhoods meeting on December 2 had concurred that consolidation would be very detrimental to the land use policy in the city. He discussed the differing functions of the two bodies: the Commission's role in developing land use policy and DRC's focus on interpreting and implementing that policy, in compliance with State regulations. LONAC concerns about the consolidation include prioritization of the time-sensitive DRC functions that would result, at the cost of land use policy matters. Because of the negative impacts on the community expected over the long term, Council was asked not to proceed with the consolidation proposal.

- **Charles Ormsby, 170 SW Birdshill Road, Portland 97219**

Mr. Ormsby outlined his concerns about land use cases related to the Tryon Creek Wastewater Treatment Plant, specifically with regard to proposed code amendments that would change setbacks on Highway 43. Because of constraints already existing on this street, he was also concerned about work orders related to the North Anchor Project and the adverse effects on TriMet bus operators making turns at the Highway 43/B Avenue intersection; scheduling and safety considerations for passengers were other concerns. Potential negative effects on congestion and TriMet scheduling could be an issue at the railroad crossings, he pointed out.

7.1 Prior Citizen Comment Follow-Up

No follow-up on prior Citizen Comment was presented.

8. COUNCIL BUSINESS

8.1 Resolution 17-67, A Resolution of the Lake Oswego City Council Adopting an Operations Manual Relating to an Intergovernmental Agreement Between Lake Oswego and Tigard for Water Supply Facilities, Design, Construction, and Operation.

Report and Attachment

Operations Manual Executive Summary

Ms. Duncan provided a brief review of the Lake Oswego-Tigard Water Partnership, formalized in 2008 by an intergovernmental agreement (IGA) between the two cities. As outlined in the Council Report, the IGA had stipulated the completion of an operations manual for day-to-day operation of the facilities (Operations Plan, provided as Exhibit A to Resolution 17-67). She highlighted contents of the Plan, including the supply facilities and how they will be operated and maintained, operating standards, water-quality goals, communications protocol, and emergency procedures. The Plan had been produced by an operations team of Lake Oswego and Tigard staff, meeting numerous times throughout the course of the project. She recommended Council adoption of Resolution 17-67.

Councilor Buck asked if this document set forth the management of the Partnership going forward. **Mayor Studebaker** advised that the Plan was intended to guide operations, rather than governance. He reported that, having met with the Tigard mayor, it had been agreed that for the next year the two cities would continue the Partnership as provided in the current agreement. After that period, they might consider changes to the current system of governance. **Ms. Duncan** noted that the Plan had been written with the intent to accommodate changes in governance.

Councilor Gudman moved to adopt Resolution 17-67. **Councilor LaMotte** seconded the motion.

A voice vote was held, and the motion passed, with Mayor Studebaker and Councilors Kohlhoff, Buck, O'Neill, Manz, Gudman, and LaMotte voting 'aye'. (7-0)

8.2 Maintenance Center Budget Modification and Contract Amendment

Report and Attachments

Mr. Lazenby explained that the matter before the Council was related to the final reconciliation of costs for the Maintenance Center project budget and contract. The total had exceeded the initial estimates, despite the excellent work of Mr. Hooper, who led the project for the City, and the support professionals. He drew Council's attention to the list of needed items comprising the amended Guaranteed Maximum Price amount (Council Report, Attachment 3). Also, he noted that the project was planned with a contingency smaller than the typical 10-15%. He noted that the Construction Manager/General Contractor (CM/GC) methodology used on the project was found to be somewhat more difficult to monitor than a typical design/build approach. However, the CM/GC process will be used going forward on the Civic Center and Boones Ferry Road projects; Staff intends to provide real-time projections throughout these two projects, based on

changes made and their anticipated effects on the final costs. The time lag in receiving final costs contributed to the difficulty of projecting the overage for the Maintenance Center, he noted.

Mr. Hooper announced that the project had wrapped up approximately \$900,000 over budget. In addition to a budget modification, Council was asked to amend the Guaranteed Maximum Price in the existing construction contract to reflect an increase of \$1.2 million. A large part of the overage related to necessary additional site work that was identified, notably very large boulders that had to be removed. Another factor was unexpectedly higher bids from contractors in the robust market; this essentially exhausted the project contingency, he noted. Finally, he discussed challenges of forecasting costs under the fluid CM/GC process and the extended process of reconciliation and cost verifications performed by the project manager with P&C Construction, Mr. Verhaeghe. Both factors affected the timing of the request now before Council, he indicated.

Mr. Verhaeghe noted that the items listed as necessary additional work were not atypical; however, the list was longer than anticipated because the full range of unforeseen conditions was encountered.

An exchange of questions and answers followed. **Councilor Buck** inquired about negative impacts of the unforeseen conditions on P&C Construction and how responsibility for the additional costs was determined. **Mr. Verhaeghe** noted that virtually all of the added costs relate to work by sub-contractors to address these conditions; the contingency had been applied entirely to other items. **Mr. Hooper** clarified that P&C receives only a fixed fee of about \$310,000, which includes their overhead, and that the additional amount for construction costs was only for payment to sub-contractors. In response to **Councilor O'Neill's** question, **Mr. Hooper** confirmed that approximately \$350,000 of the requested increase was attributable to upgrades requested by the City and not included in the original project scope. **Councilor Manz** asked about expected trade-offs if Council were to approve the requested changes. **Mr. Hooper** indicated that the difference would be paid from the Public Works Management Fund. He outlined a variety of cost-savings measures that the Public Works Department had employed over time; these savings now enabled significant budgeted funds to be committed to the project overages. **Councilor LaMotte** observed that increased savings in City operations costs could be expected with completion of the Maintenance Center. In response to his question, **Mr. Verhaeghe** confirmed that payment to the sub-contractors was up to date. **Councilor Gudman** characterized the over-budget situation as unfortunate but not unlike other projects in the region that faced similar site challenges. He endorsed Mr. Lazenby's plan to provide periodic updates to the Council for the two major upcoming projects, to include: budget, expenses to date, and estimated total cost.

Mayor Studebaker moved to modify the project budget from \$13,632,000 to \$14,532,000 and to authorize the City Manager to amend the existing contract with P&C Construction by increasing the Guaranteed Maximum Price for construction from \$10,631,000 to \$11,869,000 for the new Maintenance Center. Councilor Gudman seconded the motion.

A voice vote was held, and the motion passed, with Mayor Studebaker and Councilors Kohlhoff, Buck, O'Neill, Manz, Gudman, and LaMotte voting 'aye'. (7-0)

8.3 Resolution 17-65, A Resolution of the City Council of the City of Lake Oswego Amending Resolutions 17-08 and 17-37 Regarding Transportation System Development Charge Rates

Report and Attachment

Mr. Lazenby noted that Resolution 17-65 was the culmination of Council's direction to Staff in related study sessions earlier. He advised that Ms. Rooney was available for any questions.

Councilor LaMotte moved to adopt Resolution 17-65 regarding Transportation System Development Charges. Councilor Buck seconded the motion.

Councilor Gudman stated that he would be voting in favor of adoption, while noting that there would be future related trade-offs for the actions taken. This would involve deferral or elimination of projects that had previously been budgeted and funded, he observed.

Councilor Manz pointed out that Transportation SDCs, if set at 100% of the maximum defensible rate, would have funded all eligible projects. With confirmation from **Ms. Rooney**, she advised that where public safety was at issue, funding options other than SDCs were available. **Councilor LaMotte** inquired about upcoming development projects that might be subject to the new transportation SDC rates based on the 30% formula. **Ms. Rooney** advised that the new rates would apply to projects that entered the building permit review process after January 1, 2018. This would potentially include the 3rd and B and North Anchor projects; she reminded Council that the full amount would not apply, however, as these developments would receive a credit or reduction based on the prior uses.

A voice vote was held, and the motion passed, with Mayor Studebaker and Councilors Kohlhoff, Buck, O'Neill, Manz, Gudman, and LaMotte voting 'aye'. (7-0)

8.4 Resolution 17-69, A Resolution of the Lake Oswego City Council Authorizing Leasing Land at Cooks Butte Park to the Clackamas 800 Radio Group for a Public Safety Emergency Communications Radio Tower

Report and Attachments

Ms. Taylor, accompanied by Captain Jorgensen, presented an overview of the Clackamas 800 Radio Group (C800) project (Council Report and Attachments) and the potential lease agreement for Council consideration (Exhibit 1 to Resolution 17-69). She outlined the background of the IGA between Lake Oswego and other public safety agency partners in Clackamas County. Since 2000 the users, now encompassing virtually all public safety and other agencies in the County, have been served by an 800-MHz analog radio system. With passage of a 2016 bond measure, the C800 board has moved forward to upgrade the analog system to a standards-based digital system. As described in the Council Report, the new digital system calls for additional tower sites to ensure that coverage goals are achieved. The current analog system does not include tower sites in Lake Oswego, and C800's site acquisition and system design teams determined that the city needed enhanced tower coverage. They identified two potential Lake Oswego sites, based

on several considerations, including availability of the property, coverage improvement, and effect on visual aesthetics for the community.

Ms. Taylor displayed slides to illustrate multiple photographic views of the two proposed locations: at Cooks Butte and near the intersection of Bergis Road and Upper Cherry Lane in unincorporated Clackamas County (Attachments 2 and 3 to Council Report). Simulations of the views showing the proposed tower were compared, and advantages of both were outlined. Based on the Group's determination that it best achieved coverage and other needs, the Cooks Butte site was favored. Availability was another advantage, as the City owns the land. Finally, she discussed graphics showing the tower structure design and site plans.

In response to questions from **Councilor Buck**, **Ms. Taylor** highlighted construction processes, tower conversions to digital, planning, and necessary approvals as elements of a lengthy timeline. The goal for implementation of the new system was early 2019, she reported. Conversion from analog to digital in itself being a complex process, the Group would be involved in a significant planning effort. The coordinated work of many people in technical, first responder, and communications center roles in both Clackamas and Washington counties was required. As at present, one of the communication centers would monitor the towers themselves via remote camera. **Councilor O'Neill** expressed interest in seeing that towers were painted in a color that would minimize visual impact. **Ms. Taylor** indicated that this determination would be included in the planning process.

Mayor Studebaker moved to pass Resolution 17-69. Councilor Manz seconded the motion.

A voice vote was held, and the motion passed, with Mayor Studebaker and Councilors Kohlhoff, Buck, O'Neill, Manz, Gudman, and LaMotte voting 'aye'. (7-0)

9. PUBLIC HEARINGS

9.1 Ordinance 2757, An Ordinance of the Lake Oswego City Council Amending the Zoning Map to Change the Zone Designation for Northerly Portion of the Property at 1770 Ridgecrest (21E09BA00300); from R-10 to R-15, and Adopting Findings (LU 17-0024).

Ordinance 2767, An Ordinance of the Lake Oswego City Council Amending the Zoning and Comprehensive Plan Maps to Change the Zone, Comprehensive Plan and Overlay District Designations for the Tax Lot Located at the Southern Portion of 1774 Ridgecrest (21E09BA00400); from R-15 to R-10, and Adopting Findings (LU 17-0024).

Report and Exhibits

Mr. Powell read the titles for Ordinances 2757 and 2767. He reviewed parameters for this land use request. Noting that the hearing process was shown in the agenda, he outlined the time limits for testimony. As the hearing would be conducted as a quasi-judicial proceeding, he related additional applicable parameters. Next he called for any declarations by City Council members with relation to ex parte contacts, bias, or conflicts of interest. **Councilor Gudman** declared that, having known the property owner for many years, he had spoken with her briefly at a social event

and had received a telephone voice mail message from the property owner's daughter. Both communications were documented in the material provided to the Council, he noted, stating that it would not impact his ability to be impartial in the matter before the Council. **Mr. Powell** noted that any party testifying at the hearing would be permitted to rebut the information provided by Councilor Gudman, although, as stated, this evidence already was in the record. He called for any other declarations from Council members, and none was heard. Finally, he asked if there was any objection by a member of the audience who wished to challenge a City Council member's right to hear the application; no challenges were heard.

Staff Report

Mr. Espe noted that the proposed amendments to the Zoning Map for the two properties were part of the City's ongoing process to ensure consistency between the Comprehensive Plan and Zoning Maps. As detailed in the Council Report, testimony in opposition was received in regard to the proposed R-15 Zoning Map designation for the property at 1770 Ridgecrest Drive, both from the property owner and from a representative of the Uplands Neighborhood Association. He noted that the merits of whether or not the zoning is appropriate for this or other parcels was neither the focus nor the scope of the map revision process. With accompanying slides, he discussed the designation of R-15 over the entire property at 1770, as shown on the existing Comprehensive Plan Map; he compared it to the 1774 Ridgecrest parcel directly to the west, which had a split Comprehensive Plan designation of R-10/R-15. With regard to the property owner's concern that the amendment would reduce the development potential of the 1770 parcel, he described Staff's analysis of the property itself, including two development scenarios (Council Report, p 2-3 and Exhibit D-2); no reduction of development potential had been identified. He advised that a rezoning of the southern portion of 1770 to R-10, as requested by the owner, would be inconsistent with the Comprehensive Plan designation of R-15 and would also be outside the scope of this application and the notification for this hearing. It was not the appropriate proceeding for seeking a change to the Comprehensive Plan designation or zoning for the southern portion, he concluded.

Councilor O'Neill questioned the need to pursue the zone change. **Mr. Espe** noted Staff's commitment to a consistent process in resolving inconsistencies between the maps. Staff had adhered to the process with the 1770 property. Since the owner had contested the change of zoning designation, Staff was required to see the process through to its end, he observed.

Councilor Buck posed questions about the background of current zoning in the area adjacent to 1770 Ridgecrest. **Mr. Espe** responded, describing the Comprehensive Plan as the guiding document, but indicating that Staff also had occasion to identify and question designations in the Plan. These, too, would be brought forward through the quasi-judicial process for the sake of transparency, he advised.

In addressing **Councilor LaMotte's** questions about the need for zone changes and viability of future development on the 1770 parcel, **Mr. Espe** noted that Staff had regarded a change to R-10 as possibly being misleading to a future property buyer, among other considerations. **Councilor Gudman** asked about reasons for the Uplands Neighborhood's opposition testimony before the Planning Commission. **Mr. Espe** indicated that this was largely related to the unclear designation on the 1978 Comprehensive Plan Map and the Neighborhood's perception that the

parcel at 1770 was closer in size to the parcels to the west, which were designated R-10 as opposed to R-15. The potential for future issues of this type was minimized by digital mapping, he added.

Testimony

Marie Sorensen, 1770 Ridgecrest Drive, ceded her time to her daughter.

Melinda Stuart, 2813 Harborview Drive, Gig Harbor, Washington 98335, daughter of Ms. Sorensen, conveyed the shock experienced by her mother upon learning of the proposed zone change. She described her difficult position, including concerns about the tight timeline and the need to hire an attorney to assist with the process. The high cost to Ms. Sorensen if she were to initiate a zone change request herself was another source of distress. She described the inequity of the zone change to R-15 in comparison to the R-10 designation for the property at 1774; also, her mother's property was dissimilar to the R-15 properties to the east. The change to R-15 would be detrimental to her mother as it would preclude any future possibility of development on an additional lot, she stated. The Planning Commission had failed to consider several options that might allow for future development of the lower portion of the property, which she outlined. The Neighborhood Association's advocacy was a compelling reason for Council to change the designation to R-10. Finally, she described concerns about the process and the options afforded to the property owner.

Councilor O'Neill pointed out that an R-15 designation would be advantageous to the property owner as it could allow a future buyer to build a larger home as compared to R-10 designation. Brief discussion about the potential for two R-10 lots followed, with **Ms. Stuart** reiterating her mother's desire for the same opportunity provided for the 1774 property. In response to questions from **Councilor Kohlhoff**, **Mr. Espe** indicated that the matter of equity was extraneous to the determination for 1770.

Jamie Howsley, Jordan Ramis PC, 2 Centerpointe Drive, #600

Introducing himself as Ms. Sorensen's attorney, **Mr. Howsley** discussed background of the proposed changes initiated by the City, which had not involved conferring with his client until late in the process. The proposed changes contradict Ms. Sorensen's understanding of the property and its zoning, he observed. He displayed a chart showing street frontage and parcel size for nearby properties with designations of both R-10 and R-15; in comparison to these properties, he suggested that the data should make it clear to Council that the correct designation for 1770 Ridgecrest is R-10. The practical question relates to Ms. Sorensen's ability to further partition her parcel, which he believes could be developed with an additional lot; the proposed zone change would preclude this possibility. This is a matter of equity, he stated, and the most appropriate Council action would be either (1) to maintain the existing zoning and leave the Comprehensive Plan unchanged and inconsistent with the zoning; or (2) move to change the zoning designation to R-10 and have the matter re-noticed.

Councilor Manz asked for background on the determination that the Sorensen property was the dividing line between the parcels zoned R-10 and R-15. **Mr. Espe** indicated that this was unclear and had not been a subject of analysis. In response to a question from **Councilor Buck**, he

described the extensive public process involved with adoption of the Comprehensive Plan in 2014. **Councilor O'Neill** requested verification of the one-week advance notice reported by the property owner and any other communications from the City specifically with Ms. Sorensen. **Mr. Espe** described the public review draft provided initially and a neighborhood meeting to discuss the proposed zone changes a month or more before the process began.

Mayor Studebaker called for any additional testimony. No requests being heard, he closed the hearing.

Councilor O'Neill expressed concern that the City had not taken the opportunity to communicate directly with the property owner when this would have offered a simple solution.

Mayor Studebaker advised that he wished to have Council address the two ordinances separately. With regard to the 1774 Ridgecrest property he moved to adopt Ordinance 2767. **Councilor Buck** seconded the motion.

A voice vote was held, and the motion passed, with Mayor Studebaker and Councilors Kohlhoff, Buck, O'Neill, Manz, Gudman, and LaMotte voting 'aye'. (7-0)

Mayor Studebaker moved to adopt Ordinance 2757. **Councilor Buck** seconded the motion.

Discussion and additional questions of Staff followed. **Mr. Espe** clarified zoning and Comprehensive Plan designations and lot details for 1770 Ridgecrest in response to questions from **Councilor Manz**. **Councilor Buck** opined that the testimony relating to the frontages in comparison to this property had no bearing on why the Comprehensive Plan reflected the R-15 for 1770. It was important that Council respect the Plan process and the consistent approach for making such amendments. As to equity, applying this process consistently was the priority. For these reasons, he stated, he would be voting in favor of enacting the Ordinance.

Councilor O'Neill questioned the accuracy of the R-15 designation in the Comprehensive Plan. He considered it very unlikely that the parcel would ever be split, but did not believe the City should be changing the zoning; therefore, he indicated that he would be opposing adoption of the Ordinance. **Councilor Kohlhoff** requested clarification about equity between lots as a factor to be considered. **Mr. Siegel** reiterated that the Planning Commission goal and assignment to Staff was based on Council's direction to reconcile the Comprehensive Plan and Zoning. He offered guidance on how the Council could proceed if they did not support the change for this property. It appeared that the owner was requesting Council to revise the Comprehensive Plan and to make the zone change to R-10 now. This was outside the scope of the matter before Council, he advised. Brief discussion of additional concerns and alternatives followed.

Councilor Manz indicated that she would vote against the Ordinance, expressing concerns about the compatibility and consistency with zoning of properties on either side of 1770. A 'no' vote seemed the simplest means of solving the problem without an extended process, she noted. **Councilor Gudman** stated that he would also be voting 'no', with a proviso for Staff follow-up.

A roll call vote was held, and the motion failed, with Councilor Buck voting 'aye'. Mayor Studebaker and Councilors Kohlhoff, O'Neill, Manz, Gudman, and LaMotte voted 'no'. (1-6)

At **Mr. Powell's** suggestion, the Council discussed the findings that Staff would prepare to bring to the December 19 Council meeting. After several exchanges, including input from **Mr. Siegel** and **Mr. Powell**, it was determined that Council's consensus was to start with the Planning Commission, asking that the Commission undertake the process to propose a Comprehensive Plan change to R-10 for this property. Staff would return to Council only with findings for adoption.

Mr. Powell confirmed that the decision would be final upon adoption of findings on December 19 at 3:00 p.m.

9.2 Road Legalization Proceedings Under ORS 223.935 for Portions of Boones Ferry Road and Lanewood Street at 16480 Boones Ferry Road (US Bank), 16444 Boones Ferry Road (Round Table Pizza), 16463 Boones Ferry Road (Olson Memorial Clinic), and 15630 Boones Ferry Road (Commercial Center at Boones Ferry and Lanewood)

Report and Exhibits

Mr. Powell explained that Staff was recommending a continuance for the legalization proceedings for three of the four properties. With regard to the US Bank (16480 Boones Ferry Road) and Round Table Pizza (16444 Boones Ferry Road) properties, agreement on terms of legalization and other acquisition efforts had essentially been reached; additional time was recommended while documents were being prepared. The continuance was also recommended for the Olson Memorial Clinic property (16463 Boones Ferry Road), for which he reported significant progress was being made toward settlement. However, this property presented a number of complex issues relating to aspects of acquisition beyond the legalization; it would benefit both the City and the property owners to resolve these. Therefore, Staff recommended that the hearings on the first three properties listed be continued to January 2, 2018.

Councilor Gudman moved to continue the road legalization proceedings related to 16480 Boones Ferry Road (US Bank), 16444 Boones Ferry Road (Round Table Pizza), and 16463 Boones Ferry Road (Olson Memorial Clinic) for public hearing on January 2, 2018. Mayor Studebaker seconded the motion.

A voice vote was held, and the motion passed, with Mayor Studebaker and Councilors Kohlhoff, Buck, O'Neill, Manz, Gudman, and LaMotte voting 'aye'. (7-0)

Mr. Powell noted that the next matter before Council was related to 15630 Boones Ferry Road, for legalization of certain areas on Lanewood Street and Boones Ferry as set forth in the City Engineer's Report. Advising that the public hearing process was outlined in the agenda, he recommended that Council offer a time limit of 10 minutes for testimony by any owner of property adjacent to the area proposed to be legalized. Next, **Mr. Powell** asked if any City Council members needed to make any declarations with relation to conflicts of interest, bias, or ex parte contacts. **Councilor Gudman** advised that he had attended high school with an owner of the

property, David Nepom, 40 or more years earlier. This would not impact his ability to be fair and impartial in the discussion, he stated.

Mr. Powell drew Council's attention to a legal brief filed the previous day by Mr. Nepom (Exhibit 102) and also to a brief in response from Clark Balfour of Cable Huston LLC, who is assisting the City (Exhibit 103).

Staff Report

Introducing herself as project lead for the Boones Ferry Road Project, **Ms. Shum** reviewed the basis under State law for the legalization proposal, as provided in ORS 223.935 and noted in the Engineer's Report (Exhibit 101, p 1-2). In the course of obtaining property needed for the road project, Staff had discovered that dedication records could not be found for small portions of right of way of both Lanewood and Boones Ferry. As detailed in the discussion of the Commercial Center property (Engineer's Report, p 5-6), she provided background on the property and related records from the time of its annexation to the City and development in 1978. She described how it was required by the development review approval to have dedicated a 10 foot additional strip to the City for Boones Ferry Road and an additional five feet on Lanewood. The 1978 staff report recommended dedication of the 10-foot and 5-foot strips as conditions of approval. She noted that these future right-of-way lines were shown in Exhibit 40 to the Engineer's Report, the site map. She discussed accompanying PowerPoint slides (Exhibits 40-51 to the Engineer's Report). Included was the 1978 development site plan (Exhibit 40) that indicated the intended rights of way that were to have been dedicated, noting that the new right-of-way line shown for Lanewood is in line with the sidewalk improvement that was done on Lanewood. She also pointed out the proposed right-of-way line shown along Boones Ferry and noted that it corresponds with the back of the sidewalk as it is today. She stated that for this particular project the additional areas were supposed to be dedicated at that time, and the site map shows those to be dedicated, but the City does not have the supporting documents. Numerous photos among the exhibits to the Engineer's Report were displayed in showing that the public sidewalks along Boone's Ferry moved to its current location following the 1978 development and that the sidewalks on both Boones Ferry and Lanewood streets have remained in the same locations since that time. She described these as public sidewalks that connect to other public sidewalks. She also identified the power poles in the area, and noted that power poles are placed either within the right-of-way or in public utility easements. She stated that there are no utility easements for these poles, which demonstrates that the area is right-of-way. In concluding, she identified the right of way on a photo of the Boones Ferry/Lanewood corner (Exhibit 51) as being at the same location as when it was supposed to have been dedicated to the City in 1978. She stated that the public uses the sidewalks, without any barriers to public use, and staff regards these as public sidewalks within the right of way.

Questions of Staff

In response to questions from **Councilor LaMotte**, **Ms. Shum** provided information about the future Boones Ferry Road alignment and other aspects of the Lanewood intersection adjacent to the subject property.

Councilor Buck requested clarification of Exhibit 40, and **Mr. Powell** indicated that this showed the approved building plan for development of the property in 1978. He confirmed that a public

sidewalk would not be constructed on private property unless it was in the right of way or a public sidewalk easement. In continuing discussion, he highlighted the need for Council to consider the exhibit in the context of the preceding exhibits, which substantiated the intention that the right of way be dedicated as shown. He pointed out that the Engineer had recommended the dedication, the staff report had recommended the dedication as a condition of approval, the applicant included the recommendations, including the right-of-way, as part of the submittal which was approved by the Design Review Board, and the sidewalks were constructed within the new right-of-way lines. He said that no dedication document can be found and that either someone failed to ask for the document, or the document was received but was misplaced and never recorded. **Councilor Buck** inquired about Mr. Nepom's claim in the recent brief (provided separately to the Council) that the owners had been paying property tax on the parcel, inclusive of the right of way in question. **Mr. Powell** noted that this was an issue separate from the matter before the Council. However, he discussed the issue briefly, touching on responsibilities of an owner when buying property to look not just to the records but also to what can be observed visually, including public sidewalks and utilities. He also addressed considerations related to tax assessment.

Councilor O'Neill inquired about responsibility for the corner landscaping as shown in Exhibit 51, dated 2016. **Ms. Shum** advised that the landscape restoration work there was likely related to the curb-ramp retrofit, and as such, was among costs paid by First Citizens Bank for their new development across the street. The owner of the private property was paying for ongoing maintenance of the landscaping, she indicated.

In response to a request from **Councilor Manz**, **Mr. Powell** discussed various ways that road usage might be a consideration in different processes, such as a city claim of prescriptive rights, or adverse possession. He discussed similarities and differences in comparison to the legalization process.

Testimony

David Nepom, 3718 SW Condor Avenue, Ste. 100, Portland 97201

Mr. Nepom described the ownership of the property at 15630 Boones Ferry Road and introduced himself as one of the owners. When they purchased the property in 1998, the owners relied on the surveyed records that reflected 39,000 square feet, the same as the assessor's records related to property taxes they have been paying; they also have maintained the parking strip and landscaping area. They view the property as different from the other properties being considered for legalization: Unlike the other three properties, this one does not involve portions of property that extend into the traveled road. He disputed the City's statements about the property line, which he said meanders, and stated that the City already owns part of the sidewalk and parking strip, while he and his family own the remainder of the sidewalk and strip. . He said that the City had insisted that the sidewalk be fixed, which he did. He also said that two or three years ago the City had required him to lower the landscaping in the parking strip that was blocking vision at the corner. He recognized the proposed condemnation of another part of the property as a different issue, but believes the City should also be required to go through the condemnation process for the disputed property, i.e., portions of the parking strip and sidewalk. He asserted is entitled to fair compensation for the property taken, describing his compliance with City maintenance requirements for the property. The property owners take issue with the City's argument regarding

the dedication that should have been done in 1978. They believe that the record shows the property was owned as designated by the plat. A bona fide purchaser for value in good faith is entitled to rely upon the recorded record, he stated, and referred the Council to the statement in his memo (Exhibit 102) expressing concerns about City staff's efforts and his belief that their intent was to claim his property without compensation, a violation of the State and Federal Constitutions. Noting that the legalization statute pertained to situations where there was uncertainty about property, he denied that it applied to this property as the surveyor had identified and marked the plat. A key consideration for the Council should be the definition of road, as the statute allows the associated right of way to be legalized. He said the statute says you can legalize a road, but does not say you can legalize the right-of-way. He described the County legalization statutes as defining the road as the part of the right-of-way that is used for vehicles. He referred to a dictionary definition of road (Exhibit 105) as the part of the thoroughfare over which vehicular traffic moves--the space between the curbs. He submitted a photo of a sidewalk at his sister's property on Milwaukie Street showing surveyor marks in the middle of the sidewalk (Exhibit 104), stating that this demonstrates that there often are sidewalks partly on private property and partly in the public way. His final point was that a definition of road that includes an area used for ingress and egress to property by other means would mean, if taken to its extreme, that a parking lot or a walkway up to a home would be a road and could be taken through legalization proceedings..

Mayor Studebaker asked if anyone else wished to testify. Hearing no requests, he closed the hearing.

Following brief discussion to frame a motion, **Councilor LaMotte moved to tentatively approve road legalization proceedings under ORS 223.935 for the portions of 15630 Boones Ferry Road (Commercial Center at Boones Ferry and Lanewood) as shown in Exhibit 4, and direct Staff to prepare findings, conclusions, and orders legalizing the area, to bring back to Council on December 19, 2017. Councilor Gudman seconded the motion.**

In responding to questions from **Councilor Kohlhoff**, **Mr. Powell** indicated that, while he could not provide specifics about what portions of sidewalk or landscaped areas might have been reflected in the legal description in the owner's deed, it definitely would have included some of the area the City is trying to legalize. He clarified that to consider this point and the owner's stated entitlement as a bona fide purchaser was to mix the issues. He emphasized that the very purpose of legalization was to address situations where doubt exists as to the legal establishment or evidence of a road. Therefore, a person could not say, "You may not legalize this road unless it is clear that you have the road." He cited portions of the statute on which the City based its legalization effort, as discussed in the Council Report. Council was referred to Mr. Balfour's brief for additional detail.

A roll call vote was held, and the motion passed, with Mayor Studebaker and Councilors Kohlhoff, Buck, O'Neill, Manz, Gudman, and LaMotte voting 'aye'. (7-0)

Mr. Powell noted that Staff would return with findings and order on December 19 at 3:00 p.m.

9.3 Ordinance 2760, An Ordinance of the City of Lake Oswego Amending LOC 50.06.003.4.c.vi; of Chapter 50 (Community Development Code) to Add an Exception to the Street Connectivity Standard; and Adopting Findings (LU 17-0053).

Report and Exhibits

Mr. Powell read the Ordinance title. Noting that this was a legislative decision, he outlined related compliance requirements. He reviewed the hearing process, including time limits for testimony, as shown in the agenda. Next he asked if any Council member needed to make a declaration with relation to conflicts of interest; none was heard. Finally, he asked if any member of the audience wished to challenge a City Council member's right to hear the application; no challenges were heard.

Staff Report

Ms. Andreades provided background on the follow-up to Council's direction to Staff in 2017 to work with the Planning Commission in addressing flexibility in the Street Connectivity standard. As discussed in the Council Report, the standard is a planning tool that considers both existing and future needs and improvement of community-wide access, as well as regional transportation needs. Staff studied various aspects of the standard to see where a new exception might fit in, noting that any exception must comply with the Regional Transportation Functional Plan, administered by Metro. The proposed new exception (Exhibit A-1, Attachment 2, p 3 of 4) had met the Metro code criteria, as documented in Exhibits F-1 and F-2, she advised. The new exception allows another avenue for looking at a development project on a case-by-case basis. In concluding, she reported that the City had received an email shortly before the Council meeting from Jim Fisher. He stated that he opposed the language in the Code allowing eight lots to be accessed by an access lane. She clarified for Council that this language was part of the existing Code and had been provided as context for the amendment now being proposed. The language referenced by Mr. Fisher was related to a separate issue that would be considered at the Council's January 2 meeting.

Questions of Staff

Councilor Gudman expressed support for the recommendations shown in Attachment 2. He asked if the amendment required that the limited-access street connection be constructed fully of concrete. In brief discussion, **Ms. Andreades** explained that if fire access was required, the surface would need to be drivable. Approval of the Fire Department would be required for a surface consisting of both concrete and ground cover, she indicated. **Councilor LaMotte** commended Staff for providing this solution to an issue that could arise more often as properties are annexed to the City. **Councilor Buck** asked about the number of future street connections that could be impacted by this decision. **Ms. Andreades** explained that no such projects are pending currently. In that the amendment pertains only to local streets, it is difficult to forecast as it depends on how land is assembled and proposed for development.

Councilor Gudman moved to approve LU 17-0053 and enact Ordinance 2760. Councilor LaMotte seconded the motion.

Mayor Studebaker called for any requests to testify. None being heard, he closed the hearing.

A voice vote was held, and the motion passed, with Mayor Studebaker and Councilors Kohlhoff, Buck, O'Neill, Manz, Gudman, and LaMotte voting 'aye'. (7-0)

9.4 Resolution 17-59, A Resolution of the City Council of the City of Lake Oswego Revising Fees and Charges and Updating the Lake Oswego Master Fees and Charges Schedule

Report and Attachments

Mr. Cross introduced the public hearing, which followed up on a November 21 Council study session. At that time Council had directed Staff to make changes related to non-residential sewer and water customers; this was now reflected in the 2018 Master Fees and Charges schedule, as discussed in the Council Report. He reported that a typographical error had been identified with regard to the Forest Highlands water charge (Attachment 2, p 5); the 110% of the standard in-city rate would be corrected to 120% and the effective date would be changed from July 18, 2017, to July 1, 2018. As the result of an oversight, Staff also still needed to correct the projected average utility rate increase from 3% to 3.1% in the table on the same page, as identified earlier by Councilor Gudman. He concluded by announcing that notification had been received earlier in the day that both Moody's and S&P had maintained the City's "Triple A" rating.

Councilor LaMotte requested clarification of the Forest Highlands water rate increase and whether or not it conformed to Council's intention. **Mr. Cross** confirmed that the 10% yearly increase was based on the five-year phase-in discussed in the study session. By the end of this period it would reach the usual 150% level paid by out-of-city customers. **Mr. Powell** confirmed that the motion passed by Council on November 21 was to do the phase-in, with the opportunity to review the decision at this hearing on 2018 Master Fees and Charges. The phase-in would proceed as described by Mr. Cross unless Council now wished to make a change. Brief discussion followed, with **Councilor LaMotte** describing the importance of articulating the rationale for a rate that is 150% of the in-city rate. **Mr. Lazenby** noted that this rate was typical of cities providing water to out-of-city customers. It reflected the fact that the city's residents are owners of the utility and therefore bear all of the risk.

Mayor Studebaker asked if anyone wished to testify on the matter before the Council. No testimony was heard, and he closed the hearing.

Councilor Manz moved to adopt Resolution 17-59 with the adjustments mentioned by Mr. Cross. Councilor Gudman seconded the motion.

A voice vote was held, and the motion passed, with Mayor Studebaker and Councilors Kohlhoff, Buck, O'Neill, Manz, Gudman, and LaMotte voting 'aye'. (7-0)

9.5 Resolution 17-60, A Resolution of the City Council of the City of Lake Oswego Adjusting the Budget for the Fiscal Year Commencing July 1, 2017 by Adopting a Supplemental Budget, Approving Resources/Requirements, and Making Appropriations.

Report and Attachment

Mr. Cross outlined the adjustments included in the resolution and shown in the Council Report: (1) As directed by Council, payment of certain design and other services related to the Civic Center would be made from the General Fund, with necessary transfer from capital reserves (Council Report, p 1). (2) Budgeting for art at the new Maintenance Center needs to be rolled over to the current fiscal year from the previous fiscal year to reflect timing of the work. (3) As discussed earlier by Mr. Hooper, adjustment would be made to the Public Works beginning fund balance as required to apply funds to the Maintenance Center project.

Councilor Gudman reiterated the earlier Council decision that in the 2018-19 budget there would be no General Funds going into the set-aside for the Civic Center; the funding would be coming entirely from the urban renewal district.

Mayor Studebaker asked if anyone wished to testify on the matter. No requests being heard, he closed the hearing.

Councilor Gudman moved to adopt Resolution 17-60. Councilor LaMotte seconded the motion.

A voice vote was held, and the motion passed, with Mayor Studebaker and Councilors Kohlhoff, Buck, O'Neill, Manz, Gudman, and LaMotte voting 'aye'. (7-0)

10. STUDY SESSIONS

10.1 City Involvement in Swimming Pool Funding and Operation

Report

Mayor Studebaker announced that the discussion of a community swimming pool would be delayed to the December 19 meeting.

10.2 Possible Merger of Planning Commission and Development Review Commission

Report

Mr. Lazenby highlighted key points for consideration of a possible merger of the Planning Commission and Development Review Commission (DRC), as discussed in the Council Report. The timing would be opportune for this change as several vacancies exist on both commissions; also, the Planning Commission workload has decreased with the completion of various major projects. He reviewed pros and cons, acknowledging the differing roles of the two commissions, as noted by Mr. Bolland in Citizen Comment earlier. However, other cities combine the functions in one body and find benefits to consolidating the members' experience in both applying and writing code. While Staff recognizes workload as a valid concern, they would monitor it carefully and respond quickly; to reverse course would not be difficult, he indicated. A merger would be expected to produce staff savings, although this should not drive Council's decision. In concluding, he reported that he had spoken with both commissions and that the majority of members do not favor a merger, mostly because of concerns about workload. He noted that

previous Council direction had indicated an interest in reducing the total number of boards and commissions.

Councilor Kohlhoff, having served as liaison to the Planning Commission, emphasized the strong opposition of the Commission to the merger. Their greatest concern was about the loss of time for adequate discussion and thorough vetting of policy proposals. She anticipated that the DRC's review activities would monopolize the time of a combined commission, while she did not believe that there was a lack of work for the Planning Commission. Short of addressing a desperate financial situation, the City should not combine these bodies, she indicated.

Councilor Buck expressed concern about moving forward with a merger in the face of the commission members' lack of support for the idea. The potential financial savings was not worth creating the perception that the City was skirting some of the public engagement; therefore, he was opposed to the merger.

Councilor Manz echoed concerns of Councilors Kohlhoff and Buck. In addition to her concerns about the City's many priorities at this time, the valuable roles of these volunteer commissions, and the members' opposition, she questioned the City's "bandwidth" for implementing this change.

Councilor LaMotte observed that increasingly he has heard concerns about the public process related to development, and he believes Council should address that topic in Goal setting. He discussed the viability of a combined body, based on experiences during his Planning Commission service. Benefits to the volunteer recruitment process might be available, among other opportunities, he indicated. Expressing his belief that Staff could address any workload issues, he suggested that Council follow up on the merger decision after Goal setting in January.

Mayor Studebaker expressed his interest in streamlining City processes, and his desire to try a merger for a year or two. **He moved to combine the Development Review Commission and the Planning Commission for a one-year trial period. Councilor LaMotte seconded the motion.**

Councilor LaMotte described benefits of the combined approach as experienced by the cities of West Linn and Beaverton. He indicated that the City of Lake Oswego should try the approach.

Councilor Buck suggested that, rather than moving forward with a merger decision, the Council should table it and speak further with the two commissions to sell the idea more effectively.

A roll call vote was held, and the motion failed, with Mayor Studebaker and Councilor LaMotte voting 'aye'. Councilors Kohlhoff, Buck, O'Neill, Manz, and Gudman voted 'no'. (2-5)

Councilor O'Neill proposed that Council consider the matter further following Council's January Goal setting, and after talking with both the Planning Commission and the DRC. In brief ensuing discussion, **Mr. Lazenby** suggested that a single monthly Planning Commission meeting might be an option. **Councilor LaMotte** indicated that the timing as suggested by Councilor O'Neill might be beneficial for planning purposes.

11. INFORMATION FROM COUNCIL

Mayor Studebaker asked the Council to reconsider whether or not to take up the idea of combining the Development Code & the Tree Code. **He moved not to proceed with that. Councilor Buck seconded the motion.**

Councilor Manz expressed support for the motion, based on her concerns about the current capacity of City staff and citizens to address this major issue.

Councilor Kohlhoff observed that her concern related to a different issue: that the Tree Code did not deal with its place in relation to development and that this was the source of the continuing controversies over tree removal. The updated Tree Code did not resolve that major issue. She regarded it as irresponsible for the Council not to begin to address this, especially since some solutions might be relatively simple with regard to code amendments.

Councilor LaMotte concurred, describing this as a matter of equity in the city and stating that Council should not make any changes to the Tree Code. He described more specifically how simple changes to the Development Code and other improvements could minimize the removal of significant trees. This was a major issue for many citizens, he concluded, suggesting that Staff be requested to prepare a study to identify Development Code “tweaks” that would preserve more trees.

In further discussion to clarify the motion, **Mayor Studebaker confirmed that his motion was that the Council not take up the matter of tree removal as it relates to development.**

A roll call vote was held, and the motion passed, with Mayor Studebaker and Councilors Buck, O'Neill, Manz, and Gudman voting ‘aye’. Councilors Kohlhoff and LaMotte voted ‘no’. (5-2)

Councilor Gudman reminded his colleagues of the significant increase in 2019-21 PERS contributions reported recently. He described the significant challenges this will present to the City in relation to the PERS contribution requirements and to anticipated shortfalls in property tax revenues. A comparable increase will be seen in the following biennium (2021-23), as well.

Councilor Buck noted that there had been considerable comment from citizens about the pool facility, both at the recent open house and in Citizen Comment earlier in the meeting. The removal of the related item on this meeting’s agenda showed disrespect to the people, he opined. He reminded the Council of their commitment the prior year to setting manageable agendas so that such situations could be avoided. In ensuing discussion **Mayor Studebaker** confirmed that the item would be re-scheduled for the December 19 Council meeting. He initiated brief additional discussion of how Council members might help to control the length of the meetings, which would include efforts to limit the length of future agendas.

12. REPORTS OF OFFICERS

Mr. Lazenby advised that some of the material requested by Councilor LaMotte concerning the potential for partition of the lot on Ridgecrest Drive (Agenda Item 9.1) actually had been included in the exhibits provided. He also announced the resignation of School District Superintendent Beck.

13. ADJOURNMENT

Mayor Studebaker adjourned the meeting at 10:37 p.m.

Respectfully submitted,

Anne-Marie Simpson

Anne-Marie Simpson, City Recorder

APPROVED BY THE CITY COUNCIL:

ON February 6, 2018

Kent Studebaker

Kent Studebaker, Mayor