



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Minutes - Final City Commission

Dan Holladay, Mayor
Carol Pauli, Commission President
Brian Shaw, Rocky Smith, Jr., Daphne Wuest

Wednesday, February 4, 2015

7:00 PM

Commission Chambers

REVISED AGENDA

1. Convene Regular Meeting and take Roll Call

Commission President Pauli called the meeting to order at 7:02 PM.

Present: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli and Commissioner Daphne Wuest

Absent: 1 - Mayor Dan Holladay

Staffers: 10 - City Manager David Frasher, City Attorney William Kabeiseman, Police Chief and Public Safety Director James Band, Public Works Director John Lewis, Community Development Director Tony Konkol, Community Services Director Scott Archer, City Recorder Kattie Riggs, Human Resources Director Jim Loeffler, Finance Director Wyatt Parno and Library Director Maureen Cole

2. Flag Salute

3. Ceremonies, Proclamations

4. Citizen Comments

Bob Mahoney, resident of Oregon City, discussed the importance of the Comprehensive Plan. He talked about LUBA creep, as they were the last point of appeal for local land use planning decisions. He thought it should be kept local, especially in regard to density and industrial locations. He suggested a redesign of the process.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. Oregon City Sign Code Update (Legislative Planning File: L 14-01)

Commissioner Pauli opened the public hearing.

Tony Konkol, Community Development Director, requested a continuance of the hearing to April 1, 2015. Two Commission Work Sessions had been scheduled to

provide more information to the Commission on the Sign Code before the public hearing.

Tom O'Brien, resident of Oregon City, encouraged the Commission to look into some of the things discovered by the Task Force, especially in regard to enforcement. There were many illegal signs in the City and many that were ugly and might turn potential businesses away. It was a negative image for the City.

A motion was made by Commissioner Shaw, seconded by Commissioner Wuest, to continue the Oregon City Sign Code Update (Legislative Planning File: L 14-01) to April 1, 2015. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli and Commissioner Daphne Wuest

6b.

Request for Continuance - Two Appeals of Planning File SP 14-01-Beavercreek Road Live/Work Apartments (Planning Files: AP 14-01 and AP 14-02).

Commissioner Pauli opened the public hearing.

Mr. Konkol said the applicant of the land use application was requesting a continuance to February 18, 2015, to allow additional time to respond to the issues that were raised during the initial hearing.

Bill Kabeiseman, City Attorney, read the public hearing statement. He asked if the Commission had any conflicts of interest, ex parte contacts, bias, or other statements to declare.

Commissioner Smith said he worked across the street from the property.

Christen White, representing the applicant, said the applicant had requested a continuance and she would not be making a presentation that night.

Tammy Stevens, Chair of the hamlet of Beavercreek, said there had been a lot of discussion regarding transportation, utilities, and planning and the hamlet had submitted a third letter regarding these and additional issues. The two most pressing concerns were safety and livability. There was only one main access road in the Beavercreek area. Citizens wanted to get to and from home without unreasonable congestion and feel confident that emergency services could reach their family in a time of need. There needed to be a thorough, long-term plan that included transportation, utilities, growth, concurrency, safety, livability, and funding. Beavercreek was a County road, but they had no money to fix the results of unplanned and unfunded growth. The small businesses and residents living nearby suffered as more growth would mean failure of the Highway 213 and Beavercreek intersection. She asked the Commission to consider whether or not the cart was coming before the horse. The growth should be inside the City's boundary where all services existed, not expanding and developing in a rural area with non-existent services and topography challenges. They did not want to obstruct the economic growth and success of the City, however it should not be at the expense of Beavercreek's safety and livability.

Christine Kosinski, resident of unincorporated Clackamas County, discussed concerns about the capacity of Beavercreek Road and the proposed alternate route on Holly Lane. Homes on Holly Lane sat close to the road and it was a location of ancient landslides that could be easily reactivated by excavating or heavy vibrations. Landslide insurance was no longer available to citizens. The City was planning

development with only one major arterial and one small north/south connector full of landslides and an irrational transportation plan. There was no infrastructure, roads, or financial plan to support the development.

Paul Edgar, resident of Oregon City, referred to an article in the Oregonian about this development. The infrastructure in the Beavercreek area was not adequate. If there was no financial plan, it could easily be a catastrophe and the citizens would have to pick up the costs of the failure. There needed to be a four lane road with a center turn lane all the way out passed Holly. Holly was an active landslide area. There was no transportation plan or concept plan, and he did not want the City to make a mistake.

Mr. Konkol explained this was a Type 2 decision made by staff that was appealed to the City Commission. Neither Mr. Edgar or Mr. Neeley had standing as they did not participate in the Type 2 decision. Staff recommended accepting the testimony under the condition that at the next hearing the City Attorney would bring back a recommendation on whether the testimony should be allowed and considered.

Doug Neeley, resident of Oregon City, said the applicant planned to put in \$500,000 in lieu of a sewer facility for future build out. There was no guarantee the applicant would get any money back should the infrastructure not cost that much. He thought there was a fairness issue that should be addressed. The applicant should be allowed to receive reimbursement if the cost of the ultimate build out was less than he paid.

A motion was made by Commissioner Smith, seconded by Commissioner Wuest, to continue two appeals of Planning File SP 14-01- Beavercreek Road Live/Work Apartments (Planning Files: AP 14-01 and AP 14-02) to February 18, 2015. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli and Commissioner Daphne Wuest

7. General Business

7a. A Resolution Supporting Governance Changes for the Tri-City Service District

John Lewis, Public Works Director, said the resolution supported governance changes for the Tri-City Service District. He explained House Bill 2800, the Local Utility Accountability Act, and Tri-City Sewer District. With the current District governance, the cities did not have any rate-setting control. He discussed the current governance model, requested change to the District, and because the request was ignored, the City is proceeding with HB 2800. HB 2800 would allow cities to restore accountability and local control. The resolution would authorize and support HB 2800.

Tom O'Brien, resident of Oregon City, encouraged the Commission to support the resolution and use all of the media and means available to communicate this to the citizens. This was an important issue and he thought they should get the masses involved in contacting legislators.

Doug Neeley, resident of Oregon City, said Environmental Water Services operated the facility and were responsible for other facilities as well. He would like to know how the money that came from Oregon City was handled in terms of being used for other facilities. He encouraged the Commission to support the resolution.

David Frasher, City Manager, said the Finance Director did an analysis of the current Tri-City budget and 86% of their annual operating budget was in cash reserves. They needed to be held accountable and cities needed to know what was going on especially when Tri-City was talking about rate increases and new debt to add capacity without growth happening in the District.

A motion was made by Commissioner Smith, seconded by Commissioner Shaw, to adopt Resolution No. 15-04, a resolution supporting governance changes for the Tri-City Service District. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli and Commissioner Daphne Wuest

8. Consent Agenda

A motion was made by Commissioner Wuest, seconded by Commissioner Smith, to approve the consent agenda. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli and Commissioner Daphne Wuest

- 8a.** Sanitary Sewer (Moratorium) Improvements Project -12th Street, 13th Street and Division Street
- 8b.** Restrictive Covenant Non-Remonstrance Agreement for the Central Point Crossing Subdivision Project - City Planning File No. TP13-03
- 8c.** Minutes of the January 13, 2015 Work Session

9. Communications

a. City Manager

Mr. Frasher discussed the Finance Department's help in acquiring the Mt. Pleasant property from the School District.

Jim Band, Police Chief and Public Safety Director, gave an update on building a new police station on the Mt. Pleasant property. He planned to go to every citizen and business group to educate the public and get feedback by March 31. There would also be a tab on the Police Department's website explaining the project. There would be an Open House on March 31 as well.

Mr. Lewis discussed the recording of a plat for a subdivision. The subdivision had a tract of land for a stormwater detention pond. There were new regulations that required a bargain and sale deed for the property to give certainty that it was City property. Since this was a new process, he asked for approval of the City Manager to sign the deed.

There was consensus for the City Manager to sign the deed.

b. Commission

Commissioner Wuest reported on the State Heritage Commission meeting where

they approved the first State Heritage Area in Oregon for the Willamette Falls area. The approval was with conditions, and the final approval would be April 23. She discussed some of the conditions of approval. At two years, they would have to prove these things in order to stay within compliance. She also attended the Willamette Falls Friends Group meeting where the Group worked on drafting a mission statement and voted that their main focus would be the River Walk and public viewing spaces. The next step was to talk to the stakeholders.

Commissioner Smith discussed an Art Reception for art that had been created for the Willamette Falls site. The art was currently on display at City Hall and the Community Services building.

Commissioner Pauli also attended the Willamette Falls Friends Group meeting. She acknowledged staff for their work in paving the way for new systems and processes in their departments. She was also grateful for all of the partnerships with the City and how everyone was working together.

Commissioner Shaw reported on an assessment for repurposing some of the wood from the Ermatinger House into the new Library project. There was also assessment of the seismic safety for the existing Carnegie building especially where it would connect to the new building. They were still working on the configuration of the playground. He then reported on the reorganization of the CIC.

c. Mayor

There were no Mayor communications.

10. Adjournment

Commission President Pauli adjourned the meeting at 8:19 PM.

Respectfully submitted,


Katie Riggs, City Recorder