



City of Oregon City

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

Meeting Minutes City Commission

Doug Neeley, Mayor
Betty Mumm, Commission President
Kathy Roth, Carol Pauli, Rocky Smith, Jr.

Wednesday, August 6, 2014

7:00 PM

Commission Chambers

1. Convene Regular Meeting and take Roll Call

Mayor Neeley called the meeting to order at 7:00 PM.

Present: 5 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth

Staffers: 11 - Police Chief and Public Safety Director James Band, Public Works Director John Lewis, Community Development Director Tony Konkol, Community Services Director Scott Archer, Human Resources Director Jim Loeffler, Finance Director Wyatt Parno, Library Director Maureen Cole, Economic Development Manager Eric Underwood, City Engineer Aleta Froman-Goodrich, Planner Pete Walter and Planner Christina Robertson-Gardiner

2. Flag Salute

3. Ceremonies, Proclamations, Presentations

3a. 14-467 Update from Clackamas County Fire District No. 1 - Chief Fred Charlton

Fred Charlton, Fire Chief, provided a Clackamas County Fire District No. 1 update. A Facility Master Plan had been completed. September was Emergency Preparedness Month and October was Fire Prevention Month with a focus on smoke alarms. He discussed the Hands Only CPR training offered to eighth grade students. Clackamas Fire entered into a five year service contract with Boring Fire District No. 59 on July 1, 2014. In November 2013 they received a 1.9 million dollar grant for additional staffing. Several fire fighters were helping with wild fires around the State. He congratulated the City on the recent National Night Out event. He discussed a new app called Pulse Point where citizens could help respond to emergencies.

3b. 14-466 Proclamation Announcing the Results of the Coin Toss Reenactment

Mayor Neeley read a proclamation announcing the results of the coin toss reenactment. Stumptown would continue to be named Portland until the next reenactment.

Commissioner Smith had an example of a coin that would have been used for the coin toss. He then discussed his research into where the original coin toss took place and confirmed it was at the Ermatinger House. Mayor Neeley asked the Commission if there was objection to his adding another "Whereas" to the proclamation related to where the original coin toss took place. There was no

objection.

3c. 14-438**Announcement of the 2014 Preservation Month Photo Contest Winners**

Christina Robertson-Gardiner, Planner, and Karin Morey, Historical Society, announced the three winners of the 2014 Preservation Month Photo Contest. The winners were: for the adult category, Chip Greendale, for the teen category, Max Patrick Sherer, and for the youth category, Jonah Sostrin. Mayor Neeley presented Jonah Sostrin with his prize check. The other two winners could not attend the meeting that night. The winning photos would be on display at the Museum of the Oregon Territory.

3d. 14-469**The Father's Heart Presentation - Teri Gant**

Mayor Neeley stated Ms. Gant was unable to attend the meeting due to a family emergency. He read a letter into the record from Venita Taennler, who thought Father's Heart provided a wonderful service to the City. Mayor Neeley clarified that the rumors in the community regarding the City not supporting the Father's Heart were not true. The issue was how to address the complaints related to the homeless people in the City, and Ms. Gant was working closely with the Police Department to address the issues. He asked those in support of Father's Heart in its current location to stand up, and many in the audience stood.

4. Citizen Comments

Jim McIntosh, resident of Damascus, thought Father's Heart was one of the most successful and beneficial homeless shelters in the state. He suggested everyone embrace them and see the service they were providing as a bragging right. He hoped they could continue what they were doing.

Robin Schmidt, resident of Milwaukie, had the privilege of being a receptionist at Father's Heart. She explained the reasons she chose to volunteer there and the services Father's Heart provided, especially in restoring dignity to the homeless. Homelessness was not a danger to the community, it was a need not a crime. How the needs of the homeless were addressed was a reflection on the character of a community. It took people willing to do what they could.

William Hooker, resident of Oregon City, was homeless eight years ago. Father's Heart taught him integrity and dignity and saved his life. Now he was doing his best to show others that they too could change.

Carl Rambow, resident of Lake Oswego, had never been down so low in life and thought there was no hope until he went to Father's Heart. Next month he should be in permanent housing. He was now volunteering at Father's Heart to give back what he received.

Christian Chapman, resident of Oregon City, ran Our Sanctuary to help people, nature, and animals. Father's Heart was a highly needed ministry for those desperate for the things we take for granted, however it was located in a beautiful neighborhood and safety was a concern. He thought solutions could be found for the homeless sleeping in the parks.

John Reutter-Harrah, resident of West Linn, was the pastor of the Prince of Life Lutheran Church. He thought the Father's Heart facility was a wonderful one. His congregation had been blessed to partner with Father's Heart. Sacrificial love was difficult at times and cost something, but when he prayed for God's will to be done on Earth, sacrificial serving love was what it looked like.

Dan Morrow, resident of Oregon City, was a priest at St. Paul's Episcopal Church. He lived on the same street as Father's Heart and his church was on the same street and shared the same commitment to serve those in need. He was in favor of this important ministry in the community. He gave the example of Seth, who was a member of his church and whose life had been changed by Father's Heart. Organizations like Father's Heart were helping to close the gap between what government and family could provide and the harsh reality of stark poverty.

Joel Hjertstedt, resident of Damascus, was the pastor of Destiny Christian Fellowship and was working together with Father's Heart. This was a trustworthy, well organized organization that was making a real difference in the region. Many other pastors from all denominations were in support of this ministry. When everyone came together as a community, more people could be helped and served than what could be done individually.

Donna Herzfeldt-Kamprath, resident of Oregon City, was a pastor at West Linn Lutheran Church. She thanked the Commission for their openness in the community. Being hospitable was hard work especially if people were from different cultures. There needed to be partnerships for these complex problems. She appreciated the Commission's call for people to be responsible, not only for Father's Heart but all of the agencies and people in the community. She thought there were people who could help come up with some solutions.

Katrina Wilson became homeless in April. She went to Father's Heart and they helped her to be able to keep the job she found. She was thankful for Father's Heart and all the help she received.

Sunshine Cady, resident of Oregon City, lived across the street from Father's Heart. She felt safer where she lived than she ever had before. She was proud to show her son integrity and compassion. She knew most of the people at Father's Heart by name. They wanted to give back and be accepted. Nothing compared to what Father's Heart did. Her neighbor had a six year old son and felt very comfortable and safe in the neighborhood. They took the drug and alcohol free policy very seriously.

Tiffany Grigg, resident of Oregon City, volunteered at Father's Heart. They worked as bridge builders and peace keepers. It was important to them to keep the community safe and anyone could come check out the facility and see what was going on. Any problem that came along was addressed.

Jesse Dawkins, resident of Oregon City, explained how he had been homeless at 19 years old and how Father's Heart had helped him. Not all homeless people had mental illness or addiction, but were youth with trouble at home and needed a place to stay. He was thankful for Father's Heart.

Amy Crombie, resident of Estacada, spoke about her experience with the father of her child who developed a mental disorder and had been homeless for 15 years. Mental illness was a huge factor in homelessness and no one was exempt from possibly becoming homeless. She was proud and impressed with the Father's Heart and there were a lot of people who wanted to help this community and to continue

supporting the ministry.

Marylee King, resident of West Linn, was a volunteer at Father's Heart. She thought it was time for the City and County to work with Father's Heart to help solve the problems of low income housing, hunger, and jobs. The needs of poverty and homelessness had to be addressed just like other citizens' needs were being addressed.

Norm King, resident of West Linn, congratulated the City for having such an effective facility that fed, clothed, and comforted homeless citizens. Having to balance a new need for services and at the same time respond to citizen concerns about their personal or economic security was difficult. A larger homeless population was a big change for the City and residents were not used to a needy population. He encouraged the City to talk to the neighborhoods and businesses and examine the whole problem including housing, jobs, training, and education. He also encouraged Council to network with the surrounding communities and with the County for solutions.

Commissioner Smith said Oregon City always had homeless people and students, but did not have the resources to help them. The City was still getting complaints, and it was a difficult discussion. Father's Heart was not the issue, the issue was it was not enough. He was committed to solving this problem and adding more services.

Mayor Neeley discussed his own family members who had drug addiction and mental disorders, but his family had a safety net and he realized some people did not have that.

Commissioner Mumm said the issue was not with Father's Heart, but there were concerns about homelessness in Oregon City. She asked that citizens contact the Commission or City Hall if they heard a rumor to make sure they were getting the correct information.

Commissioner Pauli said this was about working together to figure out how to address the needs of the homeless in the community.

Commissioner Roth stated the City was lacking a church community coming together or other entity and the church community coming together to take care of people at night.

Bill Stewart, Deputy District Attorney, discussed ways they could bring people together, such as through a good neighbor agreement. He would try to help in any way he could.

Jim Band, Police Chief and Public Safety Director, said it took courage for people to tell their stories about homelessness. There was a lot of support for Father's Heart. He explained the challenges the Police Department was facing and gave statistics of complaints regarding transients that had increased in the last three years. It was not all tied to Father's Heart; it was a citywide problem that needed to be addressed.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. 14-440

Ordinance No. 14-1006, Declaring a Six-Month Moratorium on Land Development and Building and Sewer Permit Approval in Certain Areas within the City of Oregon City Due to a Lack of Sanitary Sewer System Capacity; and Declaring an Emergency

Mayor Neeley opened the public hearing.

John Lewis, Public Works Director, presented the staff report. This would be a six month moratorium on land development, building permit, and sewer permit approval in certain areas of the city due to a lack of sanitary sewer capacity. He asked for unanimous approval to be able to pass the first and second readings of the ordinance that night. He gave a background on the analysis that had been done and the four areas that were capacity deficient. He explained the requirements in the Comprehensive Plan, Municipal Code, DEQ, and Federal government that stated growth should not exceed the community's ability to provide essential public services and prohibited discharges of pollutants. The moratorium would put the City on an accelerated path to fixing the problems. Every effort had been made to minimize the impact of the moratorium. A letter was received from the Home Builders Association who were opposed to the idea. They were willing to help the City with ideas and staff would be working with them. The projects would take longer than six months and staff would be checking in with the Commission.

Carrie Richter, City Attorney, said the statute only allowed a moratorium for six months, and then it could be renewed if needed. If the moratorium was adopted that night, it would take effect that night and would be good for six months. The Sewer Master Plan needed to be adopted within 60 days of the adoption of the moratorium. If that happened, they got an extra 60 days beyond the six month moratorium. Then every six months the moratorium could be renewed for three times. That would be two years total. If that was not enough time then a public facilities strategy adoption process could be started and that lasted one year and could be renewed three more years. The total time they had to address the issue was seven years if they took all of these options. She explained the criteria that had to be met in order to have a moratorium. Staff was making every effort to exclude all the property from the moratorium as they possibly could.

There was discussion regarding financing options and how the projects would probably not be able to start until 2016.

Barb Streeter, resident of Oregon City, said her perception as a citizen paying sewer and water fees was she felt like she was getting very little for a lot of money. The sewer flow issues had been there for some time and they had not been addressed. Her concerns were how the moratorium affected a small amount of the population which would make it easier to be pushed aside for higher priorities and the Commission would be enacting the moratorium without the approval of a Master Plan or fee structure and if either of those failed, what was the back up plan.

Mr. Lewis said the delay in the Master Plan and fee structure had to do with noticing requirements and public hearings. The Commission was motivated to see the moratorium problem resolved.

Ms. Streeter thought there should have been more citizen involvement and had not received notice that this was occurring.

Jon Kloor, Government and Political Relations Coordinator for the Home Builders Association, said the Association was first made aware of the moratorium on July 28. They did have staff that were experts in public facilities infrastructure and he asked

for the opportunity for his staff to continue to work with City staff before any decision was made to pass a moratorium.

Mr. Lewis said staff was late in notifying the Association, even though it was not a requirement. He was open to hearing any solutions the Association might have, but thought the moratorium was needed and any delay would further delay the solutions. All the property owners in the moratorium area were provided notice.

Ms. Richter clarified if the moratorium was not adopted, and the City stuck with the current policy of denying building permits in these areas there was legal risk of someone coming back and saying they never went through the correct process. The moratorium was also protection from future fines with DEQ.

Mayor Neeley closed the public hearing.

A motion was made by Commissioner Mumm, seconded by Mayor Neeley, to approve the first reading of Ordinance No. 14-1006, declaring a six-month moratorium on land development and building and sewer permit approval in certain areas within the City of Oregon City due to a lack of sanitary sewer system capacity; and declaring an emergency. The motion carried by the following vote:

Aye: 5 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth

A motion was made by Commissioner Mumm, seconded by Mayor Neeley, to approve the second reading and final adoption of Ordinance No. 14-1006, declaring a six-month moratorium on land development and building and sewer permit approval in certain areas within the City of Oregon City due to a lack of sanitary sewer system capacity; and declaring an emergency. The motion carried by the following vote:

Aye: 5 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth

6b. PC 14-090

Proposed Annexation of 5.5 Acres at 19588 S McCord Road (Planning File AN 14-01)

Mayor Neeley opened the public hearing. Ms. Richter read the quasi-judicial hearing procedures. She asked if any Commissioner had ex-parte contacts, conflicts of interest, bias, or any other statements to declare. There were none and no one had visited the site.

Pete Walter, Planner, presented the staff report. This was an annexation application for 5.5 acres at 19588 S McCord Road. The land had been in the City's Urban Growth Boundary since 1979. It was contiguous to the City limits. No development was proposed at this time. Services were directly available and the property had a designation of low density residential R-10. He explained the zoning and land use, public utilities, districts that would serve the property, area parks, transportation analysis, and nearby schools. He then reviewed the approval criteria and how the application met the criteria. The Planning Commission recommended approval of the annexation and staff recommended the Commission adopt the staff report. This was not one of the areas affected by the moratorium.

David Bantz, AKS Engineering, was representing the applicant. He appreciated staff's work and requested approval.

There was no other public testimony.

Mayor Neeley closed the public hearing.

A motion was made by Commissioner Mumm, seconded by Commissioner Smith, to approve the proposed annexation of 5.5 acres at 19588 S McCord Road (Planning File AN 14-01). The motion carried by the following vote:

Aye: 5 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth

7. General Business

- 7a. 14-468** Resolution No. 14-18: A Resolution Regarding Annexation Proposal AN 14-01 and Referring to the Legal Voters of Oregon City the Question of Approving Annexation Proposal AN 14-01

A motion was made by Commissioner Roth, seconded by Mayor Neeley, to approve Resolution No. 14-18, a resolution regarding annexation proposal AN 14-01 and referring to the legal voters of Oregon City the question of approving annexation proposal AN 14-01. The motion carried by the following vote:

Aye: 5 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth

- 7b. 14-454** Contract for Owner's Representative and Project Management Services for the Renovation and Expansion of the Oregon City Library

Maureen Cole, Library Director, said this was the second of three professional consultants she was hiring. This would be for the project manager of the library renovation project. She recommended approval of the contract.

A motion was made by Commissioner Roth, seconded by Commissioner Mumm, to approve the contract for the owner's representative and project management services for the renovation and expansion of the Oregon City Library. The motion carried by the following vote:

Aye: 5 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth

- 7c. 14-439** Settlers' Point Pump Station and Leland Road Water Pipe Improvements Agreement between the City of Oregon City and Rian Park Development, Inc.

Mr. Lewis explained this was an agreement between the City of Oregon City and Rian Park Development, Inc. for a 35 lot subdivision. The developer would extend a 12 inch water line across the frontage of the property and the City would pay the developer additional funding for upsizing the water line. There was a pump station under capacity and the developer was willing to loan the City \$300,000 to design and improve the pump station. The money would be repaid in the next budget cycle.

A motion was made by Commissioner Pauli, seconded by Commissioner Mumm, to approve the Settlers' Point pump station and Leland Road water pipe improvements agreement between the City of Oregon City and Rian Park Development, Inc. The motion carried by the following vote:

Aye: 5 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth

- 7d. 14-314** Executive Leave Policy

Jim Loeffler, Human Resources Director, explained the intent of the executive leave policy was to compensate executive team members for some of the extra hours they spent attending meetings. He had researched what other cities did and 80% of them had such a policy for management employees. The expectation of management employees was they worked until the work was done and there was no overtime. For all the meetings management staff attended, they averaged 11-14 extra work days per year. The current flex-time program was not enough and management was still responding to emergency emails when they were on vacation or off work. The policy gave four hours of executive leave per month. It would help address the work/life balance issue and compensate management employees who often worked more than 40 hours per week.

Commissioner Smith suggested tracking this for the first year to see how it was being used and the budget impacts.

Commissioner Roth did not think they should have both flex-time and executive leave.

There was discussion regarding the pros and cons of the policy.

A motion was made by Commissioner Smith, seconded by Commissioner Roth, to approve the Executive Leave Policy. The motion carried by the following vote:

Aye: 5 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth

8. Consent Agenda

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

Aye: 5 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth

- 8a. 14-431** OLCC: Liquor License Application - Limited On-Premises Sales; Applying as a Limited Liability Company, Angel Art Creation, LLC, DBA Angel Art Creation, 514 Main St., Oregon City, OR 97045
- 8b. 14-437** Amendment No.2 to Mackenzie Personal Services Agreement for Needs Assessment for Consulting Services Regarding the Mt. Pleasant Property
- 8c. 14-441** OLCC: Liquor License Application - Off-Premises Sales with Fuel Pumps; Applying as a Limited Liability Company, Ess En CY, LLC, Shell Gas Station & Mini Mart, 1002 Molalla Ave, Oregon City, OR 97045
- 8d. 14-442** OLCC: Liquor License Application - Full On-Premises Sales for a Commercial Establishment; Applying as Individuals, Mario Altamirano Vela, El Papalote, 1015 S. Molalla Ave., #102, Oregon City, OR 97045
- 8e. 14-463** Minutes of the July 8, 2014 Joint Work Session
- 8f. 14-464** Minutes of the July 8, 2014 Work Session

- 8g. 14-465 Minutes of the July 16, 2014 Regular Meeting
- 8h. 14-459 Subscription Services Contract No. ORMS #0128 Between Chaves Consulting and City of Oregon City, Pursuant to Master Software as a Service Agreement #0486 Between the State of Oregon and Chaves Consulting, for the Provision of Hosted Electronic Records Management System Services (ERMS) and Related Services
- 8i. 14-460 Intergovernmental Agreement, #165-150028-14, Between the City of Oregon City and Oregon Secretary of State for Electronic Records Management Services
- 8j. 14-456 Resolution No. 14-19, Adjust Appropriations for the 2013-15 Biennial Budget
- 8k. 14-453 Resolution No. 14-20, A Resolution Initiating Vacation of the Existing 26-foot wide Public Alley Between Lots 2 and 3 and Lots 6 and 7 of Block 117 of the "Oregon City" Subdivision
- 8l. PUB 14-012 Public Waterline Easement for the Southridge Shopping Center - City Planning File No. 13-05 (Blackrock Coffee)
- 8m. PUB 14-013 Public Storm Easement (off-site) for the Lindsay Anne Subdivision Development - City Planning File No. TP13-04
- 8n. 14-458 Resolution No. 14-22 for the Vacation of the 15-foot wide Public Pedestrian Access Easement Described on Lot 202 of Sequoia Landing No. 2 Subdivision, Plat 4233, and a Replacement 15-foot wide Public Pedestrian Access Easement on Lots 202 and 203 of Sequoia Landing No. 2, Planning Land Use Approval File No. TP06-03

9. Communications

a. City Manager

David Frasher, City Manager, reported on the last partners meeting of the Willamette Falls Legacy Project. The Clackamas County Commission passed the project Memorandum of Understanding which would be coming to the City Commission at their next meeting. The land use application had been submitted and public hearings would be held in September. The partners group had applied for a \$100,000 Clackamas County Tourism Development Grant for the design and engineering of the River Walk.

There was discussion regarding the quasi judicial process for the land use application. The Commission had been asked to log any discussions with citizens about the project.

Mr. Frasher said he, Commissioner Smith, and Mr. Archer talked to Dan Fowler about an aerial skyway project to be included in the Willamette Falls master plan. He announced the new hours for the Community Development office which would provide full service at the counter. He would be on vacation next week and Scott Archer would be Acting City Manager while he was gone.

b. Mayor

Mayor Neeley reported on June 11, 2014, the Clackamas County Commission filed a lawsuit against the City for the right of way fee. In the Citizens News publication the County listed reasons why they were challenging the fee and the City drafted a response. The court hearing was set for August 18.

The Commission agreed with the content of the response and supported the Mayor transmitting it on behalf of the Commission.

Mayor Neeley discussed the Clackamas Community College bond measure on the November ballot. He would be writing a resolution in support of the bond measure and passed out an article he wrote for the Trail News regarding the bond measure for the Commission to review. He announced there were two vacancies on the Natural Resources Committee and one on the Budget Committee.

c. Commission

Commissioner Pauli reported on the First City Celebration which was a great success. There was a new Main Street Marketing and Promotions Director. She also attended National Night Out.

Commissioner Roth discussed the need for an emergency operations booklet for public officials. She had attended National Night Out as well. The City's Sister City, Tateshina, would have representatives coming to the City on August 18-21.

Commissioner Mumm said she, Mayor Neeley, Chief Band, and Mr. Frasher met with Father's Heart and thought it would be a continued conversation. She thought National Night Out was great. The Clackamas County Fair would begin on August 12.

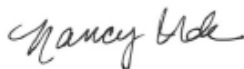
Commissioner Smith attended the Clackamas County meeting where the MOU for the Willamette Falls project was approved. There was a lot of support for the project at the County. He also attended a Heritage Coordinating Committee meeting and National Night Out.

Mayor Neeley asked that a list of upcoming commercial and industrial development applications be forwarded to the Commission.

10. Adjournment

Mayor Neeley adjourned the meeting at 10:35 PM.

Respectfully submitted,



Nancy Ide, City Recorder