



City of Oregon City

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

Meeting Minutes City Commission

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

Wednesday, February 6, 2013

7:00 PM

Commission Chambers

1. Convene Regular Meeting and take Roll Call

Mayor Neeley called the meeting to order at 7:10 PM.

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

Staffers: 12 - City Manager David Frasher, City Attorney William Kabeiseman, Police Chief and Public Safety Director Mike Conrad, Public Works Director John Lewis, Community Development Director Tony Konkol, Community Services Director Scott Archer, City Recorder Nancy Ide, Finance Director Wyatt Parno, Library Director Maureen Cole, Economic Development Manager Eric Underwood, Aleta Froman-Goodrich and Lieutenant James Band

2. Flag Salute

3. Ceremonies, Proclamations, Presentations

3a. 13-103 Proclamation Observing February 7-14, 2013 as Congenital Heart Defect Awareness Week

Mayor Neeley read the proclamation declaring February 7-14, 2013 as Congenital Heart Defect Awareness Week.

Wendy Breedlove, resident of Oregon City, discussed her personal story of being born with a congenital heart defect. There was a high mortality rate of undiagnosed infants not being treated.

Victoria Love, resident of Oregon City, discussed her daughter's experience who was also born with a congenital heart defect. She shared a book that discussed the emotional side of the issue.

4. Citizen Comments

David Prideaux, resident of Oregon City, was representing citizens concerned about the implementation of Measure 3-407. The measure was law, and he asked if it had been published in the newspaper or if an official written notice went to the community to inform citizens.

Bill Kabeiseman, City Attorney, explained the City Commission had to proclaim the results of the election, and that was notification to the citizens. That proclamation had already happened.

Tom Geil, resident of Oregon City, thanked the City for the right hand turn lane on Redland onto Holcomb. He gave an update on the CIC who were moving forward positively. A nominating committee was appointed in January and would bring nominations to the next CIC meeting and a vote would take place in April. A CIC bylaw review committee was also appointed. Each neighborhood was asked for two representatives to be kept on file as the voting members.

Amber Holveck, Executive Director of the Oregon City Chamber of Commerce, shared the impact to Oregon City Mike McCarroll had made. He had recently passed away and efforts were underway to pay it forward in his name. It was a great loss to the business community.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. 13-091 Resolution No. 13-02, Submitting a Measure Amending Section 58 of the Oregon City Charter Regarding Water Rates to the Electors of Oregon City

John Lewis, Public Works Director, showed an old water pipe and discussed Section 58 of the Charter that returned the water rates to 1994 levels and limited the ability to raise water rates higher than a 3% maximum per year. The concern was the ability to pay for infrastructure and operations. The resolution eliminated the roll back provision and reestablished rates to at least the current rate. Staff recommended the rate maximum be set at a higher rate so that the deferred maintenance could be done. He discussed the work and public outreach that had been done on the water rate rollback issue.

Mr. Kabeiseman reviewed the ballot measure as described in the resolution.

There was discussion about the single subject rule for measures, and whether or not to have two different measures, one on the rollback and one on the rate.

Kevin Hunt, resident of Oregon City, did not think the measure complied with the Oregon Constitution in regard to same subject matter. He thought by combining the rollback and allowing the City to raise the rate as much as 8% without a vote that the measure would fail. He urged the Commission to divide the measure into two separate ballot issues, one that would repeal the required rollback in the Charter and the other that would ask whether or not the percentage could be increased without a vote. He thought it would be easy to persuade people that the deferred maintenance necessitated that the rates not be rolled back and that the percentage should be raised higher than 3%.

David Prideaux, resident of Oregon City, agreed that the question should be divided. He thought it would bring clarity to the issue and would be easier to understand. He passed out an example of British parliamentary history for reasons to divide the measure.

William Gifford, resident of Oregon City, thought the current ballot language was not as clear as it could be. There would be a lot of voters not familiar with the issue and the phrase "the rollback" was not as clear as "a Charter rollback." He suggested "the rollback" be changed.

James Nicita, resident of Oregon City, was in support of splitting it into two separate ballot measures. He thought voters would not want to give up their right to vote on the rate they had worked so hard to achieve. He thought people would be receptive to the argument for a higher percentage to fix the old pipes. From a political and strategic viewpoint, they should be separated.

Paul Edgar, resident of Oregon City, thought it should be separated as well. The wording was problematic and if it was difficult to understand, it could be perceived negatively. He suggested "reset" the water rates, not "rollback." He was concerned about the high percentage due to the current economy. He thought 5% was as high as they should go.

Mr. Lewis hoped the community could rally around this issue, and if all that passed was the Charter amendment, the system could still operate, but there would be no money for capital improvements.

Commissioner Mumm thought it should be done in two measures and the rate be no higher than 6%.

Mayor Neeley clarified if the rollback measure passed and the new rate did not pass, it would stay at current rates.

There was consensus to have two separate measures.

Commissioner Smith thought things had changed enough in the City that there should be two measures to help get everyone on board.

Mayor Neeley thought the rate should be 6% and suggested the rollback be explained better.

Mr. Lewis reviewed the two ballot measures staff had prepared in case the Commission decided to go that direction.

There was discussion regarding the wording for the measures. The measure regarding the percentage should read from 3% to no more than 6%.

Mr. Hunt gave suggestions for the wording which he thought was awkward.

Staff would take the suggestions and bring back the measures to the Commission at their Work Session on February 12.

7. General Business

7a. 13-093 2013-2015 City Commission Biennium Goals and Priorities

David Frasher, City Manager, reviewed the Commission goals and priorities for the next two years.

William Gifford, resident of Oregon City, discussed Goal 3, and that implementation of the South End Concept Plan was in the goals, but not implementation of the Beavercreek Concept Plan. He wanted to include implementation of the Beavercreek Concept Plan.

Tony Konkol, Community Development Director, said there was concern about the court proceedings for the Beavercreek Concept Plan. There was a lot of work to do

and he questioned if it could be done in two years.

Mr. Gifford thought there should be the intention of implementing these plans.

Commissioner Pauli wanted to make sure to include under Goal 3 her suggestions for transportation and rethinking the trolley and parking.

Mr. Frasher suggested tabling this item until the transportation suggestions were added.

A motion was made by Commissioner Smith, seconded by Commissioner Mumm, to table the 2013-2015 City Commission Biennium Goals and Priorities. 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. 13-082

Police Department: ODOT eTicket Grant

Jim Band, Police Lieutenant, stated the City was awarded a grant for a software eTicket program. He explained the current process of entering and storing ticket information into the system and how the new program would be faster and more efficient for staff time and cost. The purchase price was \$73,246.39 and the City would be reimbursed all except \$10,000.

There was discussion regarding what was being purchased and the benefits of the program.

A motion was made by Commissioner Mumm, seconded by Commissioner Roth, to approve the purchase of the eTicket program for the Police Department. 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. 13-090

Ordinance No. 13-1004: Repayment of Undercharged Transportation System Development Charges and Declaring an Emergency

Mr. Konkol said this was a request for an emergency ordinance to address the undercharging of the Transportation System Development charges on residential building permits. He gave a background on the issue where the new rates had not been implemented correctly and there was undercollection of the charges. There were 16 applicants that were impacted whose certificate of occupancy had not been issued. He explained the settlement agreement in the ordinance which set up a repayment plan for those applicants. Adoption of the ordinance would codify the City's decision not to collect the total undercharge for the 172 permits that had already received a certificate of occupancy.

Mayor Neeley suggested exempting those who had a contract for sale at the date the problem was discovered.

Mr. Konkol gave options that would include that suggestion.

Kevin Hunt, resident of Oregon City, discussed rumors in the community partly due to the refusal to disclose the report by the Local Government Personnel Institute. He thought public interest did require this matter be fully explained. A lot of people did not believe it was a computer error and he thought to put to rest the rumors the report should be disclosed.

Mr. Frasher said the report had been completed, but the City Attorney had advised not to release it until the employee discipline was finalized. Several no longer worked for the City and had to be notified and given an opportunity to object to the release.

Mayor Neeley stated the person who made the mistake discovered it and admitted the mistake.

James Nicita, resident of Oregon City, discussed the exemption for documents such as these, which were conditionally exempt and could only be withheld if it was in the public interest. He thought in this instance that public interest weighed in support of disclosure. He did not think they had to wait until the process was concluded. The City was required to separate out exempt from non-exempt materials. He thought the Commission should require the report be disclosed, waive any privileges, and be upfront with the citizens about what went on in this matter.

Mr. Kabeiseman explained how he thought the exemption applied to this material.

A motion was made by Commissioner Mumm, seconded by Commissioner Pauli, to approve the first reading of Ordinance No. 13-1004, repayment of undercharged Transportation System Development Charges 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 Commissioner Smith, to approve the second reading and final adoption of Ordinance No. 13-1004, repayment of undercharged Transportation System Development Charges 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

13-093

2013-2015 City Commission Biennium Goals and Priorities

Mr. Frasher explained that after further consideration of Commissioner Pauli's comments earlier in the meeting on the trolley, that at the Commission Retreat in January the Commission agreed to hold a Work Session on the trolley and transportation issues and not assign the trolley issue as a goal since it was on the schedule to be addressed.

There was discussion regarding whether or not to include the implementation of the Beaver Creek Concept Plan in the goals. At the moment it was out of the City's hands and was left off of the goals.

A motion was made by Commissioner Mumm, seconded by Commissioner Pauli, to approve the 2013-2015 City Commission Biennium Goals and Priorities. 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. 13-096** Minutes of the January 8, 2013 Work Session
- 8b. 13-097** Minutes of the January 16, 2013 Regular Meeting
- 8c. PUB 12-006** Jurisdictional Transfer Document No. 800 conveying a portion of Main Street (5th to 8th Streets) and 8th Street (Main Street to McLoughlin Boulevard) from the State of Oregon Department of Transportation to the City of Oregon City.
- 8d. PUB 13-003** Restrictive Covenant Non-Remonstrance Agreements for the "Crabtree Terrace No. 2" and the "Odell Partition" projects - City Planning File No. TP12-01 and MP11-01 respectively.
- 8e. PUB 13-005** Public Utility Easement for the "Crabtree Terrace No. 2" subdivision project - City Planning File No. TP12-01.

9. Communications**a. City Manager**

Mr. Lewis introduced Martin Montalvo, new Operations Manager. He discussed an infomercial that would be shown on cable regarding the water rate rollback.

b. Mayor

Mayor Neeley said Metro was proceeding with a levy on the May ballot for open space maintenance. He announced Metro procured a piece of property in the Canemah Bluffs. He had written a memo to Metro staff regarding land that had been donated because it could not be developed, and asked that Metro consider taking property adjacent to Newell Creek Canyon. Metro was interested, but would not be able to discuss it until the summer.

c. Commission

Commissioner Mumm discussed a conversation with a member of the Oregon City Elks Club who was expecting hundreds of people to visit Oregon City in April 2014 to honor a member becoming president of the Elks in Oregon. She reported on the Clackamas Cities Association Dinner, Chamber Dinner, and a meeting with staff for starting a campaign on the water rate rollback. She encouraged Citizen Involvement Council meetings be available on cable access.

Commissioner Pauli gave an update on the downtown discussions put on by Main Street. She also reported on a tour of the Blue Heron site.

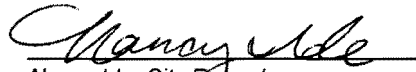
Commissioner Roth reported on the North Clackamas Cities Luncheon and trip to Washington, D.C., where packets of information on the Blue Heron site and the trolley bridge were delivered to Senator Merkely and Senator Wyden.

Commissioner Smith also reported on the trip to Washington, D.C., and announced a former student of his was attending Willamette University and was interested in helping on the Ermatinger House project.

10. Adjournment

Mayor Neeley adjourned the meeting at 9:42 PM.

Respectfully submitted,


Nancy Ide, City Recorder