



City of Oregon City

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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 20, 2013

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 - 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, Human Resources Director Jim Loeffler, Finance Director Wyatt Parno, Library Director Maureen Cole and Economic Development Manager Eric Underwood

2. Flag Salute

3. Ceremonies, Proclamations, Presentations

3a. 13-126 Annual Report from the Friends of the Oregon City Library

Lynda Orzen, Chair of the Friends of the Oregon City Library, thanked all of the volunteers for their work. She gave highlights of what the Friends did last year and projects for this year. The total volunteer hours for 2012 were 5,130 hours.

4. Citizen Comments

William Gifford, resident of Oregon City, discussed the issue of recent staff bashing in the community. He thought the staff in Oregon City were some of the best in the state and they deserved respect.

James Nicita, resident of Oregon City, thanked the Commission and staff for the release of the LGPI report.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. 13-118 Resolution No. 13-02: Measure Amending Section 58 of City Charter Revising Water Rates Increase Limitation to Oregon City Electors; and

Resolution No. 13-03: Measure Amending Section 58 of City Charter
Eliminating Water Rate Setback to Oregon City Electors.

Mayor Neeley opened the public hearing.

John Lewis, Public Works Director, introduced the two resolutions that would amend Section 58 of the City Charter, one to revise the water rates increase limitation and one to eliminate the water rate setback.

Commissioner Mumm discussed concerns raised by citizens regarding putting both measures on the May ballot. She wanted them both to pass, and the measure regarding the rate might need to be put on the November election.

There was discussion regarding the pros and cons of putting both on the May ballot.

William Gifford, resident of Oregon City, thought the concerns were raised by a small sample of people and it was too small of a sample to make a decision. Although the group said they were in agreement about supporting the elimination of the rollback, he did not think that automatically meant support to run a campaign. He thought there needed to be further commitment and enthusiasm for the campaign. There was also a significant lack of education on the rollback and distinction between the options of a rate increase or going out for a bond. He was against bonding and thought there should be a rationale for why it was not a good option.

Dan Holladay, resident of Oregon City, said there were two issues, one was they had to deal with the water issue quickly as far as the rollback was concerned and the other was a long term lack of maintenance and replacement that he thought there was time to discuss the proper mechanism to make happen. The rollback issue needed to be passed, but if the rollback and rate were put on the same ballot, it would be confusing and citizens may vote no on both. He encouraged separating the issues.

Paul Edgar, resident of Oregon City, was concerned about the rate due to the tax withholdings going into effect from the November election. He thought the 6% was more than citizens could vote for. He stated the water rates that had been transferred for a new facility should be restored into maintenance. He discussed leakages in the Mountain View Reservoir and thought those kinds of areas with water loss needed to be prioritized and fixed.

Tom Geil, resident of Oregon City, said as gas prices rose people pulled back from spending in other areas, and typically in May the highest gas prices hit. The timing might not be right for the rate in May.

Mayor Neeley closed the public hearing.

Commissioner Pauli said a bond would be a higher percentage than the 6% and she thought citizens should be given a chance to vote on the issue.

Commissioner Mumm thought the City should be saving for a new facility for the future. In May Clackamas River Water would be having a recall on the ballot, which would also be confusing to citizens.

David Frasher, City Manager, explained the differences among a general revenue bond vs. general obligation bond vs. a rate increase. He agreed it might be confusing to citizens to have both measures on the May ballot.

Mayor Neeley thought a bond alternative would be inconvenient and costly.

Mr. Lewis said there was time to do the financial piece separately, although it was discouraging waiting another six months for more discussion on water rates. However, he wanted it to be successful.

Ed Sullivan, City Attorney, said if the Commission only wanted to place one measure on the ballot, he recommended tabling Resolution No. 13-02. He then suggested revisions to Resolution No. 13-03. The ballot title would be changed by eliminating the last paragraph which talked about the other measure and the same would occur on the notice of ballot title. The explanatory statement would be changed by eliminating the last two paragraphs and adding a paragraph that would read as follows: This measure would eliminate the rollback of water rates to 1994 levels plus those increases of not more than 3% annually. Any greater increase must be authorized by City voters.

Wyatt Parno, Finance Director, clarified the Commission meant to maintain the rates at their current status.

A motion was made by Commissioner Roth, seconded by Commissioner Smith, to table Resolution No. 13-02. The motion carried by the following vote:

Aye: 4 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm and Commissioner Kathy Roth

Nay: 1 - Commissioner Carol Pauli

A motion was made by Commissioner Mumm, seconded by Commissioner Smith, to approve Resolution No. 13-03 with the revisions made orally tonight by the City Attorney. The motion carried by the following vote:

Aye: 4 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm and Commissioner Kathy Roth

Nay: 1 - Commissioner Carol Pauli

Mr. Sullivan suggested a change to the ballot title, second paragraph, as follows: and, if this provision is not adopted, water rates would be set back to 1994 water rates, plus those increases of not more than three percent annually.

Mr. Parno thought the wording was consistent with the original Charter change provision and would bring them to rates as they stood today.

A motion was made by Commissioner Mumm, seconded by Commissioner Roth, to reconsider the approval of Resolution No. 13-03. 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 Roth, to approve Resolution No. 13-03 with the previous revision and additional changes made by the City Attorney to paragraph two. 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. 13-116

Legislative File 12-01: Proposed Amendments to the Land Use Appeal Process

Mayor Neeley opened the public hearing.

Tony Konkol, Community Development Director, stated all language regarding a hearings officer had been removed. The revisions were administrative to clean up how the City held appeals and amended the appeal hearing process to a de novo hearing in front of the City Commission. These changes would also bring the Code into compliance with the Oregon Revised Statutes in Type 2 decisions and appeals.

Paul Edgar, resident of Oregon City, was representing the CIC. He questioned the process for appeals and if the CIC could appeal a land use decision.

Mr. Konkol replied if it was a Type 3 decision in front of the Planning Commission, testimony would need to be on the record for the objection. For a Type 2 decision, which was a staff decision, anyone who could show they were affected or aggrieved even though they did not participate previously, could appeal within 14 days of the notice of the decision. He explained what Type 3 and Type 2 decisions were.

Mr. Edgar said there were cases that slipped by the CIC and neighborhood associations. He wanted to be as responsible as possible and make sure there were no unnecessary roadblocks.

Mayor Neeley asked about the Commission's ability to call up a decision if it fell under the 14 days.

Mr. Sullivan clarified the Commission could call up a decision, but it had to be within the 14 days.

Mayor Neeley closed the public hearing.

A motion was made by Commissioner Mumm, seconded by Commissioner Roth, to approve the first reading of Ordinance No. 13-1005. 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. 13-117 Collaborative Planning Agreement between the City of Oregon City and Peter McKittrick, Trustee of the Blue Heron Paper Company, U.S. Bankruptcy Court for the District of Oregon

Mr. Konkol reviewed the planning agreement between the City and Mr. McKittrick, bankruptcy trustee for the Blue Heron site, including the responsibilities and obligations of both the City and Mr. McKittrick. He also discussed the funds that would be used for the planning process. Once the City entered into a contract with the lead consultant for the master planning and entitlement process, the bankruptcy trustee would agree not to abandon the site until May 2014.

James Nicita, resident of Oregon City, shared his concerns regarding the attachments in the agreement including the presupposition of zoning it as Mixed Use Downtown as zoning was the end product of a planning process. He thought MUD would preclude what could be done on the site and citizens should have the flexibility to invent something new if the visioning process led there. His second concern was the preservation of the historic mill structures which had been barely discussed or given value. He thought before entering into the agreement to ask the trustee if he would allow local designation of the national register eligible buildings. His third concern was there were references to exhibits that were not included in the

Commission packet and the Commission was being asked to make a decision without complete information. He recommended tabling the agreement until the next meeting.

Paul Edgar, resident of Oregon City, was concerned that the property would be rezoned from industrial and questioned where the industrial zoning would be placed elsewhere in the City. There was a natural connection to Canemah and the site and he wanted to make sure the master plan looked at those areas in Canemah that could be part of the redevelopment.

Mr. Konkol stated staff was open to writing new zoning for the property and allowing for flexibility on the uses on the site.

Mr. Frasher suggested adding a sentence in the exhibit under the Mixed Use Downtown paragraph as follows: The parties recognize that following the master planning process a new and distinct zoning designation may need to be created.

Mr. Konkol said the reference to other exhibits was a typo. There were no other exhibits. This was an agreement that laid out a general framework for how to do the planning process and what the end product would be. He did not think they would want to impose a restriction such as a local designation as they did not know the outcome of the planning process.

Commissioner Smith wanted to make sure the City was doing everything it could to preserve what was left of the historical structures on the site.

Commissioner Roth said only four of the tribes were listed in the document, and she wanted to make sure the fifth was included.

The consensus of the Commission was to bring the agreement back to the next Commission meeting with the revisions discussed.

8. Consent Agenda

A motion was made by Commissioner Mumm, seconded by Commissioner Pauli, 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. 13-122 Minutes of the February 6, 2013 Regular Meeting

8b. 13-104 Personal Services Agreement for Design and Consulting Services with Harper Houf Peterson Righellis, Inc. (HHPR), for the 2013 Clairmont Waterline Replacement and Roadway Reconstruction Project.

9. Communications

a. City Manager

Mr. Frasher stated the Commission goals could take longer to complete depending on how long it would take to resolve the water rate issue. He, along with Commissioners Pauli and Mumm, were continuing to meet with Clackamas County to

resolve the dispute regarding the dark fiber project.

Mr. Konkol gave an update on the Sign Code process. This would be a 12-month process, and the RFP was being worked on to bring a consultant on board for the work.

Mike Conrad, Police Chief and Public Safety Director, reported on the Police Department's third re-accreditation process. He explained the standards the department had to meet.

Mr. Frasher said the deadline for submitting letters for the Voter's Pamphlet for or against the water rate issue was March 25. He distributed the State of Oregon Main Street Report where Oregon City was prominently featured. He discussed the Sycamore Lane Therapeutic Riding Center for disabled people, proposal from law students for help with closing the funding gap for the Ermatinger House by working with the City of Portland and other interest groups in the State, and a tour of the Blue Heron site by EPA representatives. He wanted to send a staff person and Commissioner Roth to Washington, D.C. to make a presentation on the Blue Heron site.

There was no objection to sending the representatives as proposed.

b. Mayor

Mayor Neeley reported on Metro's parks maintenance levy which would help maintain the open space procurement in Oregon City. He announced the State of the City Address would be held on February 22. He discussed a problem with homeless leaving recycling on the ground after going through recycle bins and he would be accompanying police officers to the problem areas. He was thankful to have the Father's Heart ministry in Oregon City to provide services to the homeless. He also reported he went with Representative Schrader on a tour of downtown businesses.

c. Commission

Commissioner Roth reported on a Beaverton round table forum to discuss economic strategies.

Commissioner Smith announced the High School's Art Club would be displaying art work at Big Dog Coffee through the end of the month, the High School play Time Flies would be performed February 28 and March 1, 2, 8, and 9, and the second annual Oregon Ghost Conference would be held on March 8-10.

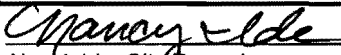
Commissioner Pauli stated Main Street was holding round table discussions on Thursdays and Fridays for different sections of downtown.

Commissioner Mumm said she and Commissioner Smith and Mr. Parno attended the South Fork Water Board meeting where it was announced Mr. Parno was the Finance Director for the Water Board.

10. Adjournment

Mayor Neeley adjourned the meeting at 9:37 PM.

Respectfully submitted,


Nancy Ide, City Recorder