



City of Oregon City

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

Meeting Agenda 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

6:30 pm - EXECUTIVE SESSION OF THE CITY COMMISSION

6:30 p.m.:

a. Pursuant to ORS 192.660(2)(e): To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

Executive Session to immediately follow the regular meeting of the City Commission:

b. Pursuant to ORS 192.660(2)(h): To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

1. Convene Regular Meeting and take Roll Call

2. Flag Salute

3. Ceremonies, Proclamations, Presentations

- 3a. [13-103](#) Proclamation Observing February 7-14, 2013 as Congenital Heart Defect Awareness Week

Attachments: [Proclamation](#)

4. Citizen Comments

Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. The City Commission does not generally engage in discussion with those making comments. Prior to speaking, citizens should read the brochure "Speaking at a City Commission Meeting" (located at the back of the Chambers) and complete a Comment Form and deliver it to the City Recorder.

5. Adoption of the Agenda

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

Staff: Public Works Director John Lewis

Attachments: [Staff Report](#)

[Resolution No. 13-02](#)

[Oregon City Water Information Publication - Jan 2013](#)

[Oregon City Water Future Publication - Jan 2013](#)

7. General Business

- 7a. [13-093](#) 2013-2015 City Commission Biennium Goals and Priorities

Staff: City Manager David Frasher

Attachments: [Staff Report](#)

[2013 - 2015 Commission Goals](#)

- 7b. [13-082](#) Police Department: ODOT eTicket Grant

Staff: Police Chief and Public Safety Director Mike Conrad

Attachments: [Staff Report](#)

- 7c. [13-090](#) Ordinance No. 13-1004: Repayment of Undercharged Transportation System Development Charges and Declaring an Emergency

Staff: Community Development Director Tony Konkol

Attachments: [Staff Report](#)

[Ordinance No. 13-1004: Repayment of Undercharged SDC Fees](#)

[Staff Memorandum - dated 1/31/13](#)

8. Consent Agenda

This section allows the City Commission to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may only be discussed if it is pulled from the consent agenda.

- 8a. [13-096](#) Minutes of the January 8, 2013 Work Session

Staff: City Recorder Nancy Ide

Attachments: [Minutes of 01/08/2013 Work Session](#)

- 8b. [13-097](#) Minutes of the January 16, 2013 Regular Meeting

Staff: City Recorder Nancy Ide

Attachments: [Minutes of the 01/16/2013 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.
- Staff: Public Works Director John Lewis
- Attachments: [Staff Report](#)
- [Jurisdictional Transfer Doc No. 800 & Map](#)
- 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.
- Staff: Public Works Director John Lewis
- Attachments: [Staff Report](#)
- [Crabtree Terrace No. 2 Non-Remonstrance Agreement](#)
- [Odell Partition Non-Remonstrance Agreement](#)
- [Crabtree Terrace No. 2 Site Map](#)
- [Odell Partition Site Map](#)
- 8e. [PUB 13-005](#) Public Utility Easement for the "Crabtree Terrace No. 2" subdivision project - City Planning File No. TP12-01.
- Staff: Public Works Director John Lewis
- Attachments: [Staff Report](#)
- [PUE for Crabtree Terrace No. 2](#)
- [Crabtree Terrace No. 2 PUE Site Map](#)
- [Crabtree Terrace Public Utility Easement](#)

9. **Communications**

a. **City Manager**

b. **Mayor**

c. **Commission**

10. Adjournment

Citizen Comments: The following guidelines are given for citizens presenting information or raising issues relevant to the City but not listed on the agenda.

**Complete a Comment Card prior to the meeting and submit it to the City Recorder.*

**When the Mayor calls your name, proceed to the speaker table and state your name and city of residence into the microphone.*

**Each speaker is given 3 minutes to speak. To assist in tracking your speaking time, refer to the timer at the dais.*

**As a general practice, the City Commission does not engage in discussion with those making comments.*

Agenda Posted at City Hall, Pioneer Community Center, Library, City Web site.

Video Streaming & Broadcasts: The meeting is streamed live on Internet on the Oregon City's Web site at www.orcity.org and available on demand following the meeting. The meeting can be viewed live on Willamette Falls Television on channels 23 and 28 for Oregon City area residents. The meetings are also rebroadcast on WFMC. Please contact WFMC at 503-650-0275 for a programming schedule.

City Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City Recorder prior to the meeting. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.



City of Oregon City

625 Center Street
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Staff Report

File Number: 13-103

Agenda Date: 2/6/2013

Status: Agenda Ready

To: City Commission

Agenda #: 3a.

From:

File Type: Proclamation

SUBJECT:

Proclamation Observing February 7-14, 2013 as Congenital Heart Defect Awareness Week

RECOMMENDED ACTION (Motion):

BACKGROUND:

PROCLAMATION

Whereas, Congenital heart defects are the most frequently occurring birth defect and the leading cause of birth defect related deaths worldwide; and

Whereas, Over a million families across America are facing the challenges and hardships of raising children with congenital heart defects; and

Whereas, Every year 40,000 babies are born in the United States with congenital heart defects; and

Whereas, Some congenital heart defects are not diagnosed until months or years after birth; and

Whereas, Undiagnosed congenital heart conditions cause many cases of sudden cardiac death in youth athletes; and

Whereas, Despite these statistics, newborn and young athletes are not routinely screened for congenital heart defects; and

Whereas, A disproportionate small amount of funding is available for congenital heart defect research and support; and

Whereas, Congenital Heart Defect Awareness Week provides an opportunity for affected families to celebrate life, remember loved ones lost, honor dedicated health professionals, and raise public awareness about congenital heart defects.

Now, Therefore, I, Doug Neeley, Mayor of the City of Oregon City hereby proclaim

February 7-14, 2013

as

Congenital Heart Defect Awareness Week.

In Witness Whereof, I have hereunto set my hand this 6th day of February 2013.

DOUG NEELEY, Mayor



City of Oregon City

625 Center Street
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503-657-0891

Staff Report

File Number: 13-091

Agenda Date: 2/6/2013

Status: Agenda Ready

To: City Commission

Agenda #: 6a.

From: Public Works Director John Lewis

File Type: Resolution

SUBJECT:

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

RECOMMENDED ACTION (Motion):

Adopt Resolution No. 13-02 that submits a measure amending Section 58 of the Oregon City Charter regarding water rates to the electors of Oregon City.

BACKGROUND:

In May 1996, voters approved a City Charter amendment that returned water rates to 1994 levels with provisions that allowed a 3 percent annual increase and required voter approval for any higher increase even in a water emergency.

Section 58 of the City Charter states:

"Upon passage of this amendment to the City Charter city water rates shall be those in effect as of October 31, 1994. The commission may not increase water rates by more than 3 percent annually without a vote of the people. The commission may not declare any ordinance or resolution establishing water rates to be an emergency nor use any other means to prevent their referral to the voters."

After this City Charter amendment was approved by Oregon City voters, Court proceedings occurred because the City's bond holders claimed that the water rates in effect as of October 31, 1994 would not be sufficient to provide contractual coverage for bonded debt. The court results have been interpreted to mean that when our water bonds are paid off in October 2014, the charter amendment provisions will prevail and in October 2014 the water rates will roll back to those in effect as of October 31, 1994 with the allowance of a 3 percent annual increase each year from 1994.

In January 2012, the City Commission adopted the Water System Master Plan. The plan recommended a Capital Improvement Program (CIP) and an annual capital reinvestment program for the existing water system. The plan also provided preliminary rate forecasts to implement the recommended CIP and annual system reinvestment.

In April 2012, a presentation was given to the City Commission at their work session for discussion about the water rate rollback, the approach and process to address the City Charter amendment issue, and the next steps to meet City Commission's 2012 goals to

“Maintain fiscal health and long-term stability” and “Address critical facility needs”.

In May 2012, the City executed a contract with Financial Consulting Solutions (FCS) Group to provide financial services including services to prepare a comprehensive Water Rate Study. FCS Group initiated the rate study process in June 2012. In July 2012, the City executed a contract with Barney & Worth (B&W) to provide services for public outreach support during the water rate study.

In August 2012, a citizen based Water Rate Advisory Work Group (WRAWG) was formed. The advisory group, City staff, FCS Group and B&W conducted three meetings together and discussed the water rate issues, 1996 City Charter Amendment, and scenarios for a new City Charter Amendment. During the third meeting on October 30, 2012, the group provided their advice about what the City Commission should do about the 1996 City Charter Amendment and future water rates.

In October 2012, DHM Research, conducted public opinion polls through a telephone poll and online water survey. A report has been prepared with the findings of this research and will be presented to the City Commission.

In November 2012, City staff presented their recommendation of no rollback and an 8% annual water rate cap to the City Commission to provide a solution for impacts of the 1996 City Charter Amendment on future water rates and the revenue stability needed to sustain the existing water system. Following discussion, the City Commission gave direction to staff to provide scenarios for annual water rate changes between 5% and 8%. In December 2012, City staff presented two more water rate scenarios for 6% and 7% annual water rate caps.

Staff's recommendation is adoption of a resolution that submits a measure amending Section 58 of the Oregon City Charter regarding water rates to the electors of Oregon City. The proposed amendment would eliminate the rollback entirely and require an annual rate increase of between 3 percent and 8 percent.

BUDGET IMPACT:

Amount:

FY(s):

Funding Source: Water Utility Fund



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To: City Commission

Agenda #: 6a.

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File Type: Resolution

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BUDGET IMPACT:

Amount:

FY(s):

Funding Source: Water Utility Fund



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625 Center St
P.O. Box 3040
Oregon City, OR 97045

Important Information About Oregon City's Drinking Water Inside

www.orcity.org/water-rates

PRSRT STD
US POSTAGE
PAID
PORTLAND, OR
PERMIT NO 1006

What You Should Know

About Oregon City's Drinking Water

JANUARY 2013



WE ALL COUNT ON DRINKING WATER

Every day Oregon City residents turn on their taps and get safe, clean water. Water is available 24 hours a day—year round—for drinking, fire protection, showers, cooking, and keeping gardens green. Water is also vital to business and industry and indispensable to the local economy and jobs.

Most of us take clean water for granted. We don't often think about what we can't see—the infrastructure that delivers water: water pipe lines, pumps, and storage reservoirs. For less than pennies a gallon, this system transports water directly to our homes and businesses.

Oregon City source of high quality water
supply is from the lower Clackamas River.

100 YEARS OF CLACKAMAS RIVER WATER

South Fork Water Board operates the water treatment plant and is jointly owned by Oregon City and West Linn. South Fork Water Board is governed by a six-member Board of the Mayors, City Commission and City Council members from the two cities.



Oregon City
needs to
replace two
miles of
existing old-
aged water
pipe each year.



FOR MORE INFORMATION

To learn more about Oregon City's drinking water or to get involved, contact:

Aleta Froman-Goodrich, P.E.
City Engineer
Oregon City Public Works
afromangoodrich@orccity.org
503-496-1570

LEARN MORE AT:

www.orcity.org/water-rates

OREGON CITY'S HISTORY OF DRINKING WATER STEWARDSHIP

Oregon City's rich history goes back to a time before Oregon was a state. Our water system has some of the oldest pipes in the state still in service. Prior to 1915, Oregon City's drinking water was from the Willamette River. After a typhoid outbreak, Oregon City moved the drinking water source to the South Fork of the Clackamas River in partnership with West Linn.

In the 1950s the pipeline from the South Fork could no longer deliver enough water for the growing cities. Voters approved a new water treatment plant on the lower Clackamas River as a better long-term solution. The treatment plant began operation in 1958.



For over 100 years, Oregon City residents have invested in good stewardship of our water system.

OREGON CITY'S WATER RATES REMAIN COMPARABLE TO PEER CITIES

Customers' monthly water rates pay for ongoing operations and maintenance of the water system, as well as large capital improvements. Oregon City's average residential monthly water rates are comparable to peer communities.

* Based on monthly billing cycle, single family residential, 8 ccf monthly water usage, 1-inch meter.

"Oregon City has a strong tradition of self-reliance and planning for the future. Ensuring the city continues to benefit from clean, safe drinking water is key to our community's long-term progress and to the welfare of its citizens."
- Mayor Doug Neeley

WHAT DO WATER RATES PAY FOR?

- ✓ Drinking water treatment
- ✓ Routine operations and infrastructure maintenance
- ✓ Pipe repairs and replacement
- ✓ Emergency response
- ✓ Water quality protection
- ✓ Fire hydrant repairs and replacement for fire protection
- ✓ Meter reading and replacement
- ✓ Future water reliability

COMPARABLE MONTHLY WATER RATES*

Community	Average Residential Rate	Recently Approved or Proposed Rate Changes
West Linn	\$22.99	18% proposed 2013
Salem	\$24.55	6% Jan 2013
Hillsboro	\$29.38	9.5% Oct 2012
Oregon City	\$32.41	To be determined
Portland	\$36.61	7.6% July 2012
Lake Oswego	\$36.91	25.5% Mar 2012
Beaverton	\$37.11	9% Sept 2012
Sherwood	\$53.69	4% July 2012

PLANNING FOR A RELIABLE WATER FUTURE

Replacing Aging Water Pipes

Many of Oregon City's aging pipes are nearing the end of their useful life and need replacement. There are 154 miles of water pipes; some pipes are over 100 years old.

Old-aged pipes corrode, creating discolored water that is safe to drink but does not appear clean. Corrosion also reduces the amount of water that can flow through the pipe, limiting fire fighting capacity. Corroded pipes are prone to break, causing localized water outages and property damage.

Proactively replacing old pipes prevents costly emergency repairs and improves water quality. Another benefit: smaller pipes are replaced with larger sized ones, improving fire flow.

Oregon City's pipe replacement program protects water quality and improves fire protection.



Some of Oregon City's water pipes are over 100 years old.

To stay ahead of pipe failures, the 2012 Water Master Plan recommends replacing two miles of pipe every year at a cost of about \$2.3 million annually.

Investing in Water System Reliability

Oregon City has a long history of investing in water system reliability; however, in May 1996, voters concerned about rising water rates approved a city charter amendment that returned water rates to 1994 levels. The City Commission's authority to increase water rates was limited to no more than 3% per year, no matter what system repairs, maintenance, or improvements were

needed. Any higher increase would require voter approval—even in a water emergency.

The water rate rollback did not go into effect right away. The City had already borrowed money to pay for water system projects and was obligated to pay back those loans. In 2014, the loans will be repaid and rate rollback provisions are set to take effect. Under the charter, Oregon City water rates will return to near-1994 levels.

City leaders are concerned the 20-year old water rates will no longer raise enough money to operate the water system, threatening the City's ability to provide reliable drinking water service to the community.

Oregon City Water MISSION

- Provide safe drinking water to homes and businesses.
- Maintain the water system cost effectively.
- Protect public health, safety and the environment.



Oregon City Water

A Reliable Water Future

WHAT'S THE PROBLEM WITH OREGON CITY'S WATER SYSTEM?

1. Failing Old-Aged Water Pipes

Many of Oregon City's aging pipes are at the end of their useful life and need replacement. There are 154 miles of water pipes; some pipes are over 100 years old.

OLD-AGED PIPES break and cause water service outages and ongoing water loss.

OLD-AGED PIPES restrict the flow of water needed to fight fires.



OLD-AGED PIPES are corroded with rust, causing discolored water at homes and businesses.

2. Loss of Revenue to Fix the Problem

A 1996 City Charter amendment enacted by Oregon City voters requires the City (in 2014) to rollback water rates to near-1994 levels. The Charter also restricts water rate increases to no more than 3% per year—even if there is a water emergency.

The 20-year old water rates will not support the needed operations and maintenance of Oregon City's water system nor will it support replacement of old-aged water pipes.

WHAT'S THE SOLUTION?

The Commission is considering a **new** City Charter Amendment to support replacement of old-aged water pipes and support responsible funding of Oregon City's water system.

New City Charter Amendment

The City Charter amendment would remove the water rate rollback provision, retain a cap on annual water rate increases, and provide for small, steady water rate increases of \$2 to \$3 for the average household monthly water bill. The amendment would allow Oregon City to:

- ✓ Adequately fund water system needs;
- ✓ Retain accountability to ratepayers;
- ✓ Provide for predictable rate increases; and
- ✓ Yield enough money to pay for water projects and routine system operations and maintenance.

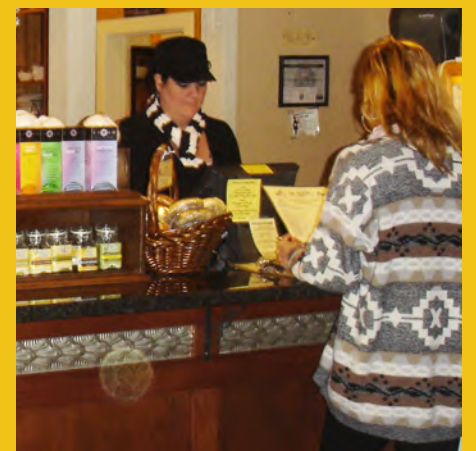
Water Pipeline Replacement Benefits

NEW WATER PIPES don't leak or break.



NEW WATER PIPES provide adequate firefighting flows and high quality drinking water.

Clean and reliable water is essential to public health, safety, and a strong economy.



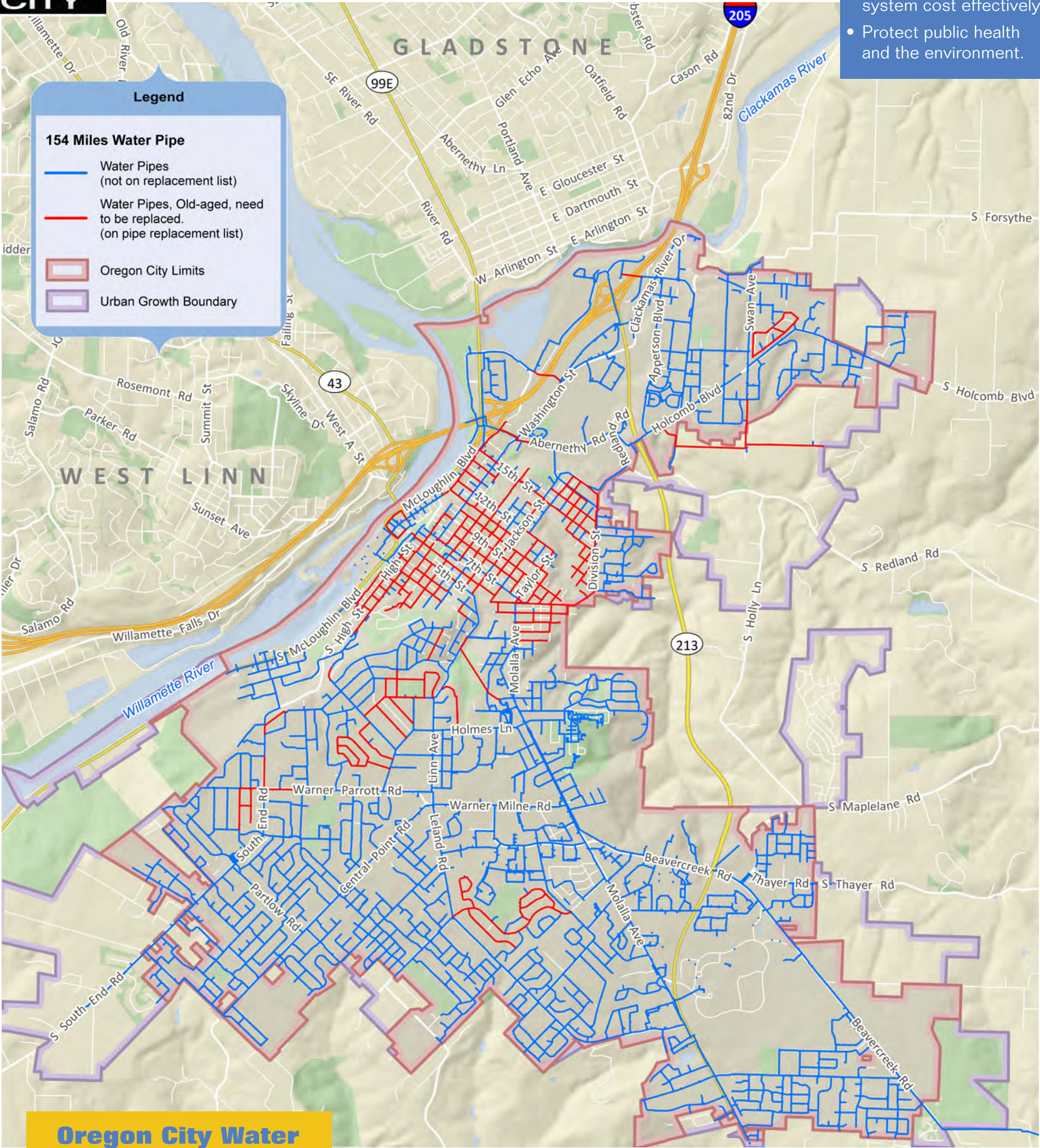


OREGON CITY WATER—NEEDED SYSTEM IMPROVEMENTS

The water system map below shows existing water pipelines that are old-aged and are in need of replacement to maintain uninterrupted water service to Oregon City’s customers. A **new** City Charter amendment would allow the City to pay for replacing old-aged water pipes and providing daily routine operations and maintenance services of the water system. Visit Oregon City’s website to learn more: www.orcity.org/water-rates

Oregon City Water MISSION

- Provide safe drinking water to homes and businesses.
- Maintain the water system cost effectively.
- Protect public health and the environment.



Oregon City Water	
32,000	Population served
10,000	Customer service connections
1,450	Fire hydrants
154	Miles of water distribution pipe
9	Million gallons of water—maximum day water use
18	Million gallons of water stored in reservoirs
5	Pump stations

HAVE QUESTIONS ABOUT YOUR DRINKING WATER?

Utility Billing
503-657-8151

Report a Water Leak
503-657-8241

Questions About Water Quality
Call Gail Johnson 503-657-8241, Ext. 2107
gjohnson@orcity.org

Oregon City Citizen Requests
(submit a request or complaint online)
<http://user.govoutreach.com/oregoncity/faq.php>

City Hall (625 Center Street)
503-657-0891

Public Works Operations
503-657-8241

EPA Safe Drinking Water Hotline
1-800-426-4791

WEBSITES OF INTEREST

Public Works
www.orcity.org/publicworks

South Fork Water Board Water Treatment Plant
www.sfwb.org

Oregon Health Authority, Drinking Water Program
<http://public.health.oregon.gov>

2013 Water Rates
www.orcity.org/water-rates



City of Oregon City

625 Center Street
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Staff Report

File Number: 13-093

Agenda Date: 2/6/2013

Status: Agenda Ready

To: City Commission

Agenda #: 7a.

From: City Manager David Frasher

File Type: Report

SUBJECT:

2013-2015 City Commission Biennium Goals and Priorities

RECOMMENDED ACTION (Motion):

Staff recommends approval of the City Commission goals, priorities, and milestones developed during the 2013 City Commission retreat.

BACKGROUND:

The City Commission met on January 11-12, 2013 for its annual retreat to discuss the goals and priorities for the next two years, which is the beginning of a new biennial budget season. The discussion resulted in five goals and various priorities that focus on specific milestones to be reached by the end of the biennium. The Commission will hold a mid-term goals progress update retreat in January 2014. Attached are the goals and priorities for the Commission's consideration.



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**CITY OF OREGON CITY
CITY COMMISSION
2013 - 2015 GOALS, PRIORITIES AND MILESTONES
Adopted by the City Commission on _____**

Vision: Celebrate Oregon City's historic role as a regional hub.

Mission: Build a sustainable, healthy community that promotes safety, economic opportunity, livability, environment, and uniqueness.

GOAL 1: Implement Economic Development Strategy and Maintain an Environment for Success	
Priority	Milestones
Cove Project	Finalize a Disposition and Development Agreement for the Cove project
Oregon City Market Place Project (Rossman landfill)	Continue to work with property owners and developers
Downtown	Continue interface with the City and Main Street
Incorporating and Incentivizing Industrial Land	Identify focus area and type of development Begin discussions with property owners Plans for site development and preparation

GOAL 2: Address Critical Facility Needs	
Priority	Milestones
Library	Site acquisition Bond election held Architect selection and preliminary site design plans Site dedication
Public Works	Site acquisition in 2013 Design concepts and financing in 2014
Campus Facility	Clarify a location for a City campus facility
Police Station	Conduct public opinion poll Determine financing for new police station
Ermatinger House	Continue seeking grants to reach funding goal Determine maintenance and operations Full restoration by end of 2014
End of the Oregon Trail Interpretive Center	Vision and programming for the site Consider other partners Plan for building repair and maintenance

GOAL 3: Enhance the Livability of the Community	
Priority	Milestones
South End Concept Planning Process	Complete and adopt the South End concept plan and associated code amendments to implement the plan
Beavercreek Road Concept Plan	Complete the adoption process for the Beavercreek Road concept plan once all appeals have been addressed
Willamette Falls Site	Continue in due diligence for safety and stability Investigate a process to master plan the property Determine City's commitment to the property
Promenade, Municipal Elevator and Carnegie Center National Register Nomination	Complete RFP for nomination package and hire consultant Submit nomination to the State of Oregon for consideration
Police Staffing	Increase tax rates to fund and hire three or four new police officers
Sign Code	Complete RFP for public outreach facilitator Review, revise, and adopt associated code amendments

GOAL 4: Seek Opportunities to Maintain Communications with Citizens and Facilitate Citizen Participation	
Priority	Milestones
Revitalize Arts Commission	Review goals and implementation options at a Work Session in 2013.

GOAL 5: Maintain Fiscal Health and Long Term Stability	
Priority	Milestones
2014 Water Rate Rollback	Prepare for May 2013 ballot measure Review strategic planning timeline for master plan updates and rate studies for all Oregon City Public Works utilities
Parks Maintenance Utility Fee	Consider implementing PMUF Consider incorporation of fees for police and public spaces
Effective Management of the City's Rights-of-Way	Develop and adopt master utility ROW ordinance Determine effect to current utility users of ROW Hire new FTE for ROW and risk management, contingent on available funding

Review City Charter	Develop detailed statement of changes, expectations, and required resources
Enhance Financial Reporting & Stewardship	Implement a biennial budget for 2013 – 2015 Develop five-year financial forecasts for the General Fund and major operating funds Adopt financial management policies Design the adopted budget to obtain the Distinguished Budget Presentation Award from GFOA and obtain the award within the next two cycles Develop Popular Annual Financial Report for Oregon City residents



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Staff Report

File Number: 13-082

Agenda Date: 2/6/2013

Status: Agenda Ready

To: City Commission

Agenda #: 7b.

From: Police Chief and Public Safety Director Mike Conrad

File Type: Report

SUBJECT:

Police Department: ODOT eTicket Grant

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission approve the purchase of the eTicket program for the Police Department pursuant to the requirements of the ODOT grant.

BACKGROUND:

The Police Department was just awarded a grant by the Oregon Department of Transportation for approximately \$74,472.63. ODOT is dispersing money from a Federal Grant for traffic safety. The goal of this grant is to provide money to improve traffic safety by updating law enforcement agencies' use of technology. By helping agencies purchase eTicket systems, their hope is to enable officers to spend less time doing paperwork and more time enforcing traffic laws. There was no choice on our part of how the money was to be spent; it was specifically to start an eTicket program. The Oregon State Police, Clackamas County Sheriff's Office, and several other agencies in the state have moved to eTicket systems; many more are in the process of transition.

When an officer writes a citation, the written document is in triplicate (actually quadruplicate) and is given to the records department. One copy is sent to the municipal court and the other copies are kept by the police records unit. Police Records personnel spend about 10 hours per week entering information from the document into the computer. Court personnel spend about 10 hours per week entering the same information into another computer. With coming changes to traffic enforcement, these hours would increase considerably.

The eTicket program is a software program that utilizes existing hardware in our patrol vehicle computers and the computers in our offices. The only addition in hardware will be in the form of printers that will be attached to the mobile computers in each patrol vehicle. No longer will officers write citations, they will print the information onto a citation in their vehicles. When the officer clears, the citation will immediately upload to the computers of both Police Records and the Municipal Court, no longer requiring the data entry by both offices. This will save over 1,000 hours annually of data entry time, enabling staff to work on more important projects. There are several other benefits, including fewer writing errors, warning statistics, a paperless system, not having to store the paper citations and crash reporting.

The approximate total cost of the hardware, software, support and training necessary for the startup is \$84,472.63. We are required to pay the total cost up front, but will be reimbursed \$74,472.63 in grant funds. The Police Department ultimately will have to pay \$10,000 total.

Researching traffic crash statistics for this grant, we learned that our crash statistics were very high in

relation to cities our size. We finally found a city that had like injury crash statistics; it was the City of Bend, with a population of about 80,000. We are in the process of addressing these statistics through staffing, increased and targeted enforcement, and this program.

BUDGET IMPACT:

Amount: \$10,000

FY(s): 2012-2013

Funding Source: General Fund



City of Oregon City

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

Staff Report

File Number: 13-082

Agenda Date: 2/6/2013

Status: Agenda Ready

To: City Commission

Agenda #: 7b.

From: Police Chief and Public Safety Director Mike Conrad

File Type: Report

SUBJECT:

Police Department: ODOT eTicket Grant

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission approve the purchase of the eTicket program for the Police Department pursuant to the requirements of the ODOT grant.

BACKGROUND:

The Police Department was just awarded a grant by the Oregon Department of Transportation for approximately \$74,472.63. ODOT is dispersing money from a Federal Grant for traffic safety. The goal of this grant is to provide money to improve traffic safety by updating law enforcement agencies' use of technology. By helping agencies purchase eTicket systems, their hope is to enable officers to spend less time doing paperwork and more time enforcing traffic laws. There was no choice on our part of how the money was to be spent; it was specifically to start an eTicket program. The Oregon State Police, Clackamas County Sheriff's Office, and several other agencies in the state have moved to eTicket systems; many more are in the process of transition.

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relation to cities our size. We finally found a city that had like injury crash statistics; it was the City of Bend, with a population of about 80,000. We are in the process of addressing these statistics through staffing, increased and targeted enforcement, and this program.

BUDGET IMPACT:

Amount: \$10,000

FY(s): 2012-2013

Funding Source: General Fund



City of Oregon City

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

Staff Report

File Number: 13-090

Agenda Date: 2/6/2013

Status: Agenda Ready

To: City Commission

Agenda #: 7c.

From: Community Development Director Tony Konkol

File Type: Ordinance

SUBJECT:

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

RECOMMENDED ACTION (Motion):

Staff recommends that the City Commission declare an emergency and approve Ordinance No. 13-1004 which will amend chapter 13.20 of the Oregon City Municipal Code as it relates to the repayment of undercharged transportation system development charges.

BACKGROUND:

On April 1, 2009 the City Commission adopted Resolution 09-02, which created a new methodology for the City's Transportation System Development Charges and established new Transportation System Development Charge rates, effective dates and annual adjustment schedule. On December 5, 2012 an error was identified that resulted in the initial tiered rates and the February 1, 2011 increases to not be implemented correctly, resulting in the under collection of the Transportation System Development charges on certain residential building permits. A review of the residential permits identified 172 permits that had been issued a certificate of occupancy and were undercharged a total of \$495,337. In addition, 85 permits that had been issued permits for construction, but not the final certificate of occupancy, were undercharged a total of \$302,896.

Proposed Ordinance No. 13-1004 would amend the Oregon City Municipal Code to create an Undercharged Transportation System Development Charge Repayment Program which would require that the undercharged fee for the 85 active permits be paid or that the applicant enter into a long-term repayment plan prior to the issuance of a certificate of occupancy. The program would allow an impacted applicant to either pay the outstanding balance due with a 20% reduction or enter into a long-term repayment agreement for the total amount due. If the applicant chooses the long-term payment option, the City will charge a 0% interest rate on the principal for the first 24 months. Adoption of this ordinance would also codify the City's decision to not collect the undercharged total for the 172 permits that have already been issued a certificate of occupancy.

Staff requests that Ordinance No. 13-1004 be adopted as an emergency since the Building Department will not issue any certificate of occupancy permits to applicants with undercharged transportation system development charges due unless the applicant pays the entire amount that is due or waits until an ordinance addressing the undercharged SDC is adopted.

Please see the attached staff memorandum for additional details .



City of Oregon City

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

Staff Report

File Number: 13-090

Agenda Date: 2/6/2013

Status: Agenda Ready

To: City Commission

Agenda #: 7c.

From: Community Development Director Tony Konkol

File Type: Ordinance

SUBJECT:

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

RECOMMENDED ACTION (Motion):

Staff recommends that the City Commission declare an emergency and approve Ordinance No. 13-1004 which will amend chapter 13.20 of the Oregon City Municipal Code as it relates to the repayment of undercharged transportation system development charges.

BACKGROUND:

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Proposed Ordinance No. 13-1004 would amend the Oregon City Municipal Code to create an Undercharged Transportation System Development Charge Repayment Program which would require that the undercharged fee for the 85 active permits be paid or that the applicant enter into a long-term repayment plan prior to the issuance of a certificate of occupancy. The program would allow an impacted applicant to either pay the outstanding balance due with a 20% reduction or enter into a long-term repayment agreement for the total amount due. If the applicant chooses the long-term payment option, the City will charge a 0% interest rate on the principal for the first 24 months. Adoption of this ordinance would also codify the City's decision to not collect the undercharged total for the 172 permits that have already been issued a certificate of occupancy.

Staff requests that Ordinance No. 13-1004 be adopted as an emergency since the Building Department will not issue any certificate of occupancy permits to applicants with undercharged transportation system development charges due unless the applicant pays the entire amount that is due or waits until an ordinance addressing the undercharged SDC is adopted.

Please see the attached staff memorandum for additional details .



MEMORANDUM

To: Honorable Mayor and City Commission
From: Tony Konkol – Community Development Director
Re: Repayment of Undercharged Transportation System Development Charges (Ord. 13-1004)
Date: January 31, 2013

Staff has proposed the emergency adoption of Ordinance Number 13-1004, which will amend the Oregon City Municipal Code to allow for the creation of a repayment program for the collection of undercharged transportation system development charges.

On April 1, 2009 the City Commission adopted Resolution 09-02, which created a new methodology, project list, amounts for the City's transportation system development charges (TSDC), effective dates and annual adjustments. Resolution 09-02 (attachment 1) established the TSDC rates and created three rate categories that were based on when a lot was created and when the building permit for that lot was submitted. The category 1 TSDC was initially set at \$3,500.00 and was to increase to \$7,000 (plus annual inflation adjustments) on February 1, 2011. The category 2 TSDC was initially set at \$2,168 and was to increase to \$7,000 (plus annual inflation adjustments) on February 1, 2011. The category 3 TSDC was initially set to \$2,168 and was to increase to \$7,000 (plus annual inflation adjustments) on February 1, 2013. The initial tiered TSDC rates and the February 1, 2011 increases were not implemented correctly, resulting in the under collection of the TSDC on residential building permits.

Staff reviewed all of the residential building permits that were applied for between April 1, 2009 and December 5, 2012, which is the date that the error was identified and corrected. The review identified 172 permits that had been issued a certificate of occupancy and were undercharged a total of \$495,337. In addition, 85 permits that had been issued permits for construction, but not the final certificate of occupancy, were undercharged a total of \$302,896.

Proposed Ordinance No. 13-1004 amends the Oregon City Municipal Code to create an Undercharged Transportation System Development Charge Repayment Program. Adoption of the proposed ordinance would require that undercharged TSDC for active permits, the 85 permits for which a certificate of occupancy has not been issued, would be collected. The program would require that prior to the issuance of a certificate of occupancy, the applicant that was undercharged the TSDC shall either pay the outstanding balance due with a 20% reduction or enter into a long-term repayment agreement for the total amount due. If the applicant chooses the long-term repayment option, the City will charge a 0% interest rate on the principal for the first 24



months, after which the standard rate will apply. These payment options would be applicable and available to all impacted applicants, whether they have paid in full or not.

Applicants that were undercharged TSDC are eligible for a 1-year program that would allow for the standard deferral of future System Development Charges (SDC), but with an interest rate of 2% for the first year of the deferral, after which the standard interest rate would apply. In order to be eligible for the program, the applicant shall be current on all undercharged TSDC payments per the long-term repayment agreement or shall have paid in full the outstanding balance with the 20% reduction.

Adoption of this Ordinance would codify the City's decision to not collect the \$495,337 that was undercharged on permits for which the certificate of occupancy had been issued prior to December 5, 2012.

Staff worked with the impacted applicants to reach an agreement on the repayment program. 11 of the 16 impacted applicants have signed a settlement agreement, indicating that the repayment program as proposed in Ordinance 13-1004 is acceptable and that they will release the City of all claims arising from the assessment of the undercharged TSDC upon adoption of the ordinance (attachment 2). All impacted applicants, whether they have signed the settlement agreement or not, are eligible for the repayment options and programs proposed in this ordinance.

In response to the undercharged TSDC, additional administrative actions have been implemented to address the errors that have occurred, including: individual fee audits, a multiple verification process for SDC calculations, system approval process for changes to the electronic permit system and reporting of the status of deferred SDCs. The Oregon City Human Resources Department is conducting a pre-disciplinary investigation, which will be followed by the appropriate disciplinary action for affected employees.

RESOLUTION NO. 09-02

A RESOLUTION REPEALING RESOLUTION 97-56, ADOPTING A METHODOLOGY, PROJECT LISTS, AND AMOUNTS FOR THE CITY'S TRANSPORTATION SYSTEM DEVELOPMENT CHARGE AND ESTABLISHING EFFECTIVE DATES

WHEREAS, state law (ORS 223) authorizes the City to charge new development for full new growth impact costs to infrastructure;

WHEREAS, City code, Chapter 13.20 (System Development Charge (SDC) for Capital Improvements) implements the statutory authority to impose SDCs on new development and specifically authorizes the City Commission to adopt and modify the amount of the charges and the amount of the charges and the methodology upon which such charges are based; and

WHEREAS, the City's Transportation SDC (TSDC) was last amended in 1997 through Resolution No. 97-56; and

WHEREAS, the costs estimated to accommodate the impacts of new development on the Oregon City transportation system in 2009 exceed the funding potential derived from the previous TSDC calculation; and

WHEREAS, the City has updated Transportation System Plan Capital Improvement Plan (TSP CIP) roadway and bicycle/pedestrian project lists for use in calculating the updated TSDC; and

WHEREAS, the City has updated the TSDC methodology and calculated a new amount in accordance with Oregon Revised Statutes 223.297-315 and Oregon City Municipal Code 13.20; and

WHEREAS, the results of the updated TSP CIP project lists, TSDC methodology, and calculated amount are documented in the attached March 2009 report prepared by FCS Group, Exhibit 1, adopted and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED by the City Commission that:

Section 1 – Action

- A. Resolution 97-56, enacted on November 19, 1997, is hereby repealed in its entirety and its directions are replaced by this Resolution No. 09-02.
- B. A new TSDC methodology and charge per pm peak hour trip and charge per bike/ped trip are adopted based on the transportation system improvements, trip projections, calculations, and conclusions presented in the FCS Group report (Exhibit 1).

Section 2 – TSDC Details

- A. The new TSDC has two components and is hereby adopted and made applicable to all new development within the city limits of Oregon City.

Component 1: Roadway Improvements Project List = \$7,000 per peak hour trip. For outright uses within the Mixed Use Downtown zone and along the 7th Street and Molalla Avenue Corridor, a ten percent reduction will be used for residential development and the lesser of the Shopping Center trip generation rate or the non-residential development's estimated trip generation rate will be used.

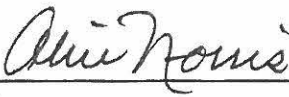
Component 2: Bicycle/Pedestrian Improvements Project List = \$202.51 per bike/ped trip

- B. Each cost component for individual developments will be calculated based on peak hour trip generation (Roadway Improvements Project List) and trip generation groups (Bike/Ped Improvements Project List) for the land use and the development size. See Exhibit 1 for these trip generation factors for representative land uses.
- C. The City Engineer may use alternative data when, in the City Engineer's opinion, the alternative data are more reliable and realistic for a particular development than are the trip factors set forth in Exhibit 1.

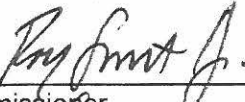
Section 3 – Effective Dates and Annual Adjustment

- A. Component 1 for the Roadway Improvements Project List described in Section 2 above applies to future development and building permit applications and shall be implemented in two equal increments as follows:
Effective 30 days after Resolution No. 09-02 adoption: \$3500 per peak hour trip.
Effective February 1, 2011: \$7,000 per peak hour trip (plus annual adjustment as described in Section 3E below).
- B. Component 2 for the Bike/Ped Improvements Project List described in Section 2 above applies to future development and building permit applications and shall become effective 30 days after Resolution No. 09-02 adoption.
- C. For lots or parcels lawfully created prior to adoption of this resolution and situated in a residential zone, the former TSDC defined by Resolution No. 97-56 shall increase by a factor of 1.15 effective 30 days after Resolution No. 09-02 adoption. Component 1 with appropriate annual adjustment shall become effective on February 1, 2011.
- D. For lots or parcels in a residential zone approved by a land use or limited land use decision prior to adoption of this resolution, the former TSDC defined by Resolution No. 97-56 shall increase by a factor of 1.15 effective 30 days after Resolution No. 09-02 adoption. Component 1 shall become effective February 1, 2013. Anytime after February 1, 2011, the City Commission may review the status of the construction market and consider an earlier Component 1 effective date.
- E. All TSDCs described above shall be annually adjusted on January 1 based on the Seattle Engineering News Record (ENR) Construction Cost Index (CCI).

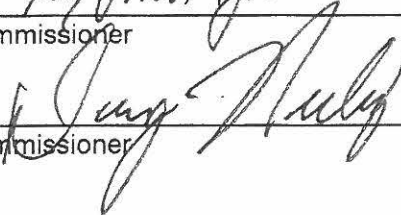
Adopted, signed and approved this 1st day of April 2009.



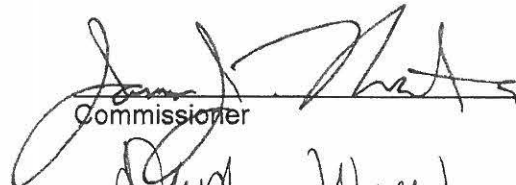
Mayor



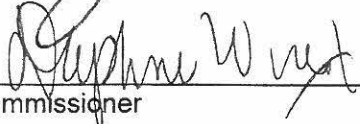
Commissioner



Commissioner



Commissioner



Commissioner

Comprising the City Commission of Oregon
City, Oregon

**AGREEMENT REGARDING SYSTEMS
DEVELOPMENT CHARGES**

This Agreement and Mutual Release ("Agreement") is entered into by and between _____ ("Developer"), on the one hand, and the City of Oregon City (the "City"), on the other hand.

RECITALS

A. On April 1st, 2009, The City adopted Resolution No.09-02, which imposed a Transportation System Development Charge ("TSDC") on all development in the City pursuant to OCMC Chapter 13.20 and ORS 223.297 *et seq.*

B. The Developer has received a building permit(s) to construct residential development within the City (the Permit"), but had not received a final certificate of occupancy for that development prior to December 5th, 2012.

C. When Developer obtained the Permit, Developer also paid to the City an amount of money for the TSDC as stated by the City; however, the amount of money paid to the City for the TSDC was not consistent with the TSDC adopted in Resolution No. 09-02 and was significantly less than what was required by Resolution No. 09-02 (the "Outstanding Balance").

D. All parties hereto are desirous of settling fully and completely their present and potential disputes regarding the TSDC.

AGREEMENT

The parties hereby agree as follows:

1. Developer agrees, that should the City Commission amend its municipal code as described in paragraph 2 below, Developer shall enter into one of the options provided by the City and upon the amendment of the code, all claims, demands, rights of action, causes of action, charges, complaints, hearings, damages, costs, expenses, judgments, liabilities, proceedings or suits, whether known or unknown, liquidated, matured or unmatured, arising from the assessment of systems development charges on the Permit are released.

2. The City Commission shall consider enacting a City regulation that will allow the Developer to pay the TSDC through one of the following options:

a. Pay the outstanding balance of the TSDC as set forth in Resolution No. 09-02 prior to receiving a certificate of occupancy. If a developer chooses this option, the Outstanding Balance shall be reduced by 20%.

b. Enter into an agreement with the City for long term repayment of the entire Outstanding Balance of the TSDC (a "Long-Term Agreement"). The Long-Term Agreement will include an initial interest rate of 0% for the first 24 months.

c. Applicants or developers who were undercharged TSDC are eligible for a long-term SDC deferral interest rate of 2% for the first 12 months for future development projects occurring within the City that are subject to SDC assessments. After 12 months, the standard legal

rate will apply. This program will be in effect for one year from the effective date of this ordinance and, in order for an applicant or developer to be eligible for the deferral interest rate, they shall be current on all undercharged SDC payments or shall have paid the Outstanding Balance due.

d. The repayment programs and options shall be available to all applicants and developers that were subject to a TSDC undercharge regardless if the applicant or developer has paid in full or not on the effective date of the ordinance.

e. In cases where a Certificate of Occupancy permit had been issued prior to December 5, 2012, the City will not seek payment of the undercharged TSDC.

3. Should the City Commission not adopt regulations authorizing the repayment programs identified in paragraph 2 within six months of the date of this Agreement, this Agreement shall have no further force and effect.

4. This Agreement does not constitute a statutory development agreement under ORS Chapter 92, nor does it create an agency, partnership, or joint venture between the parties.

5. This Agreement shall be binding upon and inure to the benefit of the heirs, representatives, successors and assigns of each of the parties hereto.

6. If any action shall be instituted to modify, amend, interpret or enforce the terms of this Agreement, the prevailing party shall be entitled to an award of reasonable attorneys' fees, including attorney fees on appeal, together with such other relief as a court may deem proper.

7. Any legal action between the parties regarding the Agreement shall be brought in Clackamas County Circuit Court and shall be based upon the laws of Oregon.

By: _____
Developer

Date: _____, 2013

CITY OF OREGON CITY

By: _____

Date: _____, 2013

Title: _____



City of Oregon City

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

Staff Report

File Number: 13-096

Agenda Date: 2/6/2013

Status: Consent Agenda

To: City Commission

Agenda #: 8a.

From: City Recorder Nancy Ide

File Type: Minutes

Minutes of the January 8, 2013 Work Session



City of Oregon City

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

Meeting Minutes - Draft City Commission

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

Tuesday, January 8, 2013

5:30 PM

Commission Chambers

Work Session

1. Convene Work Session and Roll Call

Mayor Neeley called the meeting to order at 5:35 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, Library Director Maureen Cole, Economic Development Manager Eric Underwood, Finance Director Wyatt Parno, Human Resources Director Jim Loeffler and Assistant Finance Director Mireya McIlveen

2. Ceremonies, Proclamations, Presentations

2a. 13-031 Oath of Office, The Honorable Laraine McNiece Officiating

Commission Position No. 3: Carol Pauli

Laraine McNiece, Municipal Judge, swore in Carol Pauli as City Commissioner.

Commissioner Pauli thanked the citizens, her family, and friends for their support.

2b. 13-030 Legislative Reports Presentation - Chris Fick, League of Oregon Cities

Chris Fick, League of Oregon Cities, presented a report on the top two League legislative priorities regarding property tax reform. The League was requesting two measures to be placed on the ballot. One would modify Measure 5. He explained the compression caused by Measure 5 and the losses for cities, schools, and counties. The three major problems of compression were that it undermined local control, created spillover effects, and some people did not pay for the voter-approved taxes. The proposed solution was a voter control referral. The second measure would modify Measure 50. He explained the inequities between real market value and assessed value that Measure 50 created. The proposed solution was a reset of a property's assessed value to real market value at the time of sale or construction.

3. Future Agenda Items

Commissioner Roth asked for an update on the railroad bridge between Oregon City and Gladstone.

4. Discussion Items

4a. 13-047 Recognition of Neighborhood Associations in the City of Oregon City

Nancy Ide, City Recorder, gave a background on this item. The City recognized neighborhood associations by resolution. She explained the purpose of the neighborhood associations was for assistance to the City, but they remained autonomous in nature. Because of their independence, the City's insurance company did not allow the associations to be added to the City's insurance policy.

Bill Kabeiseman, City Attorney, explained the position of the City's insurance carrier. This was a policy question for the Commission, did they want neighborhood associations to be considered part of the City or not. Factors to consider were the cost, independence of the associations, and encouraging people to serve.

There was discussion regarding what the insurance would cover.

Ms. Ide said in order to be covered under the City's insurance, the associations would have to become an instrumentality of the City, but that would not allow them to remain autonomous. Regarding the cost for directors and officers, it would be \$850 per year for a million dollar policy, and if general events were included, the annual cost was \$500.

Mayor Neeley suggested adding to each association's budget the money to pay for their own liability insurance.

Bob La Salle, resident of Oregon City, said another idea was setting up the associations as non-profits or have money budgeted that if something happened, there would be additional funds for attorney fees. He encouraged the Commission to think outside the box to come up with a solution.

There was discussion regarding the chart with the comparisons to other cities. No other city except Milwaukie provided insurance to neighborhood associations.

Paul Edgar, resident of Oregon City, thought the neighborhoods needed to be empowered to express their wants and desires for how the budget was spent and what the priorities were. He thought the associations should remain independent, but the Commission should solicit more communication.

The consensus of the Commission was to get input from the CIC and neighborhood associations on the option of the City giving additional funds for the associations to provide their own insurance. There was also consensus to keep the associations autonomous. A copy of the current neighborhood agreements should be sent to the officers of each association.

5. City Manager's Report

Wyatt Parno, Finance Director, introduced Mireya Mcilveen, new Assistant Finance Director. Ms. Mcilveen explained her background in finance and history.

David Frasher, City Manager, said the Commission Retreat materials were complete. The Retreat would be held on January 11-12.

6. Adjournment

Mayor Neeley adjourned the meeting at 6:41 PM.

Respectfully submitted,

Nancy Ide, City Recorder



City of Oregon City

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

Staff Report

File Number: 13-097

Agenda Date: 2/6/2013

Status: Consent Agenda

To: City Commission

Agenda #: 8b.

From: City Recorder Nancy Ide

File Type: Minutes

Minutes of the January 16, 2013 Regular Meeting



City of Oregon City

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

Meeting Minutes - Draft City Commission

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

Wednesday, January 16, 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: 10 - City Manager David Frasher, City Attorney William Kabeiseman, 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, Economic Development Manager Eric Underwood and Project Engineer Erik Wahrgren

2. Flag Salute

3. Ceremonies, Proclamations, Presentations

4. Citizen Comments

Byron Boyce, resident of Oregon City, announced Metro agreed to include Waterboard Park in their invasive plants project in the Canemah neighborhood. PGE was supporting the project.

James Nicita, resident of Oregon City, suggested an implementing ordinance for Measure 3-407 to alleviate the concern that the measure would cause uncertainty by requiring developers to make investment but the bond could be turned down by the voters. He read the exchange from the January 31, 2011, Urban Renewal meeting between Commissioner Yates and City Attorney Ed Sullivan regarding how to have a more global approval of the bonds in advance through an implementing ordinance.

5. Adoption of the Agenda

The agenda was adopted as presented with Item 7c pulled from the Consent Agenda for separate discussion.

6. Public Hearings

6a. 13-069 Legislative File 12-01: Proposed amendments to the Land Use Appeal Process

Tony Konkol, Community Development Director, explained the option of using a Hearings Officer was removed from the amendments per Commission direction. He

requested the public hearing be continued to February 20, 2013, to allow the Planning Commission time to review the amendments.

A motion was made by Commissioner Mumm, seconded by Commissioner Roth, to continue the public hearing for Legislative File 12-01 to February 20, 2013. 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. Consent Agenda

A motion was made by Commissioner Mumm, seconded by Commissioner Pauli, to approve Consent Agenda items 7a and 7b. 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

7a. 13-066 Minutes of the December 19, 2012 Regular Meeting

7b. 13-072 Minutes of the January 2, 2013 Regular Meeting

7c. 13-068 South End Concept Plan: Construction Excise Tax Grant Intergovernmental Agreement

Mr. Konkol stated the City was awarded funds from Metro's Construction Excise Tax program for the South End Concept Plan. This was the agreement to receive the funding with similar parameters as the agreement done for the Beavercreek and Park Place Concept Plans.

A motion was made by Commissioner Roth, seconded by Commissioner Mumm, to approve the Intergovernmental Agreement for the South End Concept Plan. 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. Communications

a. City Manager

David Frasher, City Manager, stated Commissioners Roth and Smith would have the opportunity to discuss the Willamette Falls Legacy Project with Oregon's congressional delegates.

There was Commission consensus for staff to prepare talking points for the Commissioners.

Mr. Frasher explained the conduct rules that had been developed by the Commission during their Retreat. He thanked Wyatt Parno, Finance Director, for producing the Comprehensive Annual Financial Report. This report would be submitted to the Government Finance Officers Association competition for an award.

Eric Wahrgren, Project Engineer, discussed a recent complaint received regarding the lack of stability of the Railroad Bridge. He gave a history of the bridge which was

owned by Union Pacific. Union Pacific had no plans to work on the bridge structure or perform erosion measures near the abutments. They were not concerned about the stability after performing their inspections.

Mr. Frasher said Oregon City did not have jurisdiction over the bridge, but the State did and complaints could be directed there.

Mayor Neeley suggested something be sent to the State from the Commission.

Bryon Boyce, resident of Oregon City, gave further background on the situation. Several years ago the State had to get involved to do repairs on the bridge and billed Union Pacific. Those repairs had been undermined at this point, and he thought it was a problem. He was concerned if there was a flood the bridge would collapse.

There was consensus for the City Manager to write a letter to the State from the Commission and to include the story about the State intervening before.

Nancy Ide, City Recorder, discussed a revised policy for annual reports by boards and commissions which would be distributed to the staff of the committees to implement.

Maureen Cole, Library Director, announced the William Stafford birthday celebration on January 17. The next First Friday film would be held on February 1.

b. Mayor

Mayor Neeley discussed a Metro sponsored levy for open space maintenance that would be on the May ballot.

c. Commission

Commissioner Roth reported on the Commission Retreat.

Commissioner Mumm attended the State Transportation Improvement Plan meeting where two projects for Oregon City were put forward for grant funding. If the City received the funding, it would not be available until 2015. She announced the City's JPAC representatives and that Providence Milwaukie Hospital will no longer have a maternity ward after June 30.

Commissioner Pauli reported on the great services provided by the Pioneer Community Center. There were new members on the Main Street Board and a new employee of Main Street who would be working on communication with businesses.

Commissioner Smith announced the Chair for the South Fork Water Board was the Mayor of West Linn and Vice Chair was the Mayor of Oregon City.

9. Adjournment

Mayor Neeley adjourned the meeting at 7:36 PM.

Respectfully submitted,

Nancy Ide, City Recorder



City of Oregon City

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

Staff Report

File Number: PUB 12-006

Agenda Date: 2/6/2013

Status: Consent Agenda

To: City Commission

Agenda #: 8c.

From: Public Works Director John Lewis

File Type: Public Works
Item

SUBJECT:

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.

RECOMMENDED ACTION (Motion):

Move to authorize the mayor to execute Jurisdictional Transfer Document No. 800 on behalf of the City of Oregon City.

BACKGROUND:

On March 7, 2012, the City Commission adopted Resolution No. 12-06 and approved Jurisdictional Transfer Agreement No. 800 to facilitate the transfer of portions of Main Street (5th to 8th Streets) and 8th Street (Main St. to McLoughlin Boulevard) from the State of Oregon Department of Transportation (ODOT) to the City of Oregon City for operational and development needs.

ODOT staff have provided the City with Jurisdictional Transfer Document No. 800 to effect the transfer of the roadway and for recordation at Clackamas County. Execution of the document will formalize the jurisdictional transfer of the roadway and give Oregon City authority over design standards and rights-of-way activities.

BUDGET IMPACT:

FY(s): Ongoing (Maintenance)

Funding Source: Street Fund and Pavement Maintenance Utility Fund



City of Oregon City

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

Staff Report

File Number: PUB 12-006

Agenda Date: 2/6/2013

Status: Consent Agenda

To: City Commission

Agenda #: 8c.

From: Public Works Director John Lewis

File Type: Public Works
Item

SUBJECT:

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BUDGET IMPACT:

FY(s): Ongoing (Maintenance)

Funding Source: Street Fund and Pavement Maintenance Utility Fund



City of Oregon City

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

Staff Report

File Number: PUB 13-003

Agenda Date: 2/6/2013

Status: Consent Agenda

To: City Commission

Agenda #: 8d.

From: Public Works Director John Lewis

File Type: Public Works
Item

SUBJECT:

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.

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission approve and authorize the Mayor and City Recorder to execute the Restrictive Covenant Non-Remonstrance Agreement for the "Crabtree Terrace No. 2" and the "Odell Partition" projects - City Planning File No. TP12-01 and MP11-01 respectively.

BACKGROUND:

These agreements provide a waiver of any and all rights to remonstrate against the formation of a Local Improvement District by the City of Oregon City for the purposes of making various public improvements for each property.

Tax Map 3-2E-04D Tax Lot 700; "Crabtree Terrace No. 2" project (City Planning File No. TP12-01)

and

Tax Map 3-2E-04DC Tax Lot 500; "Odell Partition" project (City Planning File No. MP11-01)

BUDGET IMPACT: N/A

ATTACHMENTS:

- 1) Restrictive Covenant Non-Remonstrance Agreement for "Crabtree Terrace No. 2" project
- 2) Restrictive Covenant Non-Remonstrance Agreement for "Odell Partition" project
- 3) Site Map for "Crabtree Terrace No. 2" project
- 4) Site Map for "Odell Partition" project



City of Oregon City

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

Staff Report

File Number: PUB 13-003

Agenda Date: 2/6/2013

Status: Consent Agenda

To: City Commission

Agenda #: 8d.

From: Public Works Director John Lewis

File Type: Public Works
Item

SUBJECT:

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.

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission approve and authorize the Mayor and City Recorder to execute the Restrictive Covenant Non-Remonstrance Agreement for the "Crabtree Terrace No. 2" and the "Odell Partition" projects - City Planning File No. TP12-01 and MP11-01 respectively.

BACKGROUND:

These agreements provide a waiver of any and all rights to remonstrate against the formation of a Local Improvement District by the City of Oregon City for the purposes of making various public improvements for each property.

Tax Map 3-2E-04D Tax Lot 700; "Crabtree Terrace No. 2" project (City Planning File No. TP12-01)

and

Tax Map 3-2E-04DC Tax Lot 500; "Odell Partition" project (City Planning File No. MP11-01)

BUDGET IMPACT: N/A

ATTACHMENTS:

- 1) Restrictive Covenant Non-Remonstrance Agreement for "Crabtree Terrace No. 2" project
- 2) Restrictive Covenant Non-Remonstrance Agreement for "Odell Partition" project
- 3) Site Map for "Crabtree Terrace No. 2" project
- 4) Site Map for "Odell Partition" project

AFTER RECORDING RETURN TO:

City Recorder
City of Oregon City
P.O. Box 3040
Oregon City, Oregon 97045-0304

Map No.: 32E04DC
Tax Lots : 500
Planning No.: MP 11-01

Thayer Road Investments, LLC
Brett Odell
Grantor: Kathleen Odell

RESTRICTIVE COVENANT NON-REMONSTRANCE AGREEMENT
(PURSUANT TO CITY OF OREGON CITY ORDINANCE NO. 00-1014)

The undersigned legal owners of the property described below (the "Property") hereby waive any and all right to remonstrate against the formation of a Local Improvement District (LID) by the City of Oregon City (City) for the purpose of making sanitary sewer, storm sewer, water or street improvements that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. This non-remonstrance agreement is executed in consideration of not being required by the City to make the above-mentioned improvements at this time as a condition of land use approval of the **Thayer Road/Odell Partition**

Oregon City Planning File No. MP 11-01

For the purpose of this Covenant:

"Sanitary Sewer Improvements" includes pipelines or conduits and all other structures, devices, appurtenances and facilities used in collecting or conducting wastes to an ultimate point for treatment or disposal.

"Storm Sewer Improvements" includes pipelines, swales, detention or retention devices or conduits and all other structures, devices, appurtenances and facilities used in collecting or conducting storm water flow to an ultimate point for treatment or disposal.

"Water Improvements" includes pipelines, conduits, meters, hydrants and all other structures, devices, appurtenances and facilities used in collecting, treating or conveying drinking water from a source of supply to water consumers and other water users.

"Street Improvements" includes streets, sidewalks, curbs, gutters, street lighting and all other structures, devices, appurtenances, facilities and improvements used to serve cars, bicycles, pedestrians and other modes of transportation and conveyance.

"Right to remonstrate against the formation of an LID" refers solely to a property owner's right under the City Charter and Code to be counted as part of an extraordinary majority of property owners that can, in certain circumstances, suspend proceedings on the formation of an LID. The waiver of this right herein does not limit or otherwise restrict the ability of a property owner bound by this covenant to appear at any of the required public hearings and testify

regarding the formation of the LID, whether the boundaries include all benefited property, the equity of the assessment formula, the scope and nature of the project or of the final assessment, or any other issue regarding the LID.

This covenant shall run with the land and be binding upon the undersigned and upon all subsequent owners of property.

The property subject to this covenant is described as follows:

-- SEE ATTACHED EXHIBITS "A" (Legal Description) and "B" (Survey, Plat, etc) --

In construing this covenant and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 7 day of DECEMBER, 2012; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

NOTICE: No stamp or corporate seal is allowed over any typed information.

Individuals, general partnerships

Corporation/limited partnership



(Signature No. 1)

THAYER ROAD L.L.C.

(Corporation/Partnership Name)

TRAVIS HOLMAN

(Signer's No. 1 - Printed Name)



(Signature No. 1)

(Signature No. 2)

BONNIE HALTON

(Signer's No. 2 - Printed Name)

(Signer's No. 1 - Name, Title)

* Bonnie Halton

(Signature No. 2)

Bonnie Halton

(Signature No. 3)

KARIN ODELL

(Signer's No. 3 - Printed Name)

(Signer's No. 2 - Name, Title)

Karin Odell

(Signature No. 3)

(if executed by a corporation affix corporate seal below)

(Signer's No. 3 - Name, Title)

STATE OF OREGON)
) ss.
County of CLATSOP)

EXTRA SIGNATURE NOTARY ACKNOWLEDGEMENTS

On this 12 day of December, 2012, before me, BONI HULTON, KERRY STEINMETZ
the undersigned Notary Public, personally appeared BONI HULTON AS MEMBER OF TRAIL
☐ personally known to me ROAD INVESTMENTS, LLC
☒ proved to me on the basis of satisfactory evidence to be the person(s) whose
name(s) is/are subscribed to the within instrument, and acknowledged that they executed it.

NOTICE: No stamp or corporate seal is allowed over any typed information.

Stamp seal below

WITNESS my hand and official seal.



Notary's signature

My commission expires: 12 JULY 2014



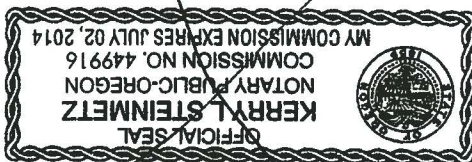
STATE OF OREGON)
) ss.
County of CLATSOP)

On this 15 day of JANUARY, 2013, before me, KERRY STEINMETZ,
the undersigned Notary Public, personally appeared BRETT ODELL & KATHLEEN ODELL
☐ personally known to me
☒ proved to me on the basis of satisfactory evidence to be the person(s) whose
name(s) is/are subscribed to the within instrument, and acknowledged that they executed it.

NOTICE: No stamp or corporate seal is allowed over any typed information.

Stamp seal below

WITNESS my hand and official seal.



Notary's signature

My commission expires: JULY 29 2014

Accepted on behalf of the City of Oregon City on the condition that the Restrictive Covenant
Non-Remonstrance Agreement is free and clear from taxes, liens, and encumbrances.

Mayor

City Recorder

NOTICE TO NOTARIES: No notary stamp or corporate seal is allowed over any typed information.

Personal Acknowledgment

STATE OF OREGON)
) ss.
County of _____)

On this _____ day of _____, 20____,
before me, _____, the
undersigned Notary Public, personally appeared
_____,
_____,
_____ and
acknowledged the foregoing instrument to be
his/her voluntary act and deed.

NOTARY PUBLIC FOR OREGON

My Commission Expires: _____
Stamp seal below

(Grantor's Name and Address)

City of Oregon City
P.O. Box 3040
625 Center Street
Oregon City, OR 97045-0304
(Grantee's Name and Address)

Accepted on behalf of the City of Oregon City on the condition that the Restrictive Covenant Non-Remonstrance agreement granted is free and clear from any taxes, liens, and encumbrances.

Mayor

City Recorder

Page 3 -

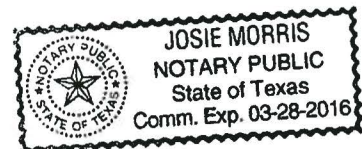
Corporate Acknowledgment

STATE OF ~~OREGON~~ TEXAS)
) ss.
County of DALLAS)

On this 7 day of DECEMBER, 2012
before me, Josie Morris, the
undersigned Notary Public, personally appeared
TRAVIS HOLLMAN and
_____, who
being duly sworn, each for himself/herself and not
one for the other did say that the former is the
MEMBER president
and that the latter is the _____ secretary of
THAYER ROAD LLC
_____, a
corporation, and that the seal affixed to the
foregoing instrument was signed and sealed in
behalf of said corporation by authority of its
board of directors; and each of them
acknowledged said instrument to be its voluntary
act and deed.

NOTARY PUBLIC FOR ~~OREGON~~ Texas

My Commission Expires: 3-28-14
Stamp seal below



PROPERTY DESCRIPTION: Tax Lot 500 – Assessor's Map No. 3 2E 04DC

Legal Description

.....

EXHIBIT "A"

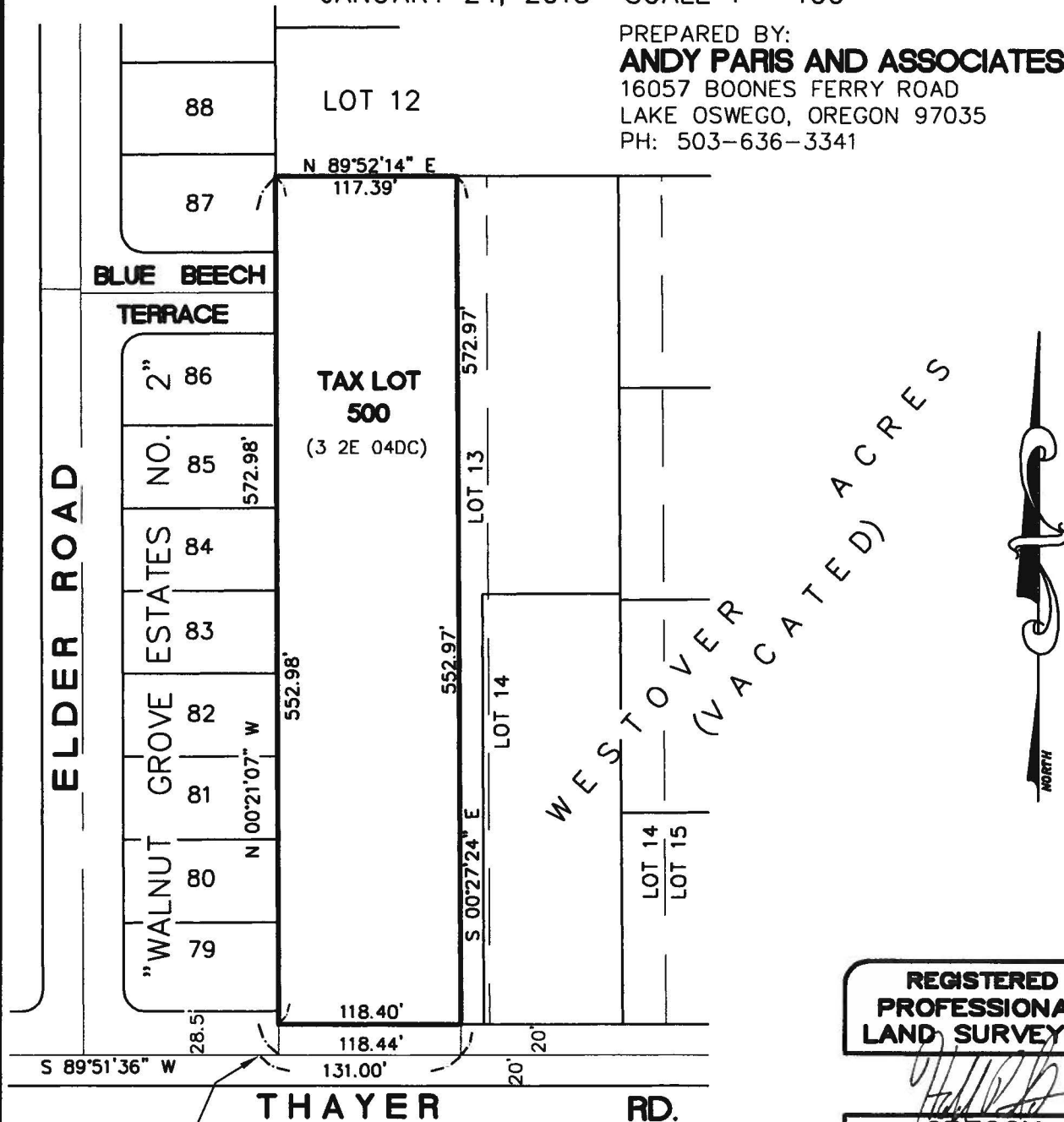
A tract of land situated in the Southeast one-quarter of Section 4, Township 3 South, Range 2 East of the Willamette Meridian, City of Oregon City, Clackamas County, Oregon, being more particularly described as follows:

BEGINNING at a point which bears North 89°51'36" East a distance of 12.57 feet and North 00°21'07" West a distance of 20.00 feet from the south one-quarter corner of said Section 4, said point of beginning being on the northerly right of way line of Thayer Road (County Road No. 377); thence leaving said right of way line, North 00°21'07" West along the easterly line of WALNUT GROVE ESTATES NO. 2, Clackamas County Plat records, a distance of 552.98 feet; thence leaving said easterly line, North 89°52'14" East a distance of 117.39 feet to the northwest corner of that certain tract of land conveyed to Marvin D. and Lona D. Cunningham as recorded in Fee No. 69-11118, Clackamas County Deed records; thence South 00°27'24" East along the westerly line of said Cunningham tract, a distance of 552.97 feet to the northerly right of way line of said Thayer Road; thence South 89°51'36" West along said right of way line, a distance of 118.40 feet to the POINT OF BEGINNING.

EXHIBIT "B"

BEING A PORTION OF LOT 13, VACATED
"WESTOVER ACRES" AND VACATED MCBAIN AVENUE
IN THE SE 1/4 SEC. 4, T.3S., R.2E., W.M.
CITY OF OREGON CITY,
CLACKAMAS COUNTY, OREGON
JANUARY 24, 2013 SCALE 1"= 100'

PREPARED BY:
ANDY PARIS AND ASSOCIATES, INC.
16057 BOONES FERRY ROAD
LAKE OSWEGO, OREGON 97035
PH: 503-636-3341



S 1/4 CORNER SECTION 4
3-1/4" BRONZE DISK IN
MONUMENT BOX STAMPED
"1/4 S4 S9 T3S R2E 2007"
U.S.B.T. ENTRY 2007-088

(COUNTY RD. NO. 577)

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON

JANUARY 15, 1987
HAROLD P. SALO
2264

EXPIRES: JUNE 30, 2014

Oregon City GIS Map



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



0

454 Feet

1: 5,450

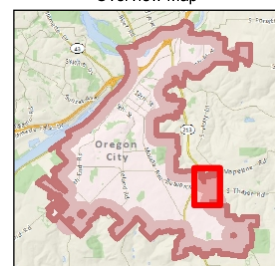
Legend

-  Taxlots
-  Unimproved ROW
-  City Limits
-  UGB

Notes

Crabtree Terrace subdivision
Site Map

Overview Map



City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orcity.org





City of Oregon City

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

Staff Report

File Number: PUB 13-005

Agenda Date: 2/6/2013

Status: Consent Agenda

To: City Commission

Agenda #: 8e.

From: Public Works Director John Lewis

File Type: Public Works
Item

SUBJECT:

Public Utility Easement for the "Crabtree Terrace No. 2" subdivision project - City Planning File No. TP12-01.

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission approve and authorize the Mayor and City Recorder to execute the Public Utility Easement for the "Crabtree Terrace No. 2" subdivision project - City Planning File No. TP12-01.

BACKGROUND:

This 10-foot wide Public Utility Easement (PUE) provides the customary utility easement (public) that is needed for a short section of proposed public street right-of-way (ROW). This ROW, the proposed northwest corner of "Nutmeg Lane" and "Oregon Iris Way", is to be created when the subdivision plat of "Crabtree Terrace No. 2" legally records. This PUE is on an adjacent property to "Crabtree Terrace No. 2.

The Crabtree Terrace No. 2 infrastructure items (public streets and utilities) are near completion and the subdivision plat is soon to be released to the Clackamas County Surveyor's Office for their final review, approval and recording.

Tax Map 3-2E-04D, Tax Lot 601; for "Crabtree Terrace No. 2" project (City Planning File No. TP12-01)

BUDGET IMPACT: N/A

ATTACHMENTS:

- 1) Public Utility Easement for the "Crabtree Terrace No. 2" project
- 2) Site Map



City of Oregon City

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

Staff Report

File Number: PUB 13-005

Agenda Date: 2/6/2013

Status: Consent Agenda

To: City Commission

Agenda #: 8e.

From: Public Works Director John Lewis

File Type: Public Works
Item

SUBJECT:

Public Utility Easement for the "Crabtree Terrace No. 2" subdivision project - City Planning File No. TP12-01.

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission approve and authorize the Mayor and City Recorder to execute the Public Utility Easement for the "Crabtree Terrace No. 2" subdivision project - City Planning File No. TP12-01.

BACKGROUND:

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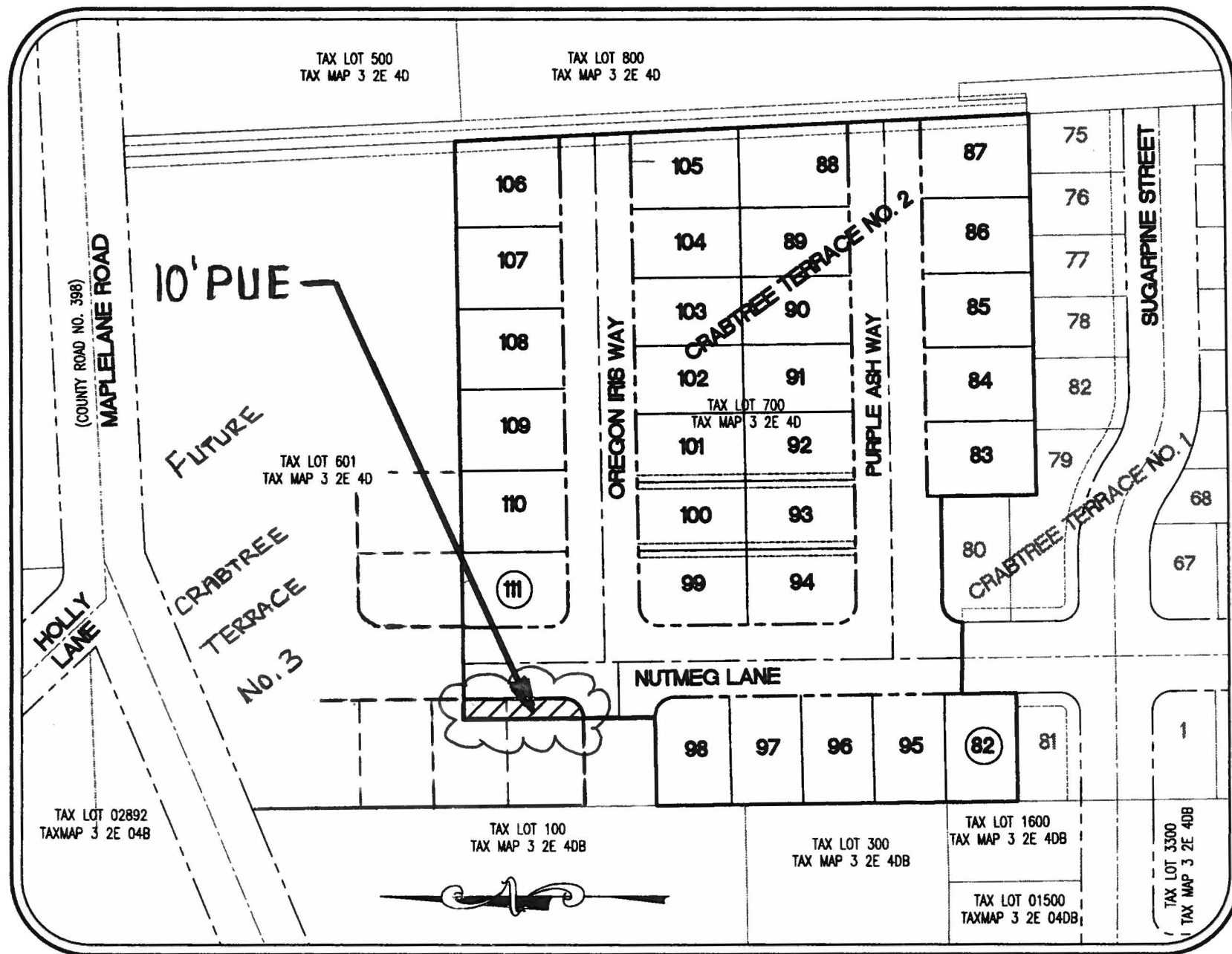
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Tax Map 3-2E-04D, Tax Lot 601; for "Crabtree Terrace No. 2" project (City Planning File No. TP12-01)

BUDGET IMPACT: N/A

ATTACHMENTS:

- 1) Public Utility Easement for the "Crabtree Terrace No. 2" project
- 2) Site Map



SITE MAP

NOT TO SCALE



IN LOVING MEMORY OF
MICHAEL SCOTT MCCARROLL



OCTOBER 30, 1957 – JANUARY 29, 2013

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City Recorder in Chambers **prior** to the meeting.

Date of Meeting 2-6-13

Item Number From Agenda 3a

NAME:

Wendy Breedlove

ADDRESS:

Street: 711 Jackson St

City, State, Zip: Oregon City 97045

PHONE NUMBER:

SIGNATURE:

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City Recorder in Chambers **prior** to the meeting.

Date of Meeting 2-6-13

Item Number From Agenda 4

NAME:

Dave Prideaux

ADDRESS:

Street: 310 3rd

City, State, Zip: OC

PHONE NUMBER:

SIGNATURE:

Dave Prideaux

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City Recorder in Chambers **prior** to the meeting.

Date of Meeting 2-6-13

Item Number From Agenda 4

NAME:

Tom Gail

ADDRESS:

Street:

TRAILVIEW

City, State, Zip:

97045

PHONE NUMBER:

503-722-0438

SIGNATURE:

Tom Gail

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City Recorder in Chambers **prior** to the meeting.

Date of Meeting 2/6/13

Item Number From Agenda 4

NAME:

Amber Holveck, Oregon City Chamber

ADDRESS:

Street:

2895 S. Beaver Creek Rd. Ste 103

City, State, Zip:

Oregon City OR 97045

PHONE NUMBER:

503-656-1619

SIGNATURE:

Amber Holveck

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City Recorder in Chambers **prior** to the meeting.

Date of Meeting February 6, 2013

Item Number From Agenda 6a
(Resolution No. 13-02)

NAME:

J. Kevin Hunt

ADDRESS:

Street: 1145 Sunny Lane

City, State, Zip: OREGON CITY, OR 97045

PHONE NUMBER:

(503) 650-7782

SIGNATURE:

J. Kevin Hunt

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City Recorder in Chambers **prior** to the meeting.

Date of Meeting 2-6-13

Item Number From Agenda 6a

NAME:

DAVE PRIDEAUX

ADDRESS:

Street: 310 3rd

City, State, Zip: OC

PHONE NUMBER:

SIGNATURE:

Dave Prideaux

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City Recorder in Chambers **prior** to the meeting.

Date of Meeting 06 FEB 13

Item Number From Agenda 6a

NAME:

WILLIAM GILKROD

ADDRESS:

Street:

1324 BEARRER LN

City, State, Zip:

OC OR 97045

PHONE NUMBER:

503.723.3456

SIGNATURE:

William Gilkrod

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City Recorder in Chambers **prior** to the meeting.

Date of Meeting 2-6-2013

Item Number From Agenda 6a.

NAME:

James Nicita

ADDRESS:

Street:

302 Bluff Street

City, State, Zip:

Oregon City, OR 97045

PHONE NUMBER:

SIGNATURE:

James Nicita

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City Recorder in Chambers **prior** to the meeting.

Date of Meeting 2-06-13

Item Number From Agenda 6a WATER RATE ROLL BACK

NAME: PAUL EDGAR

ADDRESS: Street: _____
City, State, Zip: OREGON CITY

PHONE NUMBER: _____

SIGNATURE: _____

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City Recorder in Chambers **prior** to the meeting.

Date of Meeting 06 FEB 13

Item Number From Agenda 7a

NAME: WILLIAM GIFFORD

ADDRESS: Street: 1324 BEAVER LN
City, State, Zip: OC OR 97065

PHONE NUMBER: 503.723.3456

SIGNATURE: William Gifford

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City Recorder in Chambers **prior** to the meeting.

Date of Meeting February 6, 2013

Item Number From Agenda 7c

(Ordinance # 13-1004)

NAME:

J. Kevin Hunt

ADDRESS:

Street: 1145 Sunny Lane

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER:

(503) 650-7782

SIGNATURE:

[Signature]

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City Recorder in Chambers **prior** to the meeting.

Date of Meeting 2/6/2013

Item Number From Agenda 7c

NAME:

James J. Nicely

ADDRESS:

Street: 302 Bluff St.

City, State, Zip: Oregon City OR

PHONE NUMBER:

SIGNATURE:

[Signature]

RESOLUTION NO. 13-02

A RESOLUTION SUBMITTING A MEASURE AMENDING SECTION 58 OF THE OREGON CITY CHARTER REGARDING WATER RATES TO THE ELECTORS OF OREGON CITY

WHEREAS, the City Commission has proposed a measure that would amend the Oregon City Charter, Section 58 regarding water rates; and

WHEREAS, because the City Commission does not have the power to adopt an amendment to the Oregon City Charter, that power is reserved to the electors of Oregon City.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. A regular city election is called in and for the City of Oregon City, to be held Tuesday, May 21, 2013. The Clackamas County Clerk shall conduct the election.

Section 2. At that election, the question of whether to amend Section 58 of the Oregon City Charter to read as follows:

Upon passage of this amendment to the City Charter city water rates shall be those in effect as of October 31, 1994. The commission may not increase water rates by more than 3 percent annually without a vote of the people. The commission may not declare any ordinance or resolution establishing water rates to be an emergency nor use any other means to prevent their referral to the voters.

shall be submitted to the voters of Oregon City.

Section 3. The City Commission adopts the ballot title attached to this Resolution as Exhibit A to describe the measure and directs the City Manager to file the ballot title with the City Recorder.

Section 4. The City Commission directs the City Recorder to take all actions necessary to hold the election, including publication of the notice of receipt of the ballot title.

Approved and adopted at a regular meeting of the City Commission held on the 6th day of February 2013.

DOUG NEELY, Mayor

Attested to this 6th day of February 2013

Approved as to legal sufficiency:

Nancy Ide, City Recorder

City Attorney

EXHIBIT A

BALLOT TITLE

MEASURE No. ____

CAPTION: Amends Oregon City Charter water rate limitation.

QUESTION: Shall the water rate limitation in the Oregon City Charter be amended?

SUMMARY: Section 58 of the Oregon City Charter was the result of a citizen initiative in 1996. It contains two parts: first, it rolled back water rates to 1994 levels, and, second, it limited future increase to three percent per year.

This measure would amend Section 58 of the Charter by raising the allowable annual percentage increase in water rates from three percent to ____ percent. This measure would not affect the rollback of water rates, which are scheduled to revert to 1994 rates, with intervening annual three percent increases, in 2014. If this measure were to pass, the Oregon City Commission could raise water rates by no more __ percent without a vote of the people.

NOTICE OF BALLOT TITLE – REFERRAL BY CITY COMMISSION

NOTICE IS HEREBY GIVEN that the City Recorder of Oregon City has received a proposal from the Oregon City Commission to amend Section 58 of the Oregon City Charter. The City Recorder has determined that the proposal contains only one subject, as required by section 1(2)(d), Article IV of the Oregon Constitution.

NOTICE IS FURTHER GIVEN that any elector of the City who believes the proposed measure contains more than one subject or who believes the ballot title is insufficient, not concise, or unfair may file a petition for judicial review with the Circuit Court for Clackamas County no later than _____, which is seven business days after this notice.

NOTICE IS FURTHER GIVEN that the Oregon City Commission has submitted the following ballot title for the proposal:

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PROPOSED REVISIONS MEASURE 58

Section 58 - Water Rates.

Upon passage of this amendment to the City Charter city water rates shall be those in effect as of October 31, 1994. The commission may not increase water rates by more than ____ 3-percent annually without a vote of the people. The commission may not declare any ordinance or resolution establishing water rates to be an emergency nor use any other means to prevent their referral to the voters

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Nancy Ide, City Recorder

City Attorney

EXHIBIT A

BALLOT TITLE

MEASURE No. ____

CAPTION: Amends Oregon City Charter to eliminate water rate rollback.

QUESTION: Shall the water rate rollback be eliminated from the Oregon City Charter?

SUMMARY: Section 58 of the Oregon City Charter was the result of a citizen initiative in 1996. It contains two parts: first, it rolled back water rates to 1994 levels, and, second, it limited future increase to three percent per year.

The first part of the provision, the rate rollback, has not been implemented because of a federal court decision to protect bond holders. Those bonds are scheduled to be repaid in 2014 and, at that time, water rates would revert to lower levels. This measure would eliminate the roll back and allow water rates to continue at current levels. This measure does not affect the limitation on the amount of rate increases.

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ENTERED INTO THE RECORD

DATE RECEIVED: 02-06-2013

SUBMITTED BY: Dave Prideaux

SUBJECT: Item 6a

Divide the Question

Robert's Rules of Order Newly Revised (RONR)

This motion is applicable when each of the different parts, although relating to a single subject, is capable of standing as a complete proposition without the others.^[1]

The motion is made by saying, for instance, "I move to divide the resolution so as to consider separately...."^[2]

A motion to divide the question is not required when a single motion seeks approval of a series of propositions or resolutions on *different* subjects. Any member may obtain separate discussion and voting on any of the unrelated propositions or resolutions by making a demand for separate consideration, at any time before the unified motion is put to a vote.^[3]

[edit] Legislative Use

In the British House of Commons, a formal motion is not required to divide the question; since 1888, the Speaker has held that a question consisting of two or more propositions, each of which is able to stand on its own, can be divided on the objection of any [nb] Member of Parliament.^[4]

[edit] History

The concept of a division of a question dates back to at least 1640, when the *Lex Parliamentaria* noted, "If a Question upon a Debate contains more Parts than one, and Members seem to be for one Part, and not for the other, [our emphasis] it may be moved, that the same may be divided into two, or more Questions: as Dec. 2, 1640, the Debate about the Election of two Knights was divided into two Questions."^[5]

[edit] Related Motions

Consideration by Paragraph, *Consider by Parts*, or *Consider Seriatim* are names for a similar motion whereby a complex motion is broken up to be deliberated part by part. Each part is considered tentatively and amended as necessary, then the whole motion is considered and voted on as a whole. [The part-by-part method would not work for a motion referred to Oregon City voters.] This differs from the motion to *divide a question* which splits the motion into two or more independent motions that are taken up in sequence. Each new motion is deliberated and voted upon before taking up the next part.