



# City of Oregon City

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

## Meeting Minutes - Final City Commission

*Dan Holladay, Mayor*  
*Carol Pauli, Commission President*  
*Brian Shaw, Rocky Smith, Jr., Renate Mengelberg*

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Wednesday, September 16, 2015

7:00 PM

Commission Chambers

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### REVISED AGENDA

#### 1. Convene Regular Meeting and Roll Call

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

**Present:** 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli and Mayor Dan Holladay

**Absent:** 1 - Commissioner Renate Mengelberg

**Staffers:** 11 - Community Development Director Tony Konkol, City Attorney William Kabeiseman, City Engineer Aleta Froman-Goodrich, Police Chief and Public Safety Director James Band, Community Services Director Scott Archer, Assistant City Recorder Jaime Reed, Library Director Maureen Cole, Economic Development Manager Eric Underwood, Operations Manager Martin Montalvo, Finance Director Wyatt Parno and Human Resources Director Jim Loeffler

#### 2. Flag Salute

#### 3. Ceremonies, Proclamations and Presentations

##### 3a. Proclamation for Constitution Week

*Mayor Holladay proclaimed September 17-23, 2015, as Constitution Week.*

*DeAnna Way, member of the Daughters of the American Revolution, said the Constitution was one of the most important documents that our ancestors fought for in the American Revolution and a lot of people did not know it very well. In 1956, the Daughters of the American Revolution asked Congress to declare September 17-23 as Constitution Week and since then it had been celebrated every year.*

#### 4. Citizen Comments

*There were no citizen comments.*

#### 5. Adoption of the Agenda

*The agenda was adopted as presented.*

#### 6. Public Hearings

**6a.** Ordinance for Introduction, No. 15-1013, An Ordinance Adopting the Meyers Road Extension Corridor Plan, An Amendment to the Oregon City Transportation System Plan and Comprehensive Plan (Planning File: L 15-04)

*Mayor Holladay opened the public hearing.*

*Tony Konkol, Community Development Director, said this plan would establish a concept for connecting Meyers Road from Highway 213 to High School Avenue. It was found to be consistent with the Comprehensive Plan and Statewide Planning Goals and was forwarded with a recommendation of approval by the Planning Commission. He explained the additional recommendations from the Planning Commission. Staff recommended approval of the ordinance.*

*Martin Montalvo, Operations Manager, presented information on the Meyers Road Extension Concept Plan, explaining it in context with the Transportation System Plan, other City plans, and zoning considerations and discussing the project outreach and coordination effort. There was an existing school bus facility in the final land use process as well as the Park Master Plan update which were used in creating the alignment.*

*John Repliger, Traffic Engineer, discussed the five major intersections that would be affected by the project and the suggested improvements that would need to be made to have adequate operations to the year 2035.*

*Mr. Montalvo discussed the final preferred alignment. The road would be 30 mph, would have smooth radiuses that would allow for natural traffic calming, and would have connectivity to the School District, Community College, and adjacent properties. It would be designated as an industrial truck street and speed bumps would not be appropriate. He then explained the seven TSP projects this plan would affect.*

*Mayor Holladay suggested putting a sign on High School Avenue and Meyers Road going eastbound as a no right turn for trucks.*

*Mr. Montalvo then discussed his response to Mr. and Mrs. Berge's concerns. There would be on street parking on the southern portion of the road only. They had chosen a three lane configuration deliberately for natural traffic calming. There would be crosswalks at the intersections. The Berge's would have 230 feet of road frontage provided to them with this alignment.*

*There was no public testimony.*

*Mayor Holladay closed the public hearing.*

*Commissioner Smith disclosed that he was an employee of the Oregon City School District.*

**A motion was made by Commissioner Shaw, seconded by Commissioner Pauli, to approve the first reading of Ordinance No. 15-1013, an ordinance adopting the Meyers Road Extension Corridor Plan, an amendment to the Oregon City Transportation System Plan and Comprehensive Plan (Planning File: L 15-04). The motion carried by the following vote:**

**Aye:** 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli and Mayor Dan Holladay

## 7. General Business

### 7a. Heritage Tree Nomination for Oregon White Oak Tree at 314 Pleasant Avenue

*Mr. Konkol said there was a Heritage Tree nomination for an Oregon White Oak Tree located at 314 Pleasant Avenue. It was 85 feet tall with a spread of 60 feet and was nominated by the property owner. The Natural Resource Committee reviewed the request and recommended approval.*

**A motion was made by Commissioner Shaw, seconded by Commissioner Smith, to approve the Heritage Tree nomination for the Oregon White Oak Tree at 314 Pleasant Avenue. The motion carried by the following vote:**

**Aye:** 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli and Mayor Dan Holladay

### 7b. Resolution No. 15-29, A Resolution Interpreting the Term "Designated as a Park" as Set Forth in Chapter X, Section 43 of the City of Oregon City Charter

*Mr. Konkol said on August 5 concerns were raised related to the history of the adopted Comprehensive Plan zoning for Water Board Park. The specific question raised was whether or not the upper yard area of the Public Works Operations Center was designated as "park" via a past Comprehensive Plan designation. At the August 19 City Commission meeting, staff presented a discussion that was supported by a detailed written response to the citizen concerns. The Commission agreed that the upper yard was not a designated park and directed staff to bring back a resolution confirming the decision. Additional information was received that night from Mr. Buss. He recommended either moving forward with the resolution or postponing it to allow time to review what was submitted.*

*Mayor Holladay suggested bringing it back to a meeting in October.*

*Jesse Buss, representing the McLoughlin Neighborhood Association, said the information he submitted was supplementary to last month's discussion. It was additional research he had done. The Parks Master Plans from 1991 and 1999 showed that Water Board Park including the upper yard was designated as an existing park. The 1991 Plan was adopted by ordinance, which would comply with the strict reading of Chapter X, Section 43 designation of parks within the City. The 1999 Plan was not adopted by ordinance, but by majority vote of the Commission. This Master Plan was adopted as an ancillary document to the 2004 Parks Master Plan update. On a public ownership map dated April 7, 2004, it showed the upper yard area as designated as a park. He did not think it was a mistake, but was intentional to designate it as a park. He also discussed meeting notes from Deca Architecture from 2004 where the upper yard was not included as a site to review.*

*James Nicita, resident of Oregon City, discussed the 2004 Trails Master Plan which was adopted by ordinance on November 3, 2004. The Plan showed all of Water Board Park and the upper yard as designated as park. He did not think it left any doubt that it was intentional to be consistent with the Park Master Plan and Comprehensive Plan. Pursuant to Section 43, he thought this was independent authority that the upper yard was designated as a park prior to the designation as public. To move forward with a different use would require a public vote and public hearings to amend both the Park Master Plan and Trails Master Plan.*

**A motion was made by Commissioner Pauli, seconded by Commissioner Smith, to continue Resolution No. 15-29, a resolution interpreting the term "Designated as a Park" as set forth in Chapter X, Section 43 of the City of Oregon City Charter to October 7, 2015. The motion carried by the following vote:**

**Aye:** 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli and Mayor Dan Holladay

**7c. First Reading of Ordinance No. 15-1014, Amending Oregon City Municipal Code Chapter 3.04 - Transient Room Tax**

*Wyatt Parno, Finance Director, said the Commission directed staff to do a study of the transient room tax and the results of the study were presented at the last Commission Work Session. Oregon City was below market rate and the ordinance would raise the rate from 4% to 6%. The ordinance also changed the code to bring it into alignment with Oregon Revised Statutes. He explained a slight revision to the ordinance to correct how the percentages would be allocated. He found several Bed and Breakfast businesses who were not paying the tax and he would be letting them know about the tax. Staff recommended approval of the ordinance.*

**A motion was made by Commissioner Pauli, seconded by Commissioner Smith, to approve the first reading of Ordinance No. 15-1014, amending Oregon City Municipal Code Chapter 3.04 - Transient Room Tax. The motion carried by the following vote:**

**Aye:** 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli and Mayor Dan Holladay

**8. Consent Agenda**

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

**Aye:** 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli and Mayor Dan Holladay

**8a. Meyers Road Extension Improvements Agreement between the City of Oregon City and Oregon City School District No. 62**

**8b. Restrictive Covenant Non-Remonstrance Agreement for the Ellis Estates Subdivision Project - City Planning File No. TP14-03**

**8c. Restrictive Covenant Non-Remonstrance Agreement for the Marlo Farms Subdivision Project - City Planning File No. TP14-05**

**8d. Restrictive Covenant Non-Remonstrance Agreement for the Sunnybrook Ridge Subdivision Project - City Planning File No. TP14-01**

**8e. Resolution No. 15-30, A Resolution of the Oregon City Commission Supporting the Department of Land Conservation and Development Technical Assistance Grant Application for the Willamette Falls Legacy Project Infrastructure Finance Plan**

8f. Minutes of the September 2, 2015 Regular Meeting

9. Communications

a. City Manager

*Scott Archer, Community Services Director, spoke regarding a citizen suggestion to use cemetery property for the new Public Works site. Staff researched the number of burials in the suggested area and found there were over 500 burials in the section and over 300 sites were reserved. It was not minimally used and not a preferred location for the facility.*

*Maureen Cole, Library Director, gave an update on the progress of the Library addition.*

*Mr. Konkol announced on September 24 there would be a forum on Oregon City's System Development Charges. There would be a Congressional and State Legislative Update Breakfast on September 23.*

b. Commission

*Commissioner Shaw attended the McLoughlin Neighborhood Association meeting, Library Building Committee meeting, and by attending the training session in Astoria for South Fork Water Board the City would save \$2,000 per year on insurance.*

*Commissioner Smith attended the Police Advisory meeting and opening of Tri-Met's Orange Line.*

*Commissioner Pauli attended the Rediscover the Falls presentation and Willamette Falls Legacy Partners meeting.*

c. Mayor

*Mayor Holladay reported on the Willamette Falls Legacy Partners meeting and Tri City Advisory Committee meeting.*

10. Adjournment

*Mayor Holladay adjourned the meeting at 8:05 PM.*

*Respectfully submitted,*

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*Kattie Riggs, City Recorder*