

REGULAR MEETING

Oregon City, Oregon, February 20, 1991

A regular meeting of the City Commission was held in the Commission Chambers of City Hall on the above date at 8:00 p.m.

Roll call showed the following present:

Mayor Daniel W. Fowler
Commissioner Suzanne VanOrman
Commissioner Carol A. Powell
Commissioner Robert M. Light
Commissioner James R. Ebert

Charles Leeson, City Manager
Jean K. Elliott, City Recorder
Edward J. Sullivan, City Attorney

The flag salute was lead by a contingent of Cub and Boy Scouts visiting the meeting.

It was moved by Powell, second by Ebert, to approve the minutes of February 6, 1991.

Roll call: VanOrman, Aye; Light, Aye; Powell, Aye; Ebert, Aye; Fowler, Aye.

On the call for future agenda items, James, Elting, 19531 S Central Point Road, addressed the Commission requesting that the Central Point-Partlow-Parrish annexation and future annexations be submitted to the Planning Commission for review and recommendation. The City Attorney advised that a policy change was made about a year ago with the matter of annexation presented to the City Commission and then forwarded to the Boundary Commission.

David Cole, 130 Ogden Drive, addressed the Commission regarding Code Compliance and requested an ordinance for a "scoop" law be presented. This was referred to staff.

Mayor Fowler read a proclamation proclaiming February 17 - 23, 1991 as Oregon PTA Week in Oregon City.

Commission Report No. 91-22, Meyers Road Sanitary Sewer LID - Continued Public Hearing; If approved, Resolution No. 91-05, was presented. The report noted that at the February 6, 1991 meeting, the Commission held a public hearing to consider formation of a Sanitary Sewer Local Improvement District for the Meyers Road area. Because of a noticing problem to one property and because of a recommendation to modify the boundary, the Commission continued the public hearing and directed that new notices be mailed. Attached was a copy of the updated Engineer's Report and notice to property owners.

The report continued that the Mayor should open the public hearing and ask for a staff presentation on the recommended changes to the boundary followed by any affected property owner remonstrances. If there were less than two-thirds objection and no further changes in the benefit boundary, the Commission could adopt Resolution No. 91-05 creating Local Improvement District No. 91-01.

The report concluded that the Commission already created a similar LID for road, drainage and water improvement and hired the firm of Wilsey and Ham Pacific for engineering services for the project.

Mayor Fowler declared a conflict and exited the room with Commission President VanOrman Chairing this item.

After introduction of the report by the Manager, the hearing was declared open.

Neal Robinson, Project Engineer, addressed the Commission and, through the use of a wall display map, outlined the boundaries of the project. When asked if there were any written objections, he reminded of the remonstrance filed by Mr. Kent at the last meeting with the change made by the Commission at that time. Notices were sent to the property owners in the re-drafted district of this hearing. At this time, there is only one property owner objecting. It is required that remonstrances be presented in writing before the close of this hearing.

John Block, Development Services Director, reminded that the Code addresses the property fronting the improvement of which 78 percent of the fronting property has petitioned for this project. One other property that did not petition is already under a zoning requirement to not remonstrate against the project; therefore, there is very nearly 100 percent of the fronting property under agreement to participate in financing of the project.

Richard H. Grant, representing Joan Grant, Laura and Ron Kalena, and Walter Phelbick, trustee, addressed the Commission advising that they own property at 19801 S. Highway 213 and are in opposition to the project. They have not requested nor need the sewer system. They also oppose the level of assessment estimated for their property. He advised that those who would be the principal beneficiaries of the placement of the sewer should assume the cost of it; especially the developers who initiated the request for the system. He advised that the level of assessment of over \$7,000 for approximately the one acre of their property was inappropriate, unreasonable and would be a hardship for them.

He advised that they have no stake in the project and that just over an acre has been assessed at over \$5,000, with this part being land that would never be built because it is the only roadway access to the property. Handwritten, signed testimony was offered as the written remonstrance. On discussion, it was determined that Tax Lot 701, .25 acre, contained a small home; Tax Lot 790, .86 acre is the roadway and was assessed at \$5,007.

Joan Grant and Laura Kalina, 19801 S. Highway 213, each opposed the project, and requested release from the assessment.

Ebert asked if the road was a deeded easement or property used for a roadway. Block advised that it appeared to be a separate tax lot used as a roadway. He advised that an unbuildable interpretation of property such as this and could be excluded from an assessment district. This could be further be developed through the engineering of the project and subsequent public hearing. Mr. Grant advised that without that access, they were landlocked. It may be listed as a taxable lot but its only utility is a roadway.

Ralph Brown, 19687 S. Falcon Drive, addressed the Commission and requested to be included in the project. Block advised that his property lies in another sewer project area, the C Trunk project, and has its own local improvement district and its own advance finance district. That project will be under construction this summer and will bring the sewer line within 150 feet of his property.

With no further testimony, the hearing was declared closed.

The City Attorney advised that the district contained 58.55 acres with three reonstrances totaling 1.57 acres which was well below the 2/3 criteria so the Commission may proceed.

Ebert asked if Tax Lot 790, the .86 acres, could be removed from the district. Block advised that procedurally there was no assessment against any property until the project was engineered, constructed, accepted and another public hearing with a final assessment notice to all properties is accomplished. This could be in about 8 months. The Commission could modify the boundary and remove that Tax Lot but it would be easier to keep the boundary in the current form and include in the motion that Tax Lot 790, if it is determined to be unbuildable, be excluded from the assessment roll.

Light asked if the assessments were made prior to hook up time. The Attorney advised that once the district is formed, all properties in the district were subject to that lien. What is done tonight is to determine a method of assessment which is per acre. The Commission may determine that that property not be included, but that amount has to be paid by someone, probably the City. VanOrman iterated that when the City begins to make exclusions, someone ultimately has to bear the cost, either the remaining property owners or the City.

It was moved by Powell, second by Light, to approve Resolution No. 91-05 with the amendment that Tax Lot 790 be declared unbuildable and removed.

Ebert questioned declaring it unbuildable as opposed to if it is found to be unbuildable, be excluded.

The motion was changed by Powell, second by Light, to approve Resolution No. 91-05 with the amendment that Tax Lot 790 be removed from the assessment roll.

Roll call: Light, Aye; Powell, Aye; Ebert, Aye; VanOrman, Aye.

RESOLUTION NO. 91-05

A RESOLUTION TO CREATE A LOCAL IMPROVEMENT DISTRICT FOR THE CONSTRUCTION OF SANITARY SEWERS TO SERVE THE MEYERS ROAD EXTENSION AREA.

WHEREAS, a petition requesting formation of a local improvement district to construct certain sanitary sewer improvements was filed with the City Recorder; and

WHEREAS, at its January 16, 1991 meeting, the City Commission adopted Resolution No. 91-03, a resolution of intent to create a local improvement district and setting February 6, 1991 as the public hearing date and directing that notices be provided to property owners; and

WHEREAS, a notice of the City Commission's intent to make such improvements and preliminary assessment were mailed on January 25, 1991, to the owners of properties to be assessed for the costs of such improvements; and

WHEREAS, a public hearing was held on February 6, 1991 and February 20, 1991, for presentation of written remonstrances to formation of said district and preliminary assessments; and

WHEREAS, the City Commission finds that construction of sanitary sewers to serve the Meyers Road Extension Area would be in the public interest; and

WHEREAS, all requirements of City Code, Title I, Chapter 14 - Local Improvement Districts for creating a local improvement district have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Oregon City that the local improvement district for the construction of sanitary sewers to serve the Meyers Road Extension Area is created and shall be known as Sewer Improvement District No. 91-01. Said district is depicted as follows:

See attached map Exhibit "A"

AND IT IS FURTHER RESOLVED that the Commission by this Resolution approves the proposed local improvement district as depicted in Exhibit "A" attached hereto, and directs that a legal description be prepared encompassing the territory approved for the local improvement district and that engineering reports submitted with respect to the aforementioned improvement district, be, and the same hereby is, adopted and City staff and agents are hereby authorized and directed to proceed with the improvement as set forth in the aforesaid engineering reports.

Adopted, signed and approved this 20th day of February, 1991.

/s/
Mayor-Commissioner

/s/Suzanne VanOrman
Commissioner

/s/Robert M. Light
Commissioner

/s/James R. Ebert
Commissioner

/s/Carol A. Powell
Commissioner

Comprising the City Commission of
Oregon City, Oregon

Mayor Fowler rejoined the meeting and declared a break at 8:50 with the meeting reconvening at 8:55 p.m.

Commission Report No. 91-24, Budget Transfer - Resolution No. 91-08, was presented. The report noted that on the February 20, 1991 agenda was Resolution No. 91-08 which would transfer funds from Materials and Services to Capital Outlay in the Sewer Fund for the purchase of computer equipment for the Public Works shops. Attached was the Resolution and budget transfer sheet for Commission review.

The report continued that the equipment was part of the computer network project being undertaken by the Development Services Department and when completed the Shops would have two computers that network into Development Services Computer Aided Drafting workstation and through geographic information software, be able to access all maps and property data base information.

The report concluded that the equipment was estimated to cost \$9,000, therefore the request to transfer \$9,000 from the Computer Software Materials and Services line item to a Capital Outlay line item.

It was moved by VanOrman, second by Light, to adopt Resolution No. 91-08.

Roll call: Powell, Aye; Ebert, Aye; VanOrman, Aye; Light, Aye; Fowler, Aye.

RESOLUTION NO. 91-08

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM MATERIALS AND SERVICES TO CAPITAL OUTLAY IN THE SEWER FUND.

WHEREAS, ORS 294.450 provides the legal basis for transfers of appropriations within a fund, and

WHEREAS, the City Commission adopted a budget for 1990-91 and by Resolution No. 90-51 made appropriations for the current fiscal year; and

WHEREAS, the need now exists to transfer additional appropriations within the Sewer Fund from Materials and Services to Capital Outlay for the purchase of computer equipment.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Oregon City that the Changes to Appropriations as attached and made a part hereof, be authorized.

Adopted, signed and approved this 20th day of February, 1991.

/s/Daniel W. Fowler
Mayor-Commissioner

/s/Carol A. Powell
Commissioner

/s/Robert M. Light
Commissioner

/s/James R. Ebert
Commissioner

/s/Suzanne VanOrman
Commissioner

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Commission Report No. 91-23, Resolution No. 91-7, Proposed Annexation of Properties on the west side of Beavercreek Road, north of Henrici Road, was presented. The report noted that petitions for annexation were received by property owners in the vicinity of Beavercreek Road, between Glen Oak Road and Henrici Roads. This neighborhood is known as the Three Mountains - Randall Neighborhood.

The report continued that the annexation proposal began as a petition filed by the major property owners in the area - The Randall Company and the Taiki Corporation. Letters were sent to a larger surrounding area to determine additional interest in annexation. Based on response, staff recommended that the boundary as shown on an attached map be approved for annexation. This includes one parcel on the north side of Glen Oak Road, several parcels on the south side of Glen Oak Road and the partially developed Three Mountains #1 subdivision on the west side of Beavercreek Road. The recommendation was also to annex the Clairmont Water District pump station at the southwest corner of Glen Oak and Beavercreek Roads.

The annexation met the provisions of the double-majority annexation process and the boundary contained approximately 102 acres. It included 29 single-family residences and two platted but unbuilt subdivisions (Three Mountains-Randall #2 and Homestead Acres). The

subdivisions were platted in approximately 1978, prior to adoption of the Urban Growth Boundary. Annexation was requested at this time so that the subdivisions could be built to full urban density rather than partially developing with interim septic systems. Staff participated in meetings with the Three Mountains Homeowners Association to provide information on urban services. A special handout was prepared for this neighborhood and was attached for Commission information. In addition, Local Improvement District petitions have been received to construct sanitary sewers in the area.

A summary of the properties proposed for annexation was attached to this report. The summary included ownership, address and map/tax lot information along with a map showing the proposed sewer line location.

The report concluded by noting that also attached was proposed Resolution No. 91-7 which recommended approval of the properties shown on Exhibit "A" as a double-majority annexation. Following Commission action, the annexation proposal would be forwarded to the Portland Metropolitan Area Boundary Commission for a public hearing and final action.

The report was introduced by the Manager. John Block, Development Services Director, using a wall display map, explained the properties involved. He advised that there was a majority of homeowners in Three Mountain, Phase I, who wanted to annex with 11 that did not want to annex. Notices were sent to additional territory to advise homeowners of the proposed annexation with response from the owners of property at the corner of Beaver Creek Road and Glen Oak Road and five additional owner responding to the affirmative. These were highlighted on a wall map. This annexation proposal would create some "island" properties. He concluded by reading the annexation policy criteria and how the City could provide the services required of annexation. He noted that this area was made contiguous to the City limits by annexing a portion of the Beaver Creek Road right-of-way.

With regard to a logical boundary, he advised that a number of options were on display for Commission consideration. He advised that staff followed the ten procedural steps in moving the project forward. Several notices were provided to property owners in the proposal area with the proposal sent to a standard review and comment list which he read to the Commission. No objections were filed.

Block advised in terms of double-majority, there were nine electors more than what would constitute a double-majority. Because of the sewer plan for Three Mountains, Phase I, it has been recommended that the eleven non-consenting property owners be included because the sewer has to be built for all lots, therefore, the inclusion of the non-consenting properties. In addition, there were nine other electors that could be used for logical boundary reasons. These were displayed in five option maps on display. He explained each. If there were any changes, this would have to be continued to another meeting, with notices then sent to those property owners. Mention was made of a homeowners association fund for future sewers for the Randall development.

It was moved by VanOrman, second by Powell, to adopt Resolution No. 91-7.

Roll call: Ebert, Aye; VanOrman, Aye; Light, Aye; Powell, Aye; Fowler, Aye.

Marie Gassner, 16306 S. Moore Road expressed concern regarding the road and traffic; Dan Zachary, 20259 Timbersky, asked about Federal Aid for road construction; and, Tom Sissal, 15380 S. Arbor View Court, asked about cost of sewers. General discussion was held regarding each of the concerns.

RESOLUTION NO. 91-7

A RESOLUTION INITIATING A DOUBLE-MAJORITY ANNEXATION REQUEST TO THE PORTLAND METROPOLITAN LOCAL GOVERNMENT BOUNDARY COMMISSION, FOR PROPERTY IN THE GENERAL VICINITY OF BEAVERCREEK ROAD, BETWEEN GLEN OAK AND HENRICI ROADS.

WHEREAS, the City Commission is authorized by ORS 199.490 (2)(a)(B) to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and the written consent from owners of more than half the land in the territory proposed to be annexed; and

WHEREAS, the City Commission has received the necessary "consents" in sufficient number to meet so-called "double-majority" annexation requirements listed above and has set the boundary of the territory proposed for annexation as authorized by ORS 199.490 (2)(a)(B); and

WHEREAS, the territory proposed to be annexed is presently within the Clackamas County Fire District No. 55, and would, by operation of ORS 199.510 (2) (a), be automatically withdrawn from that district immediately upon consummation of the annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OREGON CITY, AS FOLLOWS:

Section 1. That the Commission by this Resolution approves the proposed annexation with the boundaries as depicted in Exhibit "A" attached hereto, and directs that a legal description be prepared encompassing the territory proposed for annexation.

Section 2. That the City Recorder is hereby directed to file certified copies of the statements of consent and this Resolution with the Portland Metropolitan Area Local Government Boundary Commission at once.

Adopted, signed and approved this 20th day of February, 1991.

/s/Daniel W. Fowler
Mayor

/s/Carol A. Powell
Commissioner

/s/Robert M. Light
Commissioner

/s/James R. Ebert
Commissioner

/s/Suzanne VanOrman
Commissioner

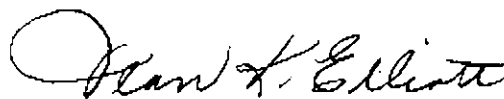
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At this time, Mayor Fowler re-appointed Alayne Woolsey, 818 4th Street, to the Planning Commission with term expiring February 28, 1995 and appointed James S. Hendricksen, 19101 S South End Road, to the Recreation Association Committee with term expiring December 31, 1991.

Mayor Fowler called attention to a number of meetings of outside agencies and of vacancies on City boards; VanOrman advised that she would be absent March 3 through 7, 1991 and not at the March 6 Commission meeting.

The Fire Chief requested the scheduling of a work session to discuss the concept of imposing fees for fire inspections.

There being no further business, the meeting adjourned at 9:50 p.m. with the Commission convening an Executive Session pursuant to ORS 192.660 (1) (e) Real Property Transactions.



JEAN K. ELLIOTT, City Recorder

REGULAR MEETING

Oregon City, Oregon, March 6, 1991

A regular meeting of the City Commission was held in the Commission Chambers of City Hall on the above date at 8:00 p.m.

Roll call showed the following present:

Mayor Daniel W. Fowler
Commissioner Carol A. Powell
Commissioner Robert M. Light
Commissioner James R. Ebert

Charles Leeson, City Manager
Jean K. Elliott, City Recorder
Edward J. Sullivan, City Attorney

It was moved by Powell, second by Ebert, to approve the minutes of February 20, 1991.

Roll call: Ebert, Aye; Light, Aye; Powell, Aye; Fowler, Aye.

On the call for citizen future agenda items, there was no audience input.

Commission Report No. 91-28, Agreement Between the City of Oregon City and Transworld Systems, Inc. for Collection Services - Resolution No. 91-10, was presented by the Manager. The report noted that on the March 6, 1991 agenda was proposed Resolution No. 91-10 which contained an agreement between the City of Oregon City and Transworld Systems, Inc., dba: Credit Management Services, for collection services for unpaid City accounts.

The report continued that currently, the City has an untotaled amount of money due as the result of damage to City property with no insurance coverage, and requests for a particular service from the City with no follow up of payment, etc. With the continued reduction of City staff, there is no personnel available to invest the time necessary to pursue collection of these accounts and private contracting for this service would be more cost effective than using City staff.