

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Oregon City that the attached schedule of fees, marked Exhibit A and by this reference incorporated herein, is hereby adopted for the City of Oregon City effective July 5, 1995.

Adopted, signed and approved this 5th day of July, 1995.

/s/Daniel W. Fowler  
Mayor

/s/James R. Ebert  
Commissioner

/s/Suzanne VanOrman  
Commissioner

/s/Edward Allick  
Commissioner

/s/Timothy J. Powell  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

\* \* \* \* \*

With no further business, the meeting adjourned at 10:00 PM.



CHARLES LEESON, Recording Secretary

jke

## REGULAR MEETING

Oregon City, Oregon, July 19, 1995

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 James R. Ebert  
Commissioner Timothy J. Powell  
Commissioner Edward Allick

Charles Leeson, City Manager  
Daniel Kearns, City Attorney

The flag salute was led by Mayor Fowler, after which he called for approval of the minutes. It was moved by Allick, second by Ebert, to approve the Executive minutes of June 7, 1995 and regular meeting minutes of June 7, June 21, June 28 and July 5, 1995.

Roll call: Powell voted aye with the exception of "abstain" for the Executive Session minutes of June 7 because he was absent; Ebert, Aye; Allick, Aye; Fowler, Aye.

At this time, Mayor Fowler called for the Departmental update. Bruce Jenness, Chief of Police, spoke regarding the three months he has been on the job. He talked about hiring the fourth police clerk who is working nights and feels she is doing an exceptional job. He then noted that regarding the Records Division, overtime has dramatically decreased. Overtime for the Patrol Division has not

decreased as a result of hiring the four new officers. They are recently back from the Academy and are currently riding with Field Training Officers. Two or three may be ready to perform on their own by the end of this month. This should provide for a substantial decrease in Patrol overtime.

He advised there would be a School Resource Officer placed in the High School this fall. Four officers expressed interest in the position with Officer Hennessey selected. Details with the school have not been worked out. At this time, it will be the High School only with the hope that coverage can be extended to the Middle School.

He continued his report by explaining the changes and reassignments he has made within the department and the promotional process he has planned for the end of one year. He asked if the Commission was aware of the Sheriff's office contracting with a company for a computerized report writing system. The Commission was not aware. He distributed samples of the report and noted that the system has been completed and is on-line. They have offered it to Oregon City to use. The Department has purchased six laptop computers for the officers to use. Currently, the officers reports are handwritten, lengthy with a lot of duplication. This process would streamline the reports and would save time. The Department will be going to a mandatory use of the program so all reports are done the same.

The second phase will be downloading to a disc, bring the disc in and it will be tied directly to the CLASS Reporting System where all statistics are kept. Currently, the Records personnel takes each reports and types the information into the computer to send it to CLASS.

He advised of having one employee in the Department that costs the City nothing. The City gets \$116 a month from Portland Community College. This is a work rehabilitation type program wherein the individual was a police officer and sustained an injury and can no longer do that job but wanted to remain in Police work. He works with our officer in Property/Evidence Control and is being taught records functions also. The City will have him for six months. Chief Jenness was looking at an administrative type position that he may get for one year through the same program.

He concluded by noting that he wanted to work toward Community Policing and will eventually put together a plan.

On the call for scheduled presentations and future agenda items, Dan Holliday, 1223 Monroe, spoke regarding a pending agenda item for the Carnegie Center. He noted that there was a committee meeting last night with a private firm that deals in National Registry matters and her assessment was that the building was not eligible at this point. The City would have to do the renovation of the front of the building back to the original design before there could be any hope of getting on the National Register.

Betty Savage, 19439 S Meyers Road, spoke about a complaint she had with the City. It involved a piece of property that is causing her flooding, erosion, debris and garbage, offensive littering, damages, etc. which is owned by the City. She distributed a booklet which outlined information regarding her complaint. The property is located on Meyers Road and is the City's pumping station area. The neighborhood has had several problems with the property. She attentioned a letter from former Manager Fender and former Development Director Block which stated that if the property continued to be a nuisance or a problem, they would fence the property.

She noted that the pumping station has been an attraction from the time of construction; parties on the property, loud noise, kids playing in the area all day long, with a grate finally being installed. She requested being on a future agenda with the intent of having the City clean up its mess as citizens are required to do.

Fowler reiterated asking if she was complaining about debris surrounding the pump station. Savage responded affirmatively and that the grate was inadequate and fencing needed. She attentioned a mobile home situated on pond property, with City permission, and the property owner spraying the vegetation and not having a 30-foot setback from the pond. She complained about her creek becoming a dumping station for everything on the City's property.

Savage invited the Manager to view the property to see what needs to be done. Allick felt this matter should be on a future agenda with a staff report. The Commission concurred. Fowler reiterated viewing the pump station property to see if the City is in violation of silt filtration, debris, litter, safety, fencing, etc.

Bill Savage, 19489 S Meyers Road, noted that the problem has been, for instance, if someone dumps paint in a catch basin in a street, the runoff enters his pond. He advised he had a collection of debris in his car that included tennis shoes, hypodermic needles, cans, bottle, kids toys, balls, rusty tin that has been picked up on the City-owned property. When the creek is mowed, it is skinned down to the dirt and when it rains all the debris flows under the street and onto his property and into the pond; sediment, silt, etc. All the vegetation that was cut went into the pond and makes a mess. They have water and reservoir rights. He noted that when Smelser developed his subdivision, their pond was contaminated by water being dumped into it which contained dirt. This matter was settled out of court for \$25,000 which was what it cost to clean the pond.

All he was requesting was fencing because kids play in the stream next to the pump station all the time and go underneath into the tile in the street. He wanted the area fenced. The grate that was installed has a three-inch spread with a nine to 10-inch spread on the sides and everything that catches on the small grate overflows and enters through the side. When the City comes to clean all they do is clean off the grate cups, bottles, tins, pans, clothes and toss it up on the bank instead of hauling it away. It washes back and goes through the spread on the side and into his pond.

Al Gadbury, 15883 S Apperson Road, requested being placed on the agenda regarding a variance problem. The City Attorney commented that this was a limited land use matter pending at the next Planning Commission hearing scheduled for Tuesday, July 25 and this is a quasi-judicial matter that, through the City's procedures could reach the Commission on appeal. If this is discussed, it would be an ex parte contact and advised the Commission to not entertain any comments on the merits of this appeal. He further advised this matter would be a direct appeal from the Planning Commission to LUBA and not to the City Commission.

Regarding the request of Mr. and Mrs. Savage, this matter would be presented on the August 2, 1995 agenda. Between now and then, the matter will be reviewed and a work plan drafted.

Commission Report No. 95-102, Request for Street Vacation - Undeveloped Portion of South Rose Street - Public Hearing; If approved, Proposed Ordinance No. 95-1013, An Ordinance Vacating an Undeveloped Portion of South Rose Street Between South Frederick Street and Hiram Avenue, in the Plat of Clackamas Heights, Supplemental Plat No. 42, Oregon City, Clackamas County, Oregon, was presented by the Manager. The report noted that a petition submitted by Susaane Spencer, Jacqueline Kleinstub and Eric Gambee for vacation of a portion of South Rose, Street, between

South Frederick Street and South Hiram Avenue in the Plat of Clackamas Heights was received. The portion of the street requested for vacation is adjacent to the petitioner's properties and was requested to allow the petitioners to add the right-of-way to the adjacent parcels.

On June 28, 1995, the City Commission adopted Resolution No. 95-29 initiating vacation proceedings and setting the date of the public hearing for July 19, 1995. To consider vacation of a dedicated right-of-way, the City Commission evaluates the following criteria:

1. There is no present or future public need for the street or alley.
2. The vacation is in the best public interest.
3. There would be no negative impacts to adjacent properties.
4. Consent of adjacent property owners.

The criteria is addressed as follows:

1. There is no present or future need for the street. South Rose Street is an undeveloped street located between South Frederick Street and South Hiram Avenue. All of the adjoining properties access from South Frederick, South Holcomb Boulevard and South Hiram Avenue. There are currently no utilities within the portion of the public right-of-way.
2. The vacation is in the best public interest. The portion of the right-of-way proposed for vacation is undeveloped. The applicant states that the vacation will alleviate a traffic hazard at the intersection of South Hiram Avenue and South Frederick Street. The Engineering Division recommends that a 15-foot utility easement be maintained for the extension of future utility services. The Park Place area is in the process of redeveloping and the extension of utilities will be needed.
3. There will be no impacts to adjacent properties. There will be no impacts to adjacent properties. The vacation will allow for a setback issue to be corrected; allow for additional property to be added to adjacent properties; alleviate a potential intersection hazard area, and allow for extension of future utilities.
4. Consent of adjacent property owners. All of the adjacent property owners have consented to the proposed vacation.

The request to vacate the undeveloped portion of South Rose Street is recommended for approval with the reservation of a 15-foot utility easement along the centerline.

If approved, attached was Ordinance No. 95-1013 which would enact the street vacation. Notice of proposed Ordinance No. 95-1013 was posted at City Hall, Municipal Elevator and Pioneer Community Center by direction of the City Recorder. It was recommended that first reading be approved and second reading be approved for final enactment to become effective August 18, 1995.

Mayor Fowler declared the public hearing open and called for testimony. With none offered, the hearing was closed.

It was moved by Ebert, second by Allick, to approve first reading of proposed Ordinance No. 95-1013.

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

Second reading was called after which it was moved by Ebert, second by Allick, to approve second reading for final enactment to become effective August 18, 1995.

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

#### ORDINANCE NO. 95-1013

AN ORDINANCE VACATING AN UNDEVELOPED PORTION OF SOUTH ROSE STREET (OTELLE STREET) BETWEEN SOUTH FREDERICK STREET AND SOUTH HIRAM AVENUE IN THE PLAT OF CLACKAMAS HEIGHTS SUPPLEMENTAL PLAT NO. 42, OREGON CITY, CLACKAMAS COUNTY, OREGON

WHEREAS, it appears to the City Commission of Oregon City, that on June 28, 1995, Resolution No. 95-29 was duly adopted initiating action on its own motion pursuant to ORS 271.230, for vacation of an undeveloped portion of South Rose (Otellet) Street between South Frederick Street and South Hiram Avenue, and thereafter the City Recorder caused notice to be given by posting by law, and that the matter of said vacation together with a hearing of any objections or claims to be heard and considered concerning said vacation would be heard and considered at 8:00 PM, on Wednesday, July 19, 1995, in the meeting room of the City Commission in City Hall, 320 Warner Milne Road, Oregon City, Oregon; and said hearing having been held, and the Commission finds that the proposed vacation meets the criteria for a street vacation (that there is no present or future public need, that the vacation is in the best interest, that there would be no impacts to the adjacent property owners), and it appearing that the public interest will not be prejudiced by the said vacation.

Now, therefore,

#### OREGON CITY ORDAINS AS FOLLOWS:

A tract of land being a portion of the street right-of-way described as Rose (Otellet) Street between Block G and J, Clackamas Heights, Supplemental Plat No. 42, in the northwest one quarter Section 28, Township 2 South, Range 2 East, Willamette Meridian, described as follows:

BEGINNING at the northwest corner of Block J, Clackamas Heights, Supplemental Plat No. 42; THENCE south 89°59'23" East, 200.00 feet to the northeast corner of Block J; THENCE south 00°12'12" East 30.00 feet to the southeast corner of Block G; THENCE south 89°59'23" east, parallel to the north line of Block J, 200.00 feet to the southwest corner of Block G; THENCE north 00°12'12" west 30.00 feet to the POINT OF BEGINNING.

be and the same is hereby vacated, reserving a 15-foot utility easement along the centerline.

Read first time at a regular meeting of the City Commission held on the 19th day of July 1995, and the foregoing ordinance was finally enacted by the City Commission this 19th day of July, 1995.

/s/JEAN K. ELLIOTT, City Recorder

ATTESTED this 19th day of July, 1995.

/s/Daniel W. Fowler

DANIEL W. FOWLER, Mayor

Commission Report No. 95-103, Proposed Ordinance No. 95-1014, An Ordinance Changing the Regular Meeting Time of the City Commission from 8:00 PM to 7:00 PM as Provided in Chapter IV: Commission, Section 14: Meetings, of the Oregon City Charter of 1982, and Declaring an Emergency, was presented by the Manager. The report noted that for sometime, the City Commission has considered changing the time of the regularly scheduled City Commission meetings. At its July 5, 1995 meeting, discussion was held with staff directed to draft an ordinance for Commission action.

On the July 19, 1995 agenda was proposed Ordinance No. 95-1014 which provides for the meeting time to be changed from 8:00 PM to 7:00 PM for the meetings regularly held on the first and third Wednesday of each month.

Notice of proposed Ordinance No. 95-1014 was been posted at City Hall, Municipal Elevator and Pioneer Community Center by direction of the City Recorder. Because the ordinance carries an emergency clause, it was recommended that first and second readings be unanimously approved for final enactment for the ordinance to become effective July 19, 1995.

It was moved by Ebert, second by Allick, to approve first reading of proposed Ordinance No. 95-1014.

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

Second reading was called after which it was moved by Ebert, second by Allick, to approve second reading for final enactment to become effective July 19, 1995.

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

#### ORDINANCE NO. 95-1014

AN ORDINANCE CHANGING THE REGULAR MEETING TIME OF THE CITY COMMISSION FROM 8:00 PM TO 7:00 PM AS PROVIDED IN CHAPTER IV: COMMISSION, SECTION 14: MEETINGS, OF THE OREGON CITY CHARTER OF 1982, AND DECLARING AN EMERGENCY

#### OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City Charter provides that the City Commission shall hold regular meetings on the first Wednesday and the second Thursday of each month at 8:00 PM and specifically authorizes the City Commission to change that time; and

WHEREAS, in light of the increasingly large agendas and long Commission meetings, the City Commission sees a need to begin regular City Commission meetings at an earlier time; and

WHEREAS, an earlier starting time for Commission meetings would allow greater public participation in City government by allowing the Commission to conduct and complete its business earlier in the evening at a time more convenient to a greater number of people.

Now, therefore,

# OREGON CITY ORDAINS AS FOLLOWS:

Section 1. Pursuant to the authority granted to the City Commission in the Oregon City Charter of 1982, Chapter IV: COMMISSION, Section 14: MEETINGS, the regular meetings of the City Commission shall be held on the first and third Wednesday of each month beginning at 7:00 PM.

Section 2. Because this ordinance is necessary for the preservation of the peace, and public health, safety and welfare of Oregon City, and to provide for an orderly and expeditious transition to this new meeting time schedule, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from the time of passage by the Commission.

Read first time at a regular meeting of the City Commission held on the 19th day of July, 1995, and the foregoing ordinance was finally enacted by the City Commission this 19th day of July, 1995.

/s/JEAN K. ELLIOTT, City Recorder

ATTESTED this 19th day of July, 1995.

/s/Daniel W. Fowler

DANIEL W. FOWLER, Mayor

## CONSENT AGENDA

The following were considered routine and could be approved in one motion. On the call for discussion of a particular item, none was requested. It was moved by Allick, second by Ebert, to approve the items in the Consent Agenda as recommended on each report.

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

Commission Report No. 95-105, Transportation Master Plan - Grant Matching Contract, was presented. The report noted that during the 1994-95 fiscal year, the City of Oregon City was awarded a Transportation Growth Master Plan grant by Oregon Department of Transportation. The grant covered the updating of the City's existing Transportation Master Plan to reflect the current growth needs and the Transportation Planning Rule requirements. The grant is for \$37,500 with an equal amount to be supplied by the City as a matching amount. Work has started under the grant.

Due to the grant process structure and to problems encountered during the State's contract award process, it was deemed that the City's matching amount should be in the form of a separate contract with the State approved consultant. The proposed contract will allow the completion of the grant work.

It was recommended that the Commission authorize the City Manager to execute the City's standard personal services contract with Kimley Horn and Associates, Inc., in a not to exceed amount of \$37,500. This project is mentioned in the current budget as an expenditure of Street SDCs on sheet number 304.

\* \* \* \* \*

Commission Report No. 95-100, Proposed Resolution No. 95-32, A Resolution Declaring Oregon City's Election to Receive State Revenues for Fiscal Year 1995-96, was presented. The report noted that State Revenue Sharing law requires cities to pass an ordinance or resolution each year stating that they want to receive State Revenue Sharing money. The law also requires that the City certify that two budget hearings were held.

One budget hearing on State Revenue Sharing is to be held before the Budget Committee, while the second public hearing must be held before the City Commission. Both of these public hearings must be certified to the Department of Administrative Services, State Controller's Division before July 31, 1995. The City complied with both requirements as part of the 1995-96 budget process.

On the July 19, 1995 agenda was proposed Resolution No. 95-32 which declared that Oregon City elects to receive State Revenue Sharing money. It was recommended that Resolution No. 95-32 be adopted.

#### RESOLUTION NO. 95-32

#### A RESOLUTION DECLARING OREGON CITY'S ELECTION TO RECEIVE STATE REVENUES

WHEREAS, Pursuant to ORS 221.770, Oregon City hereby elects to receive state revenues for fiscal year 1995-96.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Oregon City, Oregon, that the Mayor and City Commission elect to receive state revenues for fiscal year 1995-96.

Adopted, signed and approved this 19th day of July, 1995.

/s/Daniel W. Fowler  
Mayor

/s/James R. Ebert  
Commissioner

/s/Timothy J. Powell  
Commissioner

/s/Edward Allick  
Commissioner

\_\_\_\_\_  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

\* \* \* \* \*

Commission Report No. 95-99, Front Avenue Improvement Project - Slope Easements, was presented. The report noted that two Slope Easements for the Front Street Improvement Project was presented. The project will provide a street upgrade to Front Avenue in the Park Place Neighborhood between Holcomb and La Rae and is partially funded by a Community Development Block Grant. The easements were for the area west of Front Avenue and either side of Gain Street. This area slopes down to the west and the easements will provide support for the street. It was recommended that the Mayor and City Recorder be authorized to execute.

\* \* \* \* \*



Commission Report No. 95-101, Front Avenue Improvement Project - Deeds of Dedication, was presented. The report noted that three Deeds of Dedication for the Front Street Improvement Project were presented. The project will provide a street upgrade to Front Avenue in the Park Place Neighborhood between Holcomb and LaRae and is partially funded by a Community Development Block Grant. The Phares Deed of Dedication is for the northeast corner of Front Avenue and Gain Street and will allow for the installation of a corner radius. The Paullin Deed of Dedication is for the southeast corner of Front Avenue and Gain Street. The Lewallen Deed of Dedication is for the east corner of Front Avenue and Holcomb allowing this intersection to be made into a 90 degree intersection. The accompanying title report shows that Margy Rebmann no longer has an interest in the property. It was recommended that the Mayor and City Recorder be authorized to execute.

\* \* \* \* \*

Commission Report No. 95-104, Front Avenue Improvement Project - Deed of Dedication, was presented. The report noted that this was a Deed of Dedication for the Front Street Improvement Project which would provide a street upgrade to Front Avenue in the Park Place Neighborhood between Holcomb and LaRae and was partially funded by a Community Development Block Grant. It was for the southeast corner of Front Avenue and Rock Street. It was recommended that the Mayor and City Recorder be authorized to execute.

\* \* \* \* \*

Commission Report No. 95-98, Morton Road LID - Sanitary Sewer Easement, was presented. The report noted that this was an easement for the Morton Road Local Improvement District and would provide a connection between Trillium Park Subdivision and Harriet Avenue which provides access for the sewer line to Morton Road. It was recommended that the Mayor and City Recorder be authorized to execute.

\* \* \* \* \*

At this time, Mayor Fowler appointed William L. Daniels, 524 High Street, to the Historic Review Board, At-Large Position, with term expiring June 4, 1998.

Fowler requested a copy of the new legislation regarding parenting responsibilities.

Allick requested a 5-minute limit under the scheduled presentations and requests for future agenda items.

The Commission recessed the regular meeting at approximately 9:30 PM to meet in Executive Session pursuant to ORS 192.660 (1)(e) Real Property Transactions. Upon adjournment of the Executive Session, the Commission reconvened the regular meeting at approximately 9:50 PM

As a result of the Executive Session, it was moved by Ebert, second by Allick, to authorize the City Manager and staff to prepare a contract to purchase the Herndon property based upon the information presented in Executive Session and to place the formal contract on a future agenda for Commission approval.

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

Allick requested that a performance evaluation of the City Manager be scheduled in August or September.

Fowler requested that City Commission goals and objectives be set for the near future.

With no further business, the meeting adjourned at approximately 10:00 PM.

CHARLES LEESON, Recording Secretary



jke

# **REGULAR MEETING**

Oregon City, Oregon, August 2, 1995

A regular meeting of the City Commission was held in the Commission Chambers of City Hall on the above date at 7:00 p.m.

Roll call showed the following present:

Commissioner Suzanne VanOrman  
Commissioner James R. Ebert  
Commissioner Timothy J. Powell

Charles Leeson, City Manager  
Edward J. Sullivan, City Attorney

The flag salute was led by President VanOrman, after which she called for approval of the minutes. It was moved by Ebert, second by Powell, to approve the Executive Session and regular meeting minutes of July 19, 1995. **MOTION UNANIMOUSLY APPROVED.**

The Manager noted that there would be no departmental update presented this evening.

On the call for scheduled presentations and future agenda items, Betty Savage spoke regarding the pump station located across from her property located at 19489 S. Meyers Road. She advised that prepared material had been given to the Principal Planner ahead of this time. The property in question is owned by the City of Oregon City. Mud Creek passes through the property with the Creek being the problem. The problems are flooding, fencing, erosion, silt, irregular and incorrect tile under the street and the portion that is in the pump station area. The tile has caused flooding in the past.

She continued that according to ORS 468.720 and the Water Pollution Control laws of the State, ORS 468B.005 Section 3 and ORS 468B.015, she is providing the City notice regarding the categories noted above, in the protection of her property in regard to her water reservoir rights. She asked what the City planned to do to correct the City's problem that has existed in the past, exists now and will exist whether a development is developed around her now or in the future.

The City Manager noted that following the meeting, he and others made several visits to the site believe that the City is doing a good job of maintaining the creek/storm/pump station area as it was prior to Mrs. Savage bringing this before the Commission. His recommendation is to continue to maintain it in the level the City has in the past and as things are noticed that are creating problems,