

AGENDA
City of Oregon City, Oregon
WEDNESDAY, AUGUST 18, 2010

REGULAR MEETING OF THE CITY COMMISSION
7:00 P.M.

City Commission:

Alice Norris, Mayor
Doug Neeley, Commission President
James Nicita
Rocky Smith, Jr.
Daphne Wuest

Meeting held at:

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

6:15 p.m. EXECUTIVE SESSION OF THE CITY COMMISSION

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

7:00 p.m. REGULAR MEETING

- 1. Convene Regular Meeting of August 18, and Roll Call
- 2. Flag Salute
- 3. Ceremonies, Proclamations, Presentations
 - a. Oregon City Police Department - Oath of Office
Officer Brian Daniel Willard
 - b. Project Update on the Oregon City / West Linn Arch Bridge Rehabilitation - Oregon Dept. of Transportation
- 4. Citizen Comments

This section of the agenda allows citizens up to 3 minutes to present information relevant to the City, not related to items on the agenda. As a general practice, the City Commission does not engage in discussion with those making comments. Prior to speaking, citizens should fill out a form (available in the back of the Chambers) and hand it to the City Recorder. Begin speaking by stating your name and residing city.
- 5. Adoption of the Agenda
- 6. Public Hearings
- 7. General Business
 - a. Atkinson Memorial Church is requesting a "Permanent Obstruction in Street (alley) Right-of-Way (ROW)" revocable ROW permit (RW10-0048) for 517 Jefferson Street - City Planning File No. SP10-01 / CU10-01.
Staff: Nancy Kraushaar, City Engineer and Public Works Director
 - b. Deed of Dedication and Temporary Construction Easement at 408-416 Beaver Creek Road (Intersection of Beaver Creek and Molalla)

7. General Business

Staff: Nancy Kraushaar, City Engineer and Public Works Director

- c. Deed of Dedication, Temporary Construction Easement, and Letter of Agreement at 418 Beaver Creek Road (Intersection of Beaver Creek and Molalla)
Staff: Nancy Kraushaar, City Engineer and Public Works Director
- d. Second Reading, Ordinance No. 10-1006, Amending Title 5, Business Licenses and Regulations, Chapter 5.24, Social Games, Bingo, and Lotto
Staff: Lisa Nunes, Police Lieutenant
- e. Supplemental Agreement No. 7 to Personal Services Agreement, Warner Milne Road / Molalla Ave. Intersection Realignment and Utility Replacements, Construction Engineering, Administration, Monitoring and Inspection Services, Wallis Engineering
Staff: Nancy Kraushaar, City Engineer and Public Works Director
- f. Potential Acquisition of 13445 Gaffney Lane
Staff: Nancy Kraushaar, City Engineer and Public Works Director

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.

- a. OLCC: Liquor License Application - Limited On-Premise Sales for New Ownership, Applying as a Corporation, TJM Holdings, LLC, doing business as VIP Deli located at 1346-C Leland Rd., Oregon City, Oregon 97045
Staff: Lisa Nunes, Lieutenant
- b. Minutes of the January 22, 2010 Joint Retreat of the City Commission and Urban Renewal Commission
Staff: Nancy Ide, City Recorder
- c. Minutes of the January 23, 2010 Retreat of the City Commission
Staff: Nancy Ide, City Recorder
- d. Minutes of the August 4, 2010 Regular Meeting
Staff: Nancy Ide, City Recorder
- e. Resolution No. 10-21, Extension of Comcast Franchise to December 31, 2010
Staff: Nancy Ide, City Recorder
- f. Restrictive Covenant Non-Remonstrance Agreement for the Benchmade Knife Company, Inc. Expansion Project - City Planning File No. SP09-11.
Staff: Nancy Kraushaar, City Engineer and Public Works Director
- g. Public Sanitary Sewer Easement for the Willett Partition Project - City File No. MP07-01
Staff: Nancy Kraushaar, City Engineer and Public Works Director
- h. Public Improvement Contract Award for the 2010 Pavement Rehabilitation Project to Parker-Northwest Paving Co. in the amount of \$492,670.
Staff: Nancy Kraushaar, City Engineer and Public Works Director

9. Communications

- a. City Manager
- b. Mayor

9. Communications

c. Commissioners

10. Adjournment

ORDER OF THE VOTE NO. 1
Nicita, Neeley, Wuest, Smith, Norris

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.

If you wish to speak to an item **on the agenda**, complete the Comment Card, submit it to the City Recorder, and the Mayor will call your name when the item is addressed on the agenda.

Agenda Posted August 13, 2010 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 and Gladstone residents; Channel 18 for Redland residents; and Channel 30 for West Linn residents. The meetings are also rebroadcast on WFTV. Please contact WFTV 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.



at **PROJECT** **Willamette River Bridge** (Oregon City Bridge)

August 2010

Frequently Asked Questions

When will the rehabilitation of the bridge begin?

Work is now beginning. The contractor, Wildish Standard Paving of Eugene, Oregon will start work at the base of the bridge on each end of the arch. You will soon see the contractor bringing in equipment and constructing anchor locations for barges. These barges will be moved into place under the bridge in August. This first part of the project will likely require intermittent lane closures.

When will the bridge be closed to all traffic?

The full closure of the bridge will occur no earlier than January 2011. This will allow the bridge to be open during the 2010 holiday season. The bridge will be closed to all traffic for about 24 months. Because of crowded construction activity, bicyclists and pedestrians will not be allowed on the bridge during this time for their safety. Shuttle bus service for bicyclists and pedestrians will operate 7 days a week. Service details are being worked out.

How long will rehabilitation and construction take?

The overall project is expected to be completed in 2013.

What is the detour route for vehicles?

Motorists will be directed to use the I-205 Abernethy Bridge to cross the Willamette River between West Linn and Oregon City. It is less than 1 mile from the Arch Bridge.

Access to all businesses in downtown Oregon City will be open throughout the project. Signs will direct motorists to business access points from OR 99E.

Will the bridge be widened?

No. The arch ribs cannot be moved to fit a wider roadway. Adding lanes to the outside of the bridge cannot be supported by the existing structure. Modifying the structure to handle additional lanes would cause significant changes to the bridge. Because the bridge is historic, these changes would not be allowed. Finally, widening the road would adversely affect adjacent buildings in Oregon City.

What repairs are needed?

- The Gunitite (concrete) coating is cracked and portions of it have been adversely affected by water. This coating needs to be replaced to protect the steel underneath. The existing Gunitite material on the arches will be removed and replaced.
- Several support beams on the roadway deck have corrosion damage and need to be repaired and replaced.
- The ornate bridge railings will be replaced with railings that appear nearly identical, but are composed of structural steel hidden within concrete.
- The deck will be re-surfaced.
- New roadway lighting will be installed including replicas of the original lights.
- The approach on the Oregon City side of the bridge will be reconstructed.

What kinds of repairs are allowed?

This bridge is listed on the National Register of Historic Places. Because of this historic designation, ODOT must follow the Secretary of Interior's standards for rehabilitation. Visually, the bridge will look as close as possible to original, while providing safe use by the public.

Will the bridge look new when completed?

Yes. The bridge will have a new coating of Shotcrete, new sidewalks, guardrails, lights and a new deck overlay. Shotcrete is now an all-inclusive term describing spraying concrete with either a dry or wet mix process.

History of the Bridge

When was the bridge constructed?

The historic bridge linking Oregon City with West Linn was officially opened on January 1, 1923. It was designed by Conde McCullough, the Oregon State bridge engineer who is primarily known for designing many of Oregon's coastal bridges on U.S. Route 101. The bridge is listed on the National Register of Historic Places. It is likely the only one of its type in the world.

Is the bridge made of solid concrete?

The main structural portions of the arch section of the bridge are made of steel. The arch ribs are hollow steel boxes riveted together. These, and the steel floor beams and stringers which support the deck, are covered in a 2-inch coating of sprayed Gunitite.

What is Gunitite?

Gunitite is concrete that is sprayed onto surfaces with compressed air similar to the way they build in-ground pools today. It was a new invention in 1922 and was used to protect the steel from corroding.

Why was it applied to this bridge and not others?

The designer, Conde B. McCullough, was concerned that emissions from the nearby mills and other industrial facilities were more corrosive than paint could resist. He elected to use Gunitite, to provide a heavy duty protective layer. It has worked quite well over the bridge's 87-year life.

Is the bridge safe for the traveling public?

Yes. Cars, light trucks and SUV's can safely cross. However, ODOT placed a weight restriction to the bridge. The structure is now closed to all commercial motor vehicles and all vehicles weighing more than 14 tons. Recent inspections have uncovered a few areas of concern which could be overloaded by the weight of larger commercial vehicles. Limiting the weight of vehicles to 14 tons will allow motorists to cross and protect the bridge until it can be repaired.

For more information:

Visit the Project web site: www.archrehab.com

Contact: Susan Hanson, Community Affairs Coordinator, phone 503.731.3490

email: susan.c.hanson@odot.state.or.us

Contact Susan to receive electronic updates on the project.

Oregon Department of Transportation Region 1

ODOT Website: www.oregon.gov/ODOT/HWY/REGION1/

A Brief History

This bridge and other beautiful Oregon bridges are the legacy of Conde B. McCullough, one of the leading bridge engineers in the United States between the world wars. His work in Oregon hundreds of structures including more than 30 arched spans—was part of the state's nationally recognized highway system at a time when the automobile first claimed its place in the life and character of America.



In 2005, McCullough's Willamette River (Oregon City) Bridge was listed in the National Register of Historic Places.

The Oregon City – West Linn

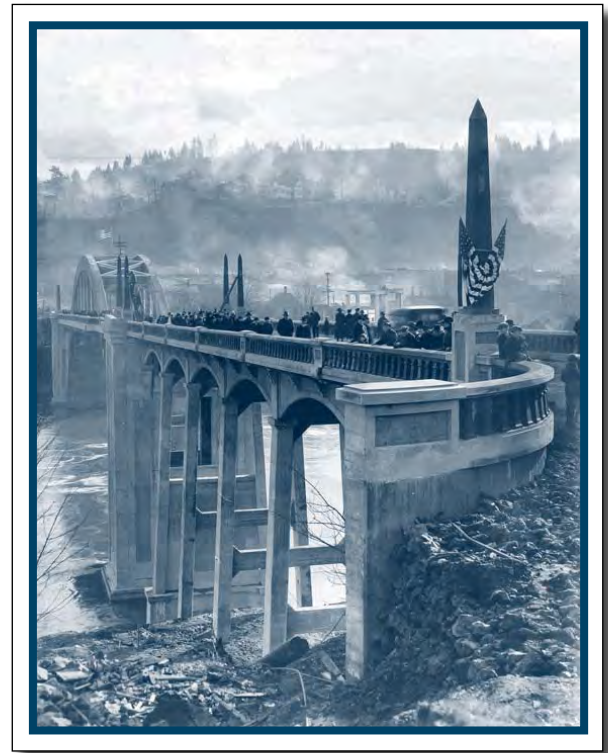
Willamette River Arch Bridge

McCullough constructed many concrete deck arches in the 1920s for Oregon highways. He first diverged from this form when he designed a span to cross the Willamette River at Oregon City in 1922. Here, an old wooden suspension bridge could not carry the additional traffic expected with the new Pacific Highway, which would cross the Willamette at Oregon City. McCullough studied the site for two years. A deck arch was possible, but steady traffic on the river and the main channel depth prohibited the use of wooden false work needed during construction. A steel-truss span or a suspension bridge was vulnerable to corrosion. A steel half-through arch, in which the roadway is supported halfway up the arch, was what McCullough finally chose. The deck is suspended between two 350 foot massive arch ribs. Each arch rib is actually a series of

connected hollow steel box segments. He employed the old suspension bridge's anchors, towers, and main cables to support the box segments during construction. Once the arch ribs were built, he constructed the columns, hangers and roadway deck. Finally, he encased all of the exposed steel members in a concrete covering called Gunite. The Gunite was a combination of sand and cement that was mixed with water and blown by air onto the steel surfaces. This covering was used instead of paint to protect the steel from the corrosive atmosphere generated by the nearby mills.

At right: The Grand Opening celebration of the Conde B. McCullough arch bridge over the Willamette River - Oregon City, 1923

At left: Looking through the east portal of the arch bridge over the Willamette River - January 6, 1923



QUESTIONS, COMMENTS OR SUGGESTIONS?

PLEASE CONTACT: Rick Keene, Project Leader
Voice: (503) 731-3289
E-mail: Rick.K.Keene@odot.state.or.us

Susan Hanson, Community Affairs Coordinator
Voice: (503) 731-3490
E-mail: Susan.C.Hanson@odot.state.or.us



OR 43: Willamette River Bridge (Oregon City)

Oregon City / West Linn Arch Bridge Rehabilitation Project Construction Look-Ahead Report August 16, 2010

The bridge is currently load restricted to a maximum of 14 tons and no commercial vehicles.

A construction contract for \$10,656,748.30 has been awarded to Wildish Standard Paving of Eugene, Oregon

The Contractor has established a construction field office on the West Linn side of the bridge.

Work barges have been brought to the bridge and remain until the first part of November 2010. The barges will return in the spring of 2011.

The arch chambers, located where the arch meets the water on each side, are being opened for cleaning and additional ODOT inspection.

The work this fall will include:

- Crack injection on the Oregon City approach ramp.
- Clean and repair bridge bearings.
- Shoring and repair of the spandrel columns.

The schedule date for full closure of the bridge is no earlier than January 15th, 2011. Prior to the full closure there may be some intermittent lane closures.

A shuttle service will be provided for pedestrians and bicyclists during the full closure. The Arch Bridge Project Bicycle/Pedestrian work group representing Oregon City, West Linn, Clackamas County, the Bicycle Transportation Alliance and ODOT will meet again soon to finalize details of the shuttle service.

The I-205 Abernethy Bridge is the detour route for Arch Bridge traffic during the bridge closure. The stripping and signal timing at the intersection of I-205 and 99E will be changed to help accommodate the traffic changes when the bridge is closed.

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 8-18-10

Item Number From Agenda 3b

August 18 CC item 3b Speakers

The title for the agenda is Project Update on the Oregon City/ West Linn Arch Bridge Rehabilitation by ODOT staff.

- The ODOT staff will be Rick Keene, Project Leader - *spea*
- F - Rich Watanabe, Area Manager
- Chris Leedham, Structural Design Engineer
- S - Susan Hanson, Community Affairs Coordinator

- Wayne Statler

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 8-18-10

Item Number From Agenda 3b

NAME:

Damon Mabee

ADDRESS:

Street: 1402 Taylor St

City, State, Zip: Oregon City OR 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 18 AUGUST 2010

Item Number From Agenda 4

NAME:

Tom. O'Brien

ADDRESS:

Street: 19344 HAZEL GROVE

City, State, Zip: OR, City, OR 97045

PHONE NUMBER:

503-723-3334

SIGNATURE:

Tom O'Brien

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 8/18/10

Item Number From Agenda 7a

NAME:

Gregg Stults

ADDRESS:

Street: 1182 Josephine St

City, State, Zip: Oregon City OR 97045

PHONE NUMBER:

SIGNATURE:

Gregg Stults

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 August 18, 2010

Item Number From Agenda 7a

NAME:

Damon Mabey, McLaughlin NA

ADDRESS:

Street: 1402 Taylor St.

City, State, Zip: OC

PHONE NUMBER:

SIGNATURE:

Damon Mabey

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 18 AUG 10

Item Number From Agenda 7a

NAME:

William Gifford

ADDRESS:

Street: 1324 PEPPER LAKE

City, State, Zip: OC OR 97045

PHONE NUMBER:

503.723.3456

SIGNATURE:

Will 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 8-18-10

Item Number From Agenda 7a

NAME: Joanne Forsythe

ADDRESS: Street: _____

City, State, Zip: _____

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 8-18-10

Item Number From Agenda 7e

NAME: Jason Irving, Wallis Engineering

ADDRESS: Street: 215 W. 4th St. Ste 200

City, State, Zip: Vancouver WA 98660

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 AUG 18

Item Number From Agenda 7F

NAME:

Tom D'Brien

ADDRESS:

Street: _____

City, State, Zip: _____

PHONE NUMBER: _____

SIGNATURE:

Tom D'Brien

ENTERED INTO THE RECORD

DATE RECEIVED: 08-18-10

SUBMITTED BY: Tom O'Brien

SUBJECT: Item 4

Madame Mayor, City Commissioners,

Initially I wanted to share my concern regarding a decision made by staff, to only require a one for one replacement of the 96 cottonwood trees along Agnes Avenue. These were in large part healthy trees with significant canopies. City code requires if the trees are not diseased or hazardous they should be replaced on a schedule of between one to eight replacement trees per tree removed. The exact number depends upon the diameter of the original tree.

During my research concerning the city staff decision, I learned why staff had determined these should be replaced one for one instead of the more appropriate replacement schedule.

On 6 August 2010, Tony Konkol sent a summary of the actions taken regarding the "Tri City - Tree Removal" to David Frasher. One paragraph in that summary creates concern. I'd like to read it to you.

Quote:

"To highlight some of the findings of the arborist, the report indicates that it is commonly agreed that cottonwood trees are unsuitable for retention along roadways. As an example, the City of Sherwood, Oregon, specifically prohibits cottonwood trees along public streets. Cottonwood trees have a species characteristic of dropping large branches with little provocation, known as "summer branch drop", and such failures often occur on dry summer days with no wind. Over a river this characteristic provides an adaptive way to reproduce by colonizing sites downstream with the dropped branches. Over a roadway, the same branch can cause traffic disruption, property damage and personal injury. The arborist considers all of the cottonwoods within 50 feet of the proposed road to be potentially hazardous and recommends that the trees be removed to improve public safety." End Quote.

Accordingly, cottonwood trees within 50 feet of a road should be considered potentially hazardous.

Agnes Avenue is a lightly traveled road. Do we have areas in the city that because of their heavier use provide potentially greater danger to the public? I believe the answer is yes.

Consider for a moment visitors to Clackamette and Jon Storm parks. Envision a group of mourners gathered around a burial site at Mountain View Cemetery paying their last respects, when suddenly a limb from a cottonwood tree descends upon the group.

As city commission members you each share in the responsibility along with city employees and volunteers to regulate and maintain public health and safety.

Now that we are aware of this threat to public safety, every effort should be made to eliminate cottonwood trees from any area where they exist on city properties.



Agenda Item No. 7a
Meeting Date: 18 Aug 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	John Knapp, Engineering Technician III
PRESENTER:	Nancy Kraushaar, City Engineer and Public Works Director
SUBJECT:	Atkinson Memorial Church is requesting a "Permanent Obstruction in Street (alley) Right-of-Way (ROW)" revocable ROW permit (RW10-0048) for 517 Jefferson Street - City Planning File No. SP10-01 / CU10-01.
Agenda Heading: General Business	
Approved by: David Frasher, City Manager	

RECOMMENDED ACTION (Motion):

Move to approve the pending "Revocable Right-of-Way Permit", permit RW10-0048, for the placement of side yard and rear yard fencing for the Atkinson Memorial Church expansion project within the alley as per said permit and authorize Oregon City Public Works Development Services to issue this permit.

BACKGROUND:

Atkinson Memorial Church has made application for a revocable right-of-way (ROW) permit for the placement of side yard and rear yard fencing within a northerly section of the public alley (street) ROW, located between John Adams and Jefferson Streets and 6th & 5th Streets, for their preschool located at 517 Jefferson Street. The church is making this application to allow for an adequately sized children's play area to be used while their new building and site modification project is under construction.

A permanent ROW obstruction permit is required because the fence will be needed for greater than 60 days (the maximum time allowed for a temporary ROW obstruction permit). The proposed permit approval is scheduled to terminate in two years.

Public Works staff has determined that placement of this fencing within the alley ROW (at least 1-1/2 foot off of the existing edge of pavement and having a traffic bollard) will not have a negative impact on the current use or accessibility for passenger vehicles in this alley.

Tax Map No. 2-2E-31AD Tax Lot 11100 Atkinson Memorial Church expansion (CU10-01 / SP10-01)

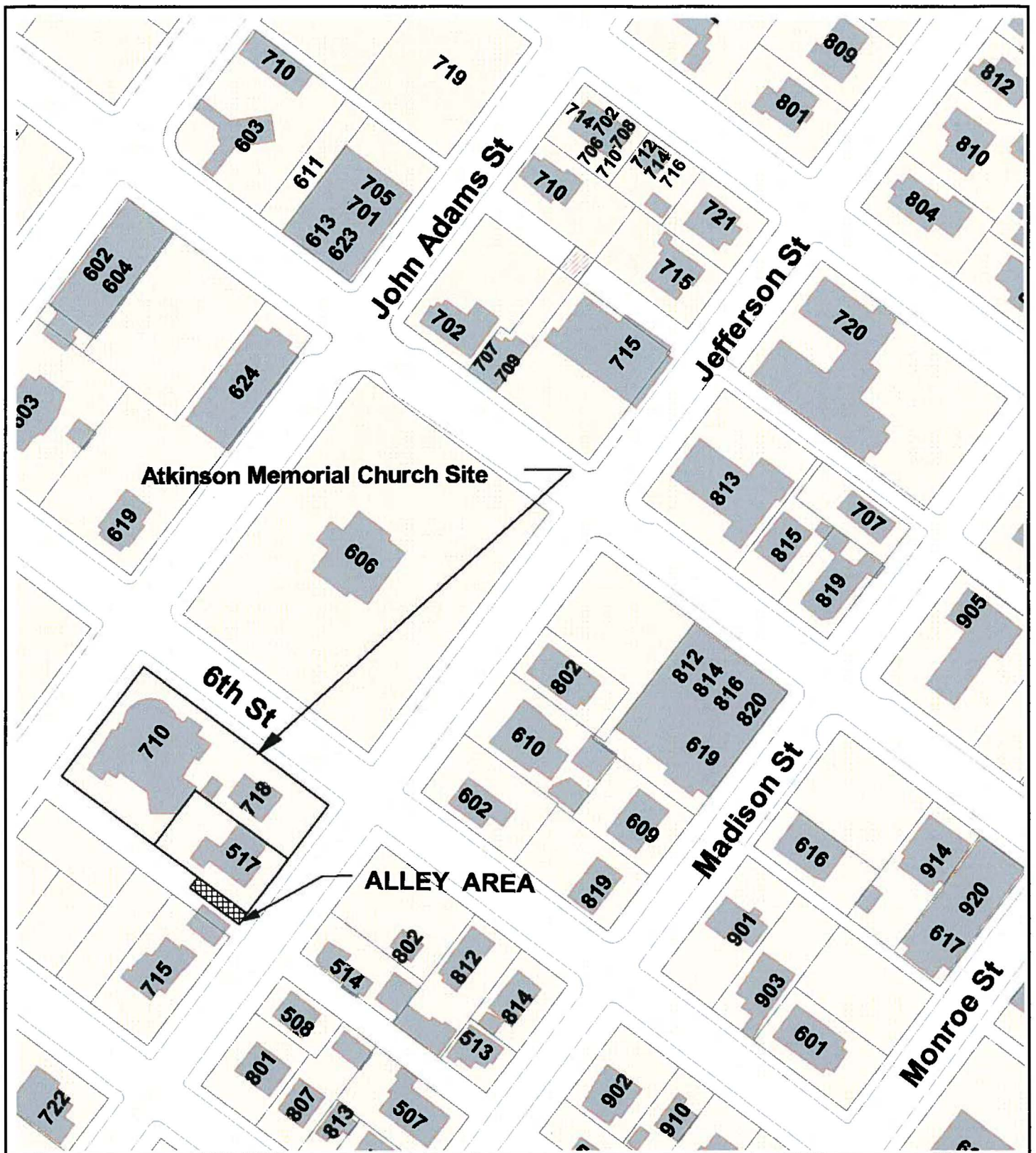
BUDGET IMPACT:

FY(s): N/A

Funding Source: N/A

ATTACHMENTS:

- 1) Revocable ROW Permit Application (letter with maps)
- 2) Site Map
- 3) Pending revocable ROW permit No. RW10-0048



City of Oregon City **Site Plan (RW10-0048)**

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



This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.

JoAnne Forsyth
Facilities Committee
Atkinson Memorial Church
710 Sixth St., Oregon City

To Whom It May Concern:

In order to accommodate an upcoming addition to Atkinson Memorial Church, the Oregon City Preschool has recently moved to 517 Jefferson St, which is owned by the church. After the addition has been built, the preschool will be housed in the addition, but we anticipate it being at the current location for one to two years.

We are applying for a permit for permanent obstruction to the right-of-way for the placement of a playground fence near the alley next to 517 Jefferson St. This permit would be in conjunction with the conditional use permit for the addition to the building of the church, 710 6th St., which project is currently underway.

The area of the playground to be constructed at 517 Jefferson St. would be very small if kept within the existing property lines. There is approximately 9 feet between the property line and the edge of the alleyway pavement where we would like to be allowed to install a fence, closer to the pavement than the property line. (Please see attached illustrations.)

Although this would *technically* be an obstruction to the right-of-way, it would not be an actual obstruction to any current or possible traffic flow or access of fire trucks. A power pole at the end of the alley, and the existence of a building currently in the right-of-way to the southwest, already prevent access to firetrucks or any widening of the roadway. A discussion between Kellie Sitton of the preschool and the firefighters at the nearby station clarified that they would not use the alleyway due to the pole, but would approach from a different direction, and that the proposed fence would not hinder their access to the building.

The permit would need to be permanent rather than temporary because the situation does not meet the criteria for a temporary obstruction. The building addition will take between 1 to 2 years to complete, and plans for the playground at that time are still not finalized.

The edge of the pavement is a pretty consistent, (to within 3 to 4 inches) 27 feet 4 inches from the side of the building. We are requesting that the fence be set back one foot from the edge of the pavement. (About 26 feet from the edge of the building.)

We plan to place a bollard at the corner near the garage to prevent/slow down anybody accidentally driving into the playground. (There is no need for a bollard at the corner near the street as anyone would need to drive through the power pole and across the sidewalk before they got to the playground.)

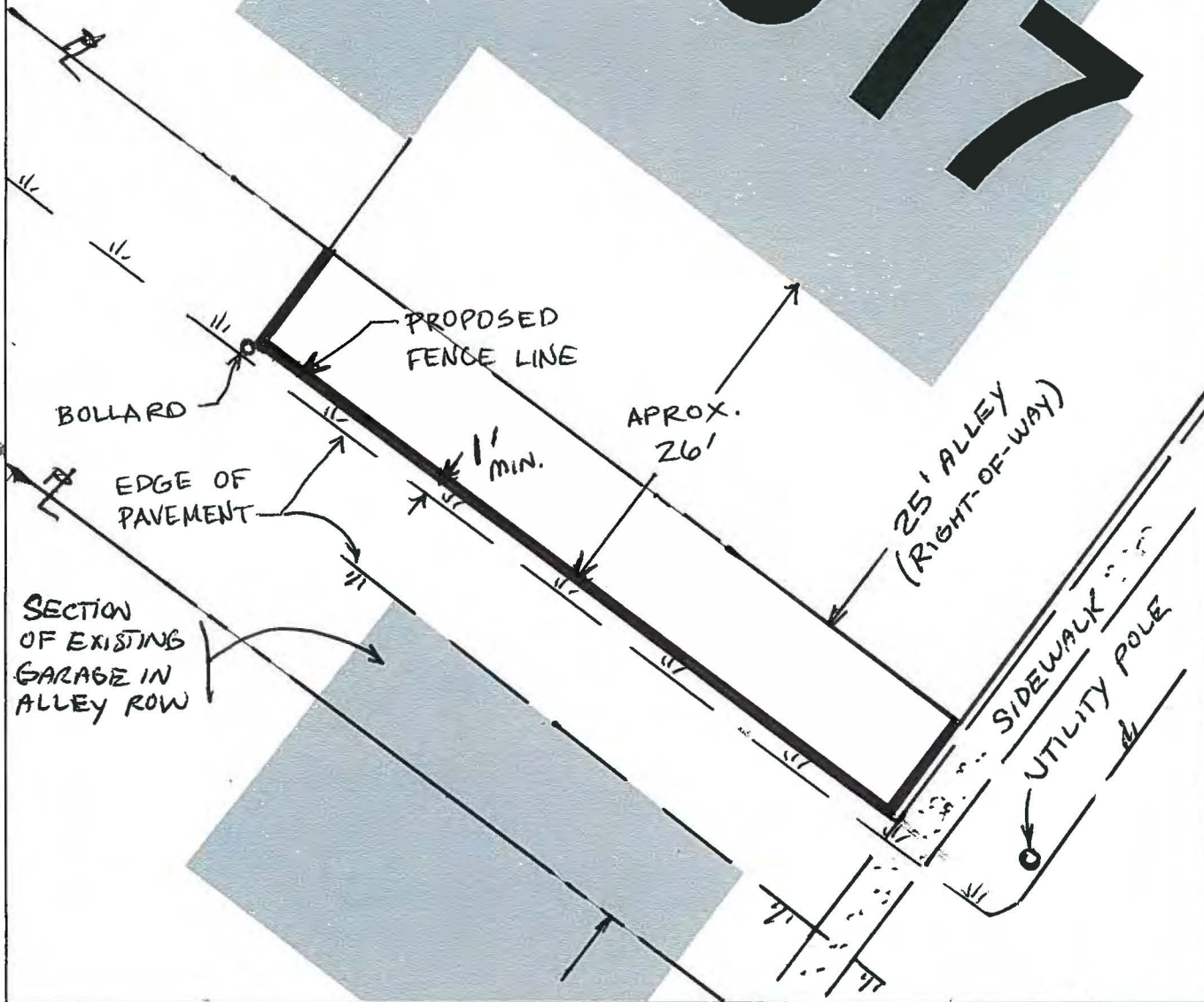
A "utility locate" would be done before placing posts in the ground.

The fence would be approximately 3 feet tall, constructed of wood, and made from the same fence that was taken down around the playground at its previous location at 718 Sixth St. It would not block any pedestrian paths or any visual paths for drivers using the alley.

Thank you for your consideration,

JoAnne Forsyth
503-557-1377

517



517 Jefferson



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

This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.

Map created with OCMaP 2010

08/09/2010



517

BOLIARD

EDGE OF
PAVEMENT

PROPOSED
FENCE LINE



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

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Map created with OCMap 2010

08/09/2010



OREGON CITY

Public Works – Development Services

625 Center Street | Oregon City, OR 97045

Ph: (503) 657-0891 | Fax: (503) 657-7892

Inspection Line: (503) 496-1548 | Cell: (503) 793-1630

REVOCABLE RIGHT OF WAY PERMIT

THIS PERMIT EXPIRES: 10/9/2010

Permit No: RW-10-0048

Status: pending

Permission is hereby requested to encroach into public right of way to perform work as set forth below. It is understood that this application is limited to the work described herein and that all work is to be done in compliance with the provisions shown on the back of this application and with all other applicable rules, regulations and standards of the City; and that the permittee assumes full responsibility for said compliance, for acceptability of the work, and for repair or replacement thereof if defective, and for repair or replacement of any existing improvement damaged by this work.

Job Address: 517 JEFFERSON ST

OREGON CITY OR 97045

22E31AD TL 11100

Owner's Name: ATKINSON MEMORIAL CHURCH

Submitted by: ATKINSON MEMORIAL CHURCH

Owner's Address: 710 6TH ST
OREGON CITY OR 97045

Permit Description:

"Permanent Obstruction in Right-of-Way (ROW)" permit (revocable) for: Placement of rear/side yard fencing in ROW of public alley (between John Adams & Jefferson and 6th & 5th) in conjunction with the proposed Atkinson Memorial Church expansion. City Commission approval required.

Fees:

Description	Fee Amount	Description	Fee Amount
4316 Right of Way Permit fee	133.00	4338 Record docs Cnty Area 1	241.00
4316 Temporary Obstruction ROW		4316 ROW Reinspect	
		Total fees:	<u>\$ 374.00</u>

Staff Comments: THIS PERMIT IS REVOCABLE AND ALSO EXPIRES WHEN/IF
CONDITIONAL USE (CU10-01 / SPI0-01) IS REVISED.

24 HRS. ADVANCE NOTICE MUST BE GIVEN FOR INSPECTION

- Exclusive of Saturdays, Sundays and holidays. Forms and subgrade must be inspected and approved before ordering Portland Cement Concrete or Asphaltic Concrete. Failure to obtain approval before proceeding with work may be cause for rejection. Any work to be done on a Saturday or holiday **MUST** be approved by the City at least 24 hours in advance.
(Normal City work hours)

CONSTRUCTION WATER SHALL NOT BE TAKEN FROM A FIRE HYDRANT
UNTIL A FIRE HYDRANT PERMIT HAS
BEEN OBTAINED FROM PUBLIC WORKS (503) 657-8241.

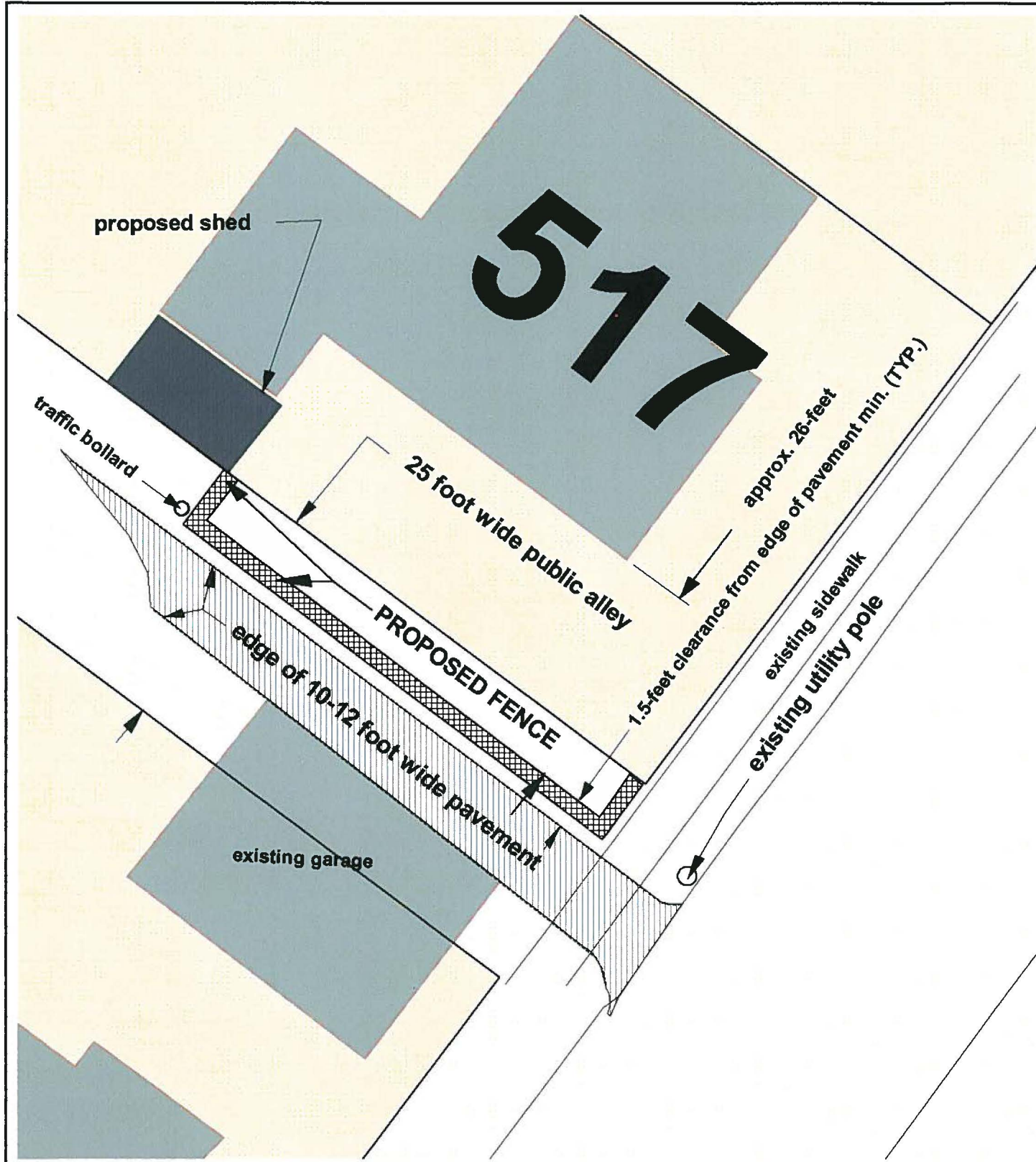
CUSTOMER NO.: 013031

ISSUED BY: _____
(CITY ENGINEER OR AUTHORIZED REPRESENTATIVE)

DATE:

RECEIPT NO.: 06-_____

SEE THE SECOND PAGE OF THIS PERMIT FOR CONDITIONS AND PROVISIONS.



City of Oregon City RW10-0048

City of Oregon City
P.O. Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.oregoncity.org



This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.



Agenda Item No. 7b
Meeting Date: 18 Aug 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	Administrative Assistant Kathy Griffin
PRESENTER:	City Engineer and Public Works Director Nancy Kraushaar
SUBJECT:	Deed of Dedication and Temporary Construction Easement at 408-416 Beaver Creek Road (Intersection of Beaver Creek and Molalla)
Agenda Heading: General Business	
Approved by: David Frasher, City Manager	

RECOMMENDED ACTION (Motion):

Staff recommends that the City Commission adopt a motion accepting the attached Deed of Dedication and Temporary Construction Easement for the property addressed as 408, 410, 412, 414 and 416 Beaver Creek Road (Tax Map and Tax Lot 3 2E 5C 00401) and authorize the Mayor and City Recorder to execute them.

BACKGROUND:

The City's Transportation System Plan was adopted through Ordinance 01-1009 in April 2001. It has since been updated through Resolutions 08-13 and 09-06. Resolution 09-06 identified one intersection capacity and operation improvements project located at the intersection of Molalla Avenue and Beaver Creek Road. The project description calls for the widening of the west leg of Beaver Creek Road at Molalla Avenue to accommodate a dedicated eastbound right-turn lane.

The City's engineering consultant, Wallis Engineering PLLC, is in the process of designing the intersection improvements. While this project is being designed to minimize impacts to adjacent properties, the construction of an additional lane at the west leg of the intersection requires some right-of-way acquisition from the property addressed as 408-416 Beaver Creek Road. The City's consultant was able to come to an agreement with the property owner over the acquisition of additional right-of-way and the dedication of property.

BUDGET IMPACT:

FY(s): \$30,350 FY 10/11

Funding Source: Transportation SDC Fund

ATTACHMENTS:

Site Map

Deed of Dedication

Temporary Construction Easement



After recording, return to:

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

Map No.: 3 2E 5C
Tax Lot No.: 401
Planning No.: N/A
Street: Beaver Creek Road

DEED OF DEDICATION

KNOW ALL BY THESE PRESENTS, THAT **Red Soils II, L.L.C.**, an Oregon limited liability company, hereinafter called the GRANTOR, does hereby grant unto the **City of Oregon City**, a municipal corporation of the State of Oregon, hereinafter called the CITY, its successors in interest and assigns, all the following real property in the County of Clackamas, State of Oregon, to be used and held by the CITY for street, road, right-of-way, and public utility purposes, bounded and described as follows, to wit:

See EXHIBIT "A" Legal description and EXHIBIT "B" Sketch for Legal Description, attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD, the above-described and granted premises unto the CITY, its successors in interest and assigns forever.

The true consideration of this conveyance is One Thousand Six Hundred Fifty and No/100 Dollars (\$1,650.00), the receipt of which is hereby acknowledged by GRANTOR.

In construing this deed and where the text 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 30th day of ~~March~~ July, 2010.

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

[SIGNATURES ARE ON FOLLOWING PAGE]

GRANTOR:

RED SOILS II, L.L.C.
an Oregon limited liability company

By: Randall Realty Corp.,
an Oregon corporation,
Manager

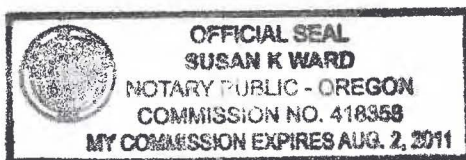
By: [Signature]
Randall E. Norgart, President

By: [Signature]
Ronald L. Koos, Vice President

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

STATE OF OREGON)
County of Multnomah ss.

This instrument was acknowledged before me this 30th day of July, 2010, by **Randall E. Norgart**, as President of Randall Realty Corp, an Oregon corporation, the manager of Red Soils II, L.L.C., an Oregon limited liability company, on behalf of the limited liability company.

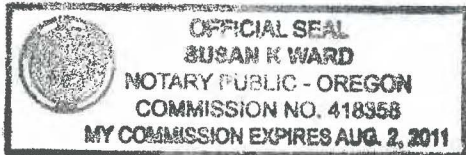


[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: 8-2-2011

[NOTARY CERTIFICATES CONTINUED ON FOLLOWING PAGE]

STATE OF OREGON)
County of Multnomah) ss.

This instrument was acknowledged before me this 30th day of July, 2010, by **Ronald L. Koos**, as Vice President of Randall Realty Corp, an Oregon corporation, the manager of Red Soils II, L.L.C., an Oregon limited liability company, on behalf of the limited liability company.



Susan K Ward
NOTARY PUBLIC FOR OREGON
My Commission Expires: 8-2-11

ACCEPTED ON BEHALF OF THE CITY OF OREGON CITY:

By: _____
Alice Norris, Mayor

By: _____
Nancy Ide, City Recorder

Red Soils II, L.L.C.
c/o Randall Realty Corp, Manager
9500 SW Barbur Boulevard, #300
Portland, OR 97219
(Grantor's Name and Address)

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

EXHIBIT A
LEGAL DESCRIPTION OF REAL PROPERTY

EXHIBIT A
Sheet 1 of 1

PROJECT: **Beavercreek Road**

LOCATION: **TAX LOT 401 3 2E 5C**

PROPERTY OWNER:
Red Soils II
9500 SW Barbur Blvd. No. 300
Portland, Oregon 97219

PREPARED BY:
Compass Engineering
4105 SE International Way, Suite 501
Milwaukie, Oregon 97222
(503) 653-9093

DEDICATION:

A PORTION OF PARCEL 3, PARTITION PLAT NO. 1999-116, CLACKAMAS COUNTY PLAT RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF PARCEL 4, PARTITION PLAT NO. 1999-116, CLACKAMAS COUNTY PLAT RECORDS; THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF BEAVERCREEK ROAD (43.00 FEET FROM CENTERLINE) 44.15 FEET ALONG THE ARC OF A 543.00 FOOT RADIUS CURVE CONCAVE TO THE NORTH THROUGH A CENTRAL ANGLE OF 04°39'30" (LONG CHORD BEARS SOUTH 80°06'15" WEST 44.13 FEET); THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE NORTH 85°15'12" EAST 44.58 FEET TO THE WESTERLY LINE OF PARCEL 4, PARTITION PLAT NO. 1999-116; THENCE ALONG SAID WESTERLY LINE NORTH 13°40'47" WEST 4.01 FEET TO THE POINT OF BEGINNING.

CONTAINS 75 SQUARE FEET, MORE OR LESS.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

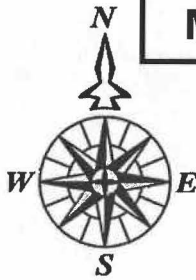


**OREGON
JULY 14, 1978
DON DEVLAEINCK
1634**

DATE OF SIGNATURE: 4/22/10

EXPIRES 12/31/2011

EXHIBIT B MAP OF REAL PROPERTY



Scale: 1" = 30'

BEAVERCREEK ROAD

N76°18'58"E

$\Delta=04^{\circ}39'30''$
 $R=543.00'$
 $L=44.15'$
 $CH=S80^{\circ}06'15''W$
 $44.13'$

MOST WESTERLY CORNER
 OF PARCEL 4, PARTITION
 PLAT NO. 1999-116.

N85°15'12"E
 44.58'

N13°40'47"W
 4.01'

PARCEL 4
 PARTITION
 PLAT NO.
 1999-116

TAX LOT 401
 MAP 3 2E 5C
 PARCEL 3,
 PARTITION PLAT
 NO. 1999-116

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 14, 1978
 DON DEVLAMINCK
 1634

DATE OF SIGNATURE: 4/22/10
 EXPIRES 12/31/2011



RIGHT-OF-WAY DEDICATION
 75 SQUARE FEET

EXHIBIT 'B'

6678 TL 401 RW 2010-4-21.DWG



COMPASS ENGINEERING

ENGINEERING SURVEYING PLANNING
 4105 S.E. INTERNATIONAL WAY, SUITE 501 (503) 653-9093 PHONE
 MILWAUKIE, OREGON 97222 WWW.COMPASS-ENGINEERING.COM

RED SOILS II

9500 S.W. BARBUR BOULEVARD - #300
 PORTLAND, OREGON 97219

Return to:

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

Map No.: 3 2E 5C
Tax Lot No.: 401
Planning No.: N/A
Street: Beaver Creek Road

TEMPORARY CONSTRUCTION EASEMENT

THIS TEMPORARY CONSTRUCTION EASEMENT is entered into this ____ day of _____, 2010, by and between, property owner **Red Soils II, L.L.C.**, an Oregon limited liability company, (hereafter referred to as "Grantor"); and the **City of Oregon City**, a Municipal Corporation of the State of Oregon (hereafter referred to as "Grantee").

RECITALS

WHEREAS, Grantor is the owner of certain real property located in the City of Oregon City, Clackamas County, Oregon, legal descriptions on Exhibit "A", and illustrated on Exhibit "B", (hereafter referred to as "Easement Area"), attached here to and incorporated herein by this reference.

WHEREAS, Grantor desires to grant to Grantee, for good and valuable consideration a temporary, non-exclusive easement over, under, and across the Easement Area, together with the right to go upon said Easement Area for the purpose of construction of a new right turn lane from Beaver Creek Road onto Molalla Avenue.

WHEREAS, this TEMPORARY CONSTRUCTION EASEMENT is intended to allow the City of Oregon City, or its assigns, to undertake construction and all other activities that Grantee reasonably deems necessary and appurtenant to the above noted activities in conjunction with the Beaver Creek Road at Molalla Avenue Right Turn Lane project.

AGREEMENT

NOW THEREFORE, the Grantor and Grantee agree as follows:

1. **Grant of Easement.** Grantor hereby grants to Grantee a non-exclusive temporary construction easement over, under, and across the Easement Area, together with the right to go upon said Easement Area for the purpose of aiding the construction of a new right turn lane from Beaver Creek Road onto Molalla Avenue.

2. **Term of Easement.** This TEMPORARY CONSTRUCTION EASEMENT shall be temporary and shall become effective on the date the City of Oregon City issues notice to proceed to the contractor for construction of the Beaver Creek Road Right Turn Lane project and shall terminate when construction on the property is completed or when the City of Oregon City has made final acceptance of the project, whichever is earlier, but in any event, such term of said temporary construction easement shall not exceed one year. Grantor shall provide Grantee written notice of the effective date of this easement, such notice shall be delivered at least three (3) days prior to said effective date.

3. **Consideration.** The true consideration for this conveyance is One Thousand Seven Hundred Thirty-Nine and No/100 Dollars (\$1,739.00), the receipt of which is hereby acknowledged by Grantor.

4. **Maintenance, Repair and Restoration of Temporary Construction Easement Area.** Grantee shall be solely liable for the repair and maintenance of the Temporary Construction Easement Area and the balance of the Grantor's Property to the extent necessitated by the activities of Grantee or its contractors or agents. Except for the improvements (including landscaping) Grantor acquires from Grantee in connection with the above-referenced Project: (i) Grantee shall take due care not to cause any unnecessary damage to any landscaping on the Grantor's Property, and shall repair or replace any damage caused by Grantee or its contractors or agents; and (ii) Grantee shall restore the Temporary Construction Easement Area to substantially the same condition as before construction commenced.

[THIS SPACE WAS INTENTIONALLY LEFT BLANK.]

This TEMPORARY CONSTRUCTION EASEMENT has been executed as of the date and year first written above.

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

GRANTOR:

RED SOILS II, L.L.C.
an Oregon limited liability company

By: Randall Realty Corp.
an Oregon corporation,
Manager

By: Randall E. Norgart
Randall E. Norgart, President

By: Ronald L. Koos
Ronald L. Koos, Vice President

GRANTEE:

CITY OF OREGON CITY
a municipal corporation of the State of Oregon

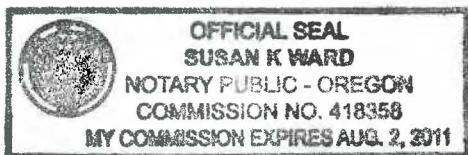
By: _____
Name: _____
Its: _____

By: _____
Name: _____
Its: _____

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

STATE OF OREGON)
County of Multnomah) ss.

This instrument was acknowledged before me this 30th day of July, 2010, by **Randall E. Norgart**, as President of Randall Realty Corp, an Oregon corporation, the manager of Red Soils II, L.L.C., an Oregon limited liability company, on behalf of the limited liability company.



Susan K Ward
NOTARY PUBLIC FOR OREGON

My Commission Expires: 8-2-11

[NOTARY CERTIFICATES CONTINUED ON FOLLOWING PAGE]

STATE OF OREGON)
County of Multnomah) ss.

This instrument was acknowledged before me this 30th day of July, 2010, by **Ronald L. Koos**, as Vice President of Randall Realty Corp, an Oregon corporation, the manager of Red Soils II, L.L.C., an Oregon limited liability company, on behalf of the limited liability company.



Susan K Ward
NOTARY PUBLIC FOR OREGON
My Commission Expires: 8-2-11

STATE OF OREGON)
County of _____) ss.

This instrument was acknowledged before me this _____ day of _____, 2010, by _____, as _____ of the City of Oregon City.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

STATE OF OREGON)
County of _____) ss.

This instrument was acknowledged before me this _____ day of _____, 2010, by _____, as _____ of the City of Oregon City.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

Red Soils II, L.L.C.
c/o Randall Realty Corp, Manager
9500 SW Barbur Boulevard, #300
Portland, OR 97219
(Grantor's Name and Address)

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

EXHIBIT A
LEGAL DESCRIPTION OF REAL PROPERTY

EXHIBIT A
Sheet 1 of 1

PROJECT: **Beavercreek Road**

LOCATION: **TAX LOT 401 3 2E 5C**

PROPERTY OWNER:
Red Soils II
9500 SW Barbur Blvd. No. 300
Portland, Oregon 97219

PREPARED BY:
Compass Engineering
4105 SE International Way, Suite 501
Milwaukie, Oregon 97222
(503) 653-9093

TEMPORARY CONSTRUCTION EASEMENT:

A PORTION OF PARCEL 3, PARTITION PLAT NO. 1999-116, CLACKAMAS COUNTY PLAT RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY CORNER OF PARCEL 4, PARTITION PLAT NO. 1999-116, CLACKAMAS COUNTY PLAT RECORDS; THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF BEAVERCREEK ROAD (43.00 FEET FROM CENTERLINE) 44.15 FEET ALONG THE ARC OF A 543.00 FOOT RADIUS CURVE CONCAVE TO THE NORTH THROUGH A CENTRAL ANGLE OF 04°39'30" (LONG CHORD BEARS SOUTH 80°06'15" WEST 44.13 FEET) TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE 4.81 FEET ALONG THE ARC OF A 543.00 FOOT RADIUS CURVE CONCAVE TO THE NORTH THROUGH A CENTRAL ANGLE OF 00°30'28" (LONG CHORD BEARS SOUTH 82°41'14" WEST 4.81 FEET); THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE SOUTH 07°42'47" EAST 4.02 FEET; THENCE SOUTH 88°47'57" EAST 4.76 FEET; THENCE SOUTH 81°31'36" EAST 25.21 FEET; THENCE SOUTH 56°52'01" EAST 8.59 FEET; THENCE NORTH 71°08'11" EAST 15.48 FEET TO THE WESTERLY LINE OF PARCEL 4, PARTITION PLAT NO. 1999-116; THENCE ALONG SAID WESTERLY LINE NORTH 13°40'47" WEST 12.14 FEET; THENCE LEAVING SAID WESTERLY LINE SOUTH 85°15'12" WEST 44.58 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 494 SQUARE FEET, MORE OR LESS.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

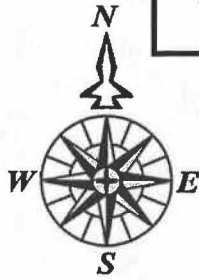


**OREGON
JULY 14, 1978
DON DEVLAEMINCK
1634**

1 - EXHIBIT A

DATE OF SIGNATURE: 4/22/10
EXPIRES 12/31/2011

EXHIBIT B MAP OF REAL PROPERTY



Scale: 1" = 30'

BEAVERCREEK ROAD

N76°18'58"E

$\Delta=00^{\circ}30'28''$
R=543.00'
L=4.81"
CH=S82°41'14"W
4.81'

$\Delta=04^{\circ}39'30''$
R=543.00'
L=44.15'
CH=S80°06'15"W
44.13'

N85°15'12"E
44.58'

MOST WESTERLY CORNER
OF PARCEL 4, PARTITION
PLAT NO. 1999-116.

N13°40'47"W
4.01'

N13°40'47"W
12.14'

PARCEL 4
PARTITION
PLAT NO.
1999-116

TAX LOT 401
MAP 3 2E 5C
PARCEL 3,
PARTITION PLAT
NO. 1999-116

S07°42'47"E
4.02'

S88°47'57"E
4.76'

S56°52'01"E
8.59'

N71°08'11"E
15.48'

S81°31'36"E
25.21'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAEMINCK
1634

DATE OF SIGNATURE: 4/22/10
EXPIRES 12/31/2011



TEMPORARY CONSTRUCTION
EASEMENT, 494 SQUARE FEET

EXHIBIT 'B'



COMPASS ENGINEERING

ENGINEERING SURVEYING PLANNING
4105 S.E. INTERNATIONAL WAY, SUITE 501 (503) 653-9093 PHONE
MILWAUKIE, OREGON 97222 WWW.COMPASS-ENGINEERING.COM

RED SOILS II

9500 S.W. BARBUR BOULEVARD - #300
PORTLAND, OREGON 97219



Agenda Item No. 7c
Meeting Date: 18 Aug 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	Administrative Assistant Kathy Griffin
PRESENTER:	City Engineer and Public Works Director Nancy Kraushaar
SUBJECT:	Deed of Dedication, Temporary Construction Easement, and Letter of Agreement at 418 Beaver Creek Road (Intersection of Beaver Creek and Molalla)
Agenda Heading: General Business	
Approved by: David Frasher, City Manager	

RECOMMENDED ACTION (Motion):

Staff recommends that the City Commission adopt a motion accepting the attached Deed of Dedication, Temporary Construction Easement, and Letter of Agreement for the property located at 418 Beaver Creek Road and authorize the Mayor and City Recorder to execute them.

BACKGROUND:

The City's Transportation System Plan was adopted through Ordinance 01-1009 in April 2001. It has since been updated through Resolutions 08-13 and 09-06. Resolution 09-06 identified the intersection capacity and operation improvements project located at the intersection of Molalla Avenue and Beaver Creek Road. The project description calls for the widening of the west leg of Beaver Creek Road at Molalla Avenue to accommodate a dedicated eastbound right-turn lane.

The City's engineering consultant, Wallis Engineering PLLC, is in the process of designing the intersection improvements. While this project is being designed to minimize impacts to adjacent properties, the construction of an additional lane at the west leg of the intersection requires some right-of-way acquisition and a temporary construction easement from the property addressed as 418 Beaver Creek Road. The City's consultant was able to come to an agreement with the property owner over the acquisition of additional right-of-way and the easement.

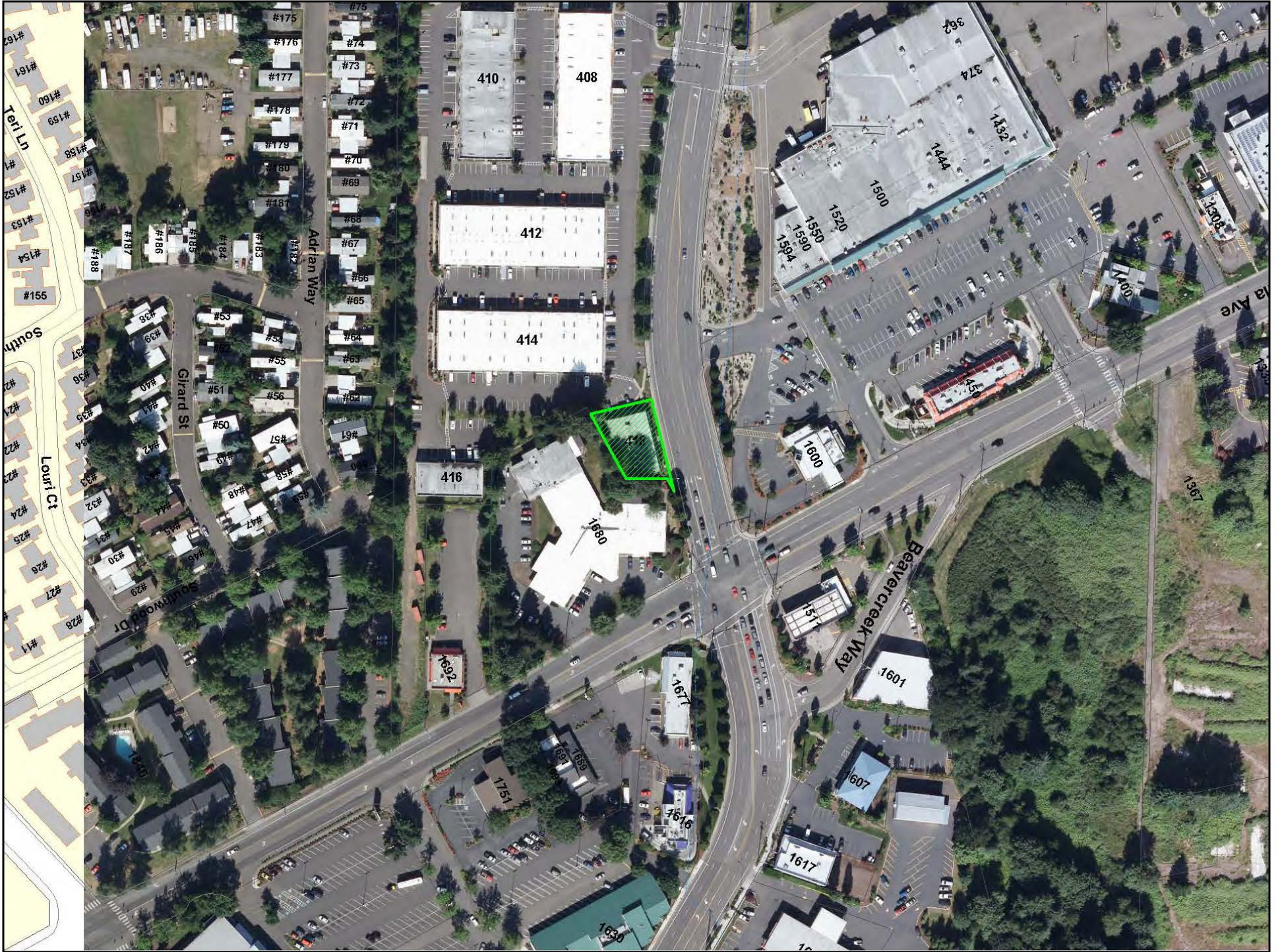
BUDGET IMPACT:

FY(s): \$3,389 - FY 10/11

Funding Source: Transportation SDC Fund

ATTACHMENTS:

Site Map
Deed of Dedication
Temporary Construction Easement
Letter of Agreement



After recording, return to:

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

Grantor: Red Soils II, L.L.C. and Cottonwood Arms
Grantee: City of Oregon City

Map No.: 3 2E 5C
Tax Lot No.: 407
Planning No.: N/A
Street: Beaver Creek Road

DEED OF DEDICATION

KNOW ALL BY THESE PRESENTS, THAT Red Soils II, L.L.C., an Oregon limited liability company, as vendor under that certain Land Sale Contract, dated June 18, 2001, for which a Memorandum of Land Sale Contract was recorded in the records of Clackamas County, Oregon on September 13, 2007 as Document No. 2007-079151, and **Cottonwood Arms**, a general partnership, as vendee under said Land Sale Contract, hereinafter collectively called the GRANTOR, do hereby grant unto the **City of Oregon City**, a municipal corporation of the State of Oregon, hereinafter called the CITY, its successors in interest and assigns, all the following real property in the County of Clackamas, State of Oregon, to be used and held by the CITY for street, road, right-of-way, and public utility purposes, bounded and described as follows, to wit:

See EXHIBIT "A" Legal description and EXHIBIT "B" Sketch for Legal Description, attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD, the above-described and granted premises unto the CITY, its successors in interest and assigns forever.

The true consideration of this conveyance, including the acquired improvements and damages to the remainder, is **Twenty-Seven Thousand Seven Hundred Ninety-Eight and No/100 Dollars (\$27,798.00)**, the receipt of which is hereby acknowledged by GRANTOR.

In construing this deed and where the text 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.

[SIGNATURES ARE ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 30th day of July, 2010.

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

GRANTOR:

RED SOILS II, L.L.C.
an Oregon limited liability company

By: Randall Realty Corp.,
an Oregon corporation,
Manager

By: [Signature]
Randall E. Norgart, President

By: [Signature]
Ronald L. Koos, Vice President

COTTONWOOD ARMS
a general partnership

By: [Signature]
Richard D. Norgart, Sr., Partner

By: [Signature]
Mary E. Norgart, Partner

[NOTARY CERTIFICATES ARE ON THE FOLLOWING PAGE]

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

STATE OF OREGON)
County of Multnomah) ss.

This instrument was acknowledged before me this 30th day of July, 2010, by **Randall E. Norgart**, as President of Randall Realty Corp, an Oregon corporation, the manager of Red Soils II, L.L.C., an Oregon limited liability company, on behalf of the limited liability company.



Susan K Ward
NOTARY PUBLIC FOR OREGON
My Commission Expires: 8-2-11

STATE OF OREGON)
County of Multnomah) ss.

This instrument was acknowledged before me this 30th day of July, 2010, by **Ronald L. Koos**, as Vice President of Randall Realty Corp, an Oregon corporation, the manager of Red Soils II, L.L.C., an Oregon limited liability company, on behalf of the limited liability company.



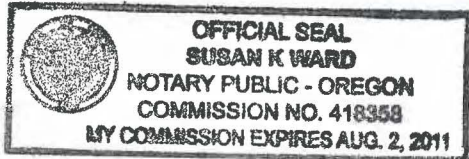
Susan K Ward
NOTARY PUBLIC FOR OREGON
My Commission Expires: 8-2-11

[NOTARY CERTIFICATES CONTINUED ON FOLLOWING PAGE]

STATE OF OREGON)

County of Multnomah) ss.

This instrument was acknowledged before me this 30th day of July, 2010, by **Richard D. Norgart, Sr.**, as Partner of Cottonwood Arms, a general partnership.



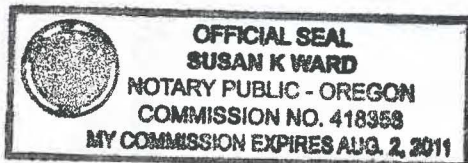
Susan K Ward
NOTARY PUBLIC FOR OREGON

My Commission Expires: 8-2-11

STATE OF OREGON)

County of Multnomah) ss.

This instrument was acknowledged before me this 30th day of July, 2010, by **Mary E. Norgart**, as Partner of Cottonwood Arms, a general partnership.



Susan K Ward
NOTARY PUBLIC FOR OREGON

My Commission Expires: 8-2-11

ACCEPTED ON BEHALF OF THE CITY OF OREGON CITY:

By: _____
Alice Norris, Mayor

By: _____
Nancy Ide, City Recorder

Red Soils II, L.L.C.
c/o Randall Realty Corp,
Manager
9500 SW Barbur Blvd, #300
Portland, OR 97219
(Grantor's Name and Address)

Cottonwood Arms
c/o Randall Realty Corp.
9500 SW Barbur Blvd #300
Portland, OR 97219
(Grantor's Name and Address)

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

EXHIBIT A
LEGAL DESCRIPTION OF REAL PROPERTY

EXHIBIT A

Sheet 1 of 1

PROJECT: Beavercreek Road

LOCATION: TAX LOT 407 3 2E 5C

PROPERTY OWNER:
Cottonwood Arms

PREPARED BY:
Compass Engineering
4105 SE International Way, Suite 501
Milwaukie, Oregon 97222
(503) 653-9093

DEDICATION:

A PORTION OF PARCEL 4, PARTITION PLAT NO. 1999-116, CLACKAMAS COUNTY PLAT RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF PARCEL 4, PARTITION PLAT NO. 1999-116, CLACKAMAS COUNTY PLAT RECORDS; THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF BEAVERCREEK ROAD (43.00 FEET FROM CENTERLINE) SOUTH 76°18'58" WEST 132.00 FEET; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE 13.83 FEET ALONG THE ARC OF A 543.00 FOOT RADIUS CURVE CONCAVE TO THE NORTH THROUGH A CENTRAL ANGLE OF 01°27'34" (LONG CHORD BEARS SOUTH 77°02'43" WEST 13.83 FEET) TO THE MOST WESTERLY CORNER OF SAID PARCEL 4; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 4 SOUTH 13°40'47" EAST 4.01 FEET; THENCE LEAVING SAID WESTERLY LINE NORTH 85°15'20" EAST 8.16 FEET; THENCE SOUTH 15°49'11" EAST 1.00 FEET; THENCE NORTH 76°18'58" EAST 116.15 FEET TO THE EASTERLY LINE OF SAID PARCEL 4; THENCE ALONG SAID EASTERLY LINE NORTH 01°17'07" EAST 0.24 FEET TO AN ANGLE POINT IN SAID EASTERLY LINE; THENCE CONTINUING ALONG SAID EASTERLY LINE NORTH 61°03'50" EAST 22.31 FEET TO THE POINT OF BEGINNING.

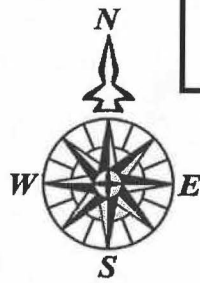
CONTAINS 809 SQUARE FEET, MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

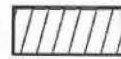
OREGON
JULY 14, 1978
DON DEVLAE MINCK
1634

DATE OF SIGNATURE: 4/22/10
EXPIRES 12/31/2011

EXHIBIT B MAP OF REAL PROPERTY



Scale: 1" = 30'



RIGHT-OF-WAY DEDICATION
809 SQUARE FEET

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAMINCK
1634

DATE OF SIGNATURE: 4/22/10
EXPIRES 12/31/2011

BEAVERCREEK ROAD

$\Delta = 01^{\circ}27'34''$
 $R = 543.00'$
 $L = 13.83'$
 $CH = S77^{\circ}02'43''W$
 $13.83'$
MOST WESTERLY CORNER
OF PARCEL 4, PARTITION
PLAT NO. 1999-116.

$S13^{\circ}40'47''E$
4.01'

$N85^{\circ}15'20''E$
8.16'

$S15^{\circ}49'11''E$
1.00'

TAX LOT 401

TAX LOT 407
MAP 3 2E 5C
PARCEL 4,
PARTITION PLAT
NO. 1999-116

$S76^{\circ}18'58''W$ 132.00'

$N76^{\circ}18'58''E$ 116.15'

$N01^{\circ}17'07''E$ 0.24'
 $N61^{\circ}03'50''E$ 22.31'

MOST NORTHERLY CORNER
OF PARCEL 4, PARTITION
PLAT NO. 1999-116.

TAX LOT 301

6678 TL 407 RW 2010-4-21.DWG

EXHIBIT 'B'



COMPASS ENGINEERING

ENGINEERING SURVEYING PLANNING
4105 S.E. INTERNATIONAL WAY, SUITE 501 (503) 653-9093 PHONE
MILWAUKIE, OREGON 97222 WWW.COMPASS-ENGINEERING.COM

COTTONWOOD ARMS

Return to:

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

Grantor: Red Soils II, L.L.C. and Cottonwood Arms
Grantee: City of Oregon City

Map No.: 3 2E 5C
Tax Lot No.: 407
Planning No.: N/A
Street: Beaver Creek Road

TEMPORARY CONSTRUCTION EASEMENT

THIS TEMPORARY CONSTRUCTION EASEMENT is entered into this ____ day of _____, 2010, by and between, **Red Soils II, L.L.C.**, an Oregon limited liability company, as vendor under that certain Land Sale Contract, dated June 18, 2001, for which a Memorandum of Land Sale Contract was recorded in the records of Clackamas County, Oregon on September 13, 2007 as Document No. 2007-079151, and **Cottonwood Arms**, a general partnership, as vendee under said Land Sale Contract, (hereafter collectively referred to as "Grantor"); and the **City of Oregon City**, a Municipal Corporation of the State of Oregon (hereafter referred to as "Grantee").

RECITALS

WHEREAS, Grantor is the owner of certain real property located in the City of Oregon City, Clackamas County, Oregon, legal descriptions on Exhibit "A", and illustrated on Exhibit "B", (hereafter referred to as "Easement Area"), attached here to and incorporated herein by this reference.

WHEREAS, Grantor desires to grant to Grantee, for good and valuable consideration a temporary, non-exclusive easement over, under, and across the Easement Area, together with the right to go upon said Easement Area for the purpose of construction of a new right turn lane from Beaver Creek Road onto Molalla Avenue.

WHEREAS, this TEMPORARY CONSTRUCTION EASEMENT is intended to allow the City of Oregon City, or its assigns, to undertake construction and all other activities that Grantee reasonably deems necessary and appurtenant to the above noted activities in conjunction with the Beaver Creek Road at Molalla Avenue Right Turn Lane project.

AGREEMENT

NOW THEREFORE, the Grantor and Grantee agree as follows:

1. **Grant of Easement.** Grantor hereby grants to Grantee a non-exclusive temporary construction easement over, under, and across the Easement Area, together with the right to go upon said Easement Area for the purpose of aiding the construction of a new right turn lane from Beaver Creek Road onto Molalla Avenue.

2. **Term of Easement.** This TEMPORARY CONSTRUCTION EASEMENT shall be temporary and shall become effective on the date the City of Oregon City issues notice to proceed to the contractor for construction of the Beaver Creek Road Right Turn Lane project and shall terminate when construction on the property is completed or when the City of Oregon City has made final acceptance of the project, whichever is earlier, but in any event, such term of said temporary construction easement shall not exceed one year from the date of notice to proceed. Grantor shall provide Grantee written notice of the effective date of this easement, such notice shall be delivered at least three (3) days prior to said effective date.

3. **Consideration.** The true consideration for this conveyance is **Two Thousand Five Hundred Fifty-Two and No/100 Dollars (\$2,552.00)**, the receipt of which is hereby acknowledged by Grantor.

4. **Maintenance, Repair and Restoration of Temporary Construction Easement Area.** Grantee shall be solely liable for the repair and maintenance of the Temporary Construction Easement Area and the balance of the Grantor's Property to the extent necessitated by the activities of Grantee or its contractors or agents. Except for the improvements (including landscaping) Grantor acquires from Grantee in connection with the above-referenced Project: (i) Grantee shall take due care not to cause any unnecessary damage to any landscaping on the Grantor's Property, and shall repair or replace any damage caused by Grantee or its contractors or agents; and (ii) Grantee shall restore the Temporary Construction Easement Area to substantially the same condition as before construction commenced.

[THIS SPACE WAS INTENTIONALLY LEFT BLANK.]

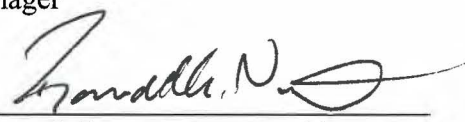
This TEMPORARY CONSTRUCTION EASEMENT has been executed as of the date and year first written above.

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

GRANTOR:

RED SOILS II, L.L.C.
an Oregon limited liability company

By: Randall Realty Corp.,
an Oregon corporation,
Manager

By: 
Randall E. Norgart, President

By: 
Ronald L. Koos, Vice President

GRANTEE:

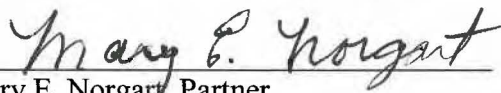
CITY OF OREGON CITY
a municipal corporation of the State of Oregon

By: _____
Name: _____
Its: _____

By: _____
Name: _____
Its: _____

COTTONWOOD ARMS
a general partnership

By: 
Richard D. Norgart, Sr., Partner

By: 
Mary E. Norgart, Partner

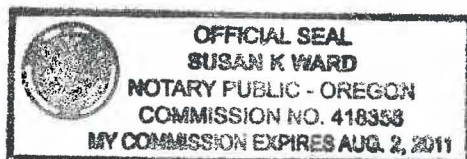
[NOTARY CERTIFICATES ON FOLLOWING PAGE]

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

STATE OF OREGON)

County of Multnomah) ss.

This instrument was acknowledged before me this 30th day of July, 2010, by **Randall E. Norgart**, as President of Randall Realty Corp, an Oregon corporation, the manager of Red Soils II, L.L.C., an Oregon limited liability company, on behalf of the limited liability company.

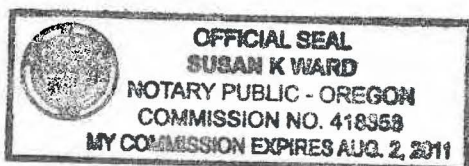


Susan K Ward
NOTARY PUBLIC FOR OREGON
My Commission Expires: 8-2-11

STATE OF OREGON)

County of Multnomah) ss.

This instrument was acknowledged before me this 30th day of July, 2010, by **Ronald L. Koos**, as Vice President of Randall Realty Corp, an Oregon corporation, the manager of Red Soils II, L.L.C., an Oregon limited liability company, on behalf of the limited liability company.

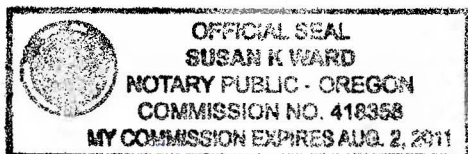


Susan K Ward
NOTARY PUBLIC FOR OREGON
My Commission Expires: 8-2-11

STATE OF OREGON)

County of Multnomah) ss.

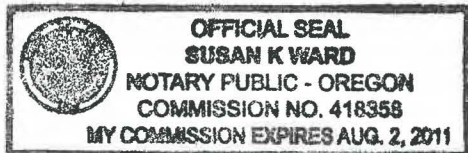
This instrument was acknowledged before me this 30th day of July, 2010, by **Richard D. Norgart, Sr.**, as Partner of Cottonwood Arms, a general partnership.



Susan K. Ward
NOTARY PUBLIC FOR OREGON
My Commission Expires: 8-2-11

STATE OF OREGON)
County of Multnomah) ss.

This instrument was acknowledged before me this 30th day of July, 2010, by **Mary E. Norgart**, as Partner of Cottonwood Arms, a general partnership.



Susan K Ward
NOTARY PUBLIC FOR OREGON
My Commission Expires: 8-2-11

STATE OF OREGON)
County of _____) ss.

This instrument was acknowledged before me this _____ day of _____, 2010, by _____, as _____ of the City of Oregon City.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

STATE OF OREGON)
County of _____) ss.

This instrument was acknowledged before me this _____ day of _____, 2010, by _____, as _____ of the City of Oregon City.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

Red Soils II, L.L.C.
c/o Randall Realty Corp,
Manager
9500 SW Barbur Blvd, #300
Portland, OR 97219
(Grantor's Name and Address)

Cottonwood Arms
c/o Randall Realty Corp.
9500 SW Barbur Blvd #300
Portland, OR 97219
(Grantor's Name and Address)

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

EXHIBIT A
LEGAL DESCRIPTION OF REAL PROPERTY

EXHIBIT A
Sheet 1 of 1

PROJECT: **Beavercreek Road**

LOCATION: **TAX LOT 407 3 2E 5C**

PROPERTY OWNER:
Cottonwood Arms

PREPARED BY:
Compass Engineering
4105 SE International Way, Suite 501
Milwaukie, Oregon 97222
(503) 653-9093


TEMPORARY CONSTRUCTION EASEMENT:

A PORTION OF PARCEL 4, PARTITION PLAT NO. 1999-116, CLACKAMAS COUNTY PLAT RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF PARCEL 4, PARTITION PLAT NO. 1999-116, CLACKAMAS COUNTY PLAT RECORDS; THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF BEAVERCREEK ROAD (43.00 FEET FROM CENTERLINE) SOUTH 76°18'58" WEST 132.00 FEET; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE 13.83 FEET ALONG THE ARC OF A 543.00 FOOT RADIUS CURVE CONCAVE TO THE NORTH THROUGH A CENTRAL ANGLE OF 01°27'34" (LONG CHORD BEARS SOUTH 77°02'43" WEST 13.83 FEET) TO THE MOST WESTERLY CORNER OF SAID PARCEL 4; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 4 SOUTH 13°40'47" EAST 4.01 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID WESTERLY LINE NORTH 85°15'20" EAST 8.16 FEET; THENCE SOUTH 15°49'11" EAST 1.00 FEET; THENCE NORTH 76°18'58" EAST 116.15 FEET TO THE EASTERLY LINE OF SAID PARCEL 4; THENCE ALONG SAID EASTERLY LINE SOUTH 01°17'07" WEST 11.45 FEET; THENCE LEAVING SAID EASTERLY LINE SOUTH 76°18'58" WEST 13.33 FEET; THENCE NORTH 13°41'02" WEST 2.00 FEET; THENCE SOUTH 76°18'58" WEST 96.82 FEET; THENCE SOUTH 72°10'25" WEST 11.16 FEET TO THE WESTERLY LINE OF SAID PARCEL 4; THENCE ALONG SAID WESTERLY LINE NORTH 13°40'47" WEST 12.14 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1160 SQUARE FEET, MORE OR LESS.

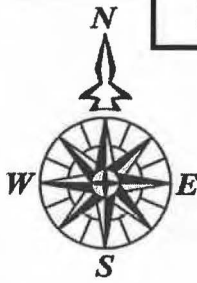
**REGISTERED
PROFESSIONAL
LAND SURVEYOR**


**OREGON
JULY 14, 1978
DON DEVLAE MINCK
1634**

DATE OF SIGNATURE: 4/22/10

EXPIRES 12/31/2011

EXHIBIT B MAP OF REAL PROPERTY



Scale: 1" = 30'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAMINCK
1634

DATE OF SIGNATURE: 4/22/10
EXPIRES 12/31/2011

TEMPORARY CONSTRUCTION
EASEMENT 1,160 SQUARE FEET

43'

BEAVERCREEK ROAD

N76°18'58"E

43'

MOST WESTERLY CORNER
OF PARCEL 4, PARTITION
PLAT NO. 1999-116.

$\Delta = 01^{\circ}27'34"$
 $R = 543.00'$
 $L = 13.83'$
 $CH = S77^{\circ}02'43"W$
13.83'

S13°40'47"E
4.01'

TRUE POINT
OF BEGINNING

N13°40'47"W
12.14'

TAX LOT 401

S15°49'11"E
1.00'

S72°10'25"W
11.16'

N85°15'20"E
8.16'

TAX LOT 407
MAP 3 2E 5C
PARCEL 4,
PARTITION PLAT
NO. 1999-116

S76°18'58"W 132.00'

N76°18'58"E 116.15'
S76°18'58"W 96.82'

N13°41'02"W
2.00'

S76°18'58"W
13.33'

N01°17'07"E
0.24'
S01°17'07"W
11.45'

MOST NORTHERLY CORNER
OF PARCEL 4, PARTITION
PLAT NO. 1999-116.

TAX LOT 301

EXHIBIT 'B'

6678 TL 407 EASE 2010-4-21.DWG



COMPASS ENGINEERING

ENGINEERING SURVEYING PLANNING
4105 S.E. INTERNATIONAL WAY, SUITE 501 (503) 653-9093 PHONE
MILWAUKIE, OREGON 97222 WWW.COMPASS-ENGINEERING.COM

COTTONWOOD ARMS

LETTER OF AGREEMENT

GRANTOR: Red Soils II, L.L.C., an Oregon limited liability company, and Cottonwood Arms, a general partnership

GRANTEE: City of Oregon City

Property Address: 418 Beaver Creek Road, Oregon City, OR 97045

File Number: 0187-002

In addition to the items listed in the Temporary Construction Easement, the City of Oregon City agrees to:

1. Collaborate with Cottonwood Arms to determine how the existing irrigation system operates and where it should be disconnected.
2. Provide Cottonwood Arms with progress plans to review the proposed disconnection point and receive comments from Cottonwood Arms for consideration.
3. Provide backfill for the remainder of the landscaping strip (3.5 feet in width) within the project limits and Temporary Construction Easement between the new retaining wall and the existing sidewalk abutting the business frontage that is appropriate for planting in the future.

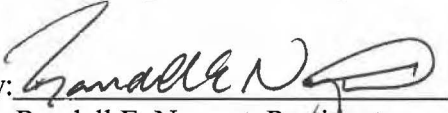
It is understood that the City of Oregon City and Cottonwood Arms shall hold the performance of this agreement as a portion of the transaction evidenced by deed between them. This agreement shall not be effective or binding until Cottonwood Arms receives notice in the form of payment from the City of Oregon City accepting the conveyance of the real property interests.

[SIGNATURES ON FOLLOWING PAGE]

GRANTOR:

RED SOILS II, L.L.C.
an Oregon limited liability company

By: Randall Realty Corp.,
an Oregon corporation, Manager

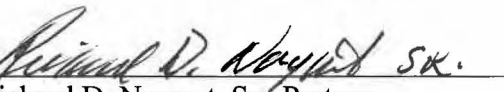
By: 
Randall E. Norgart, President

Date: 7/30/10

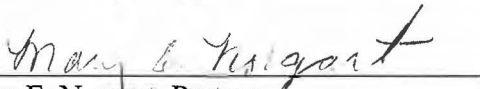
By: 
Ronald L. Koos, Vice President

Date: 7/30/10

COTTONWOOD ARMS
a general partnership

By: 
Richard D. Norgart, Sr., Partner

Date: 7/30/10

By: 
Mary E. Norgart, Partner

Date: 7/30/10

GRANTEE:

CITY OF OREGON CITY
a municipal corporation of the State of Oregon

By: _____

Name: _____

Its: _____

Date: _____

By: _____

Name: _____

Its: _____

Date: _____



COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	Police Chief and Public Safety Director Mike Conrad
PRESENTER:	City Recorder Nancy Ide
SUBJECT:	Ordinance No. 10-1006, Amending Title 5, Business Licenses and Regulations, Chapter 5.24, Social Games, Bingo, and Lotto Staff: Mike Conrad, Police Chief and Public Safety Director
Agenda Heading: General Business	
Approved by: David Frasher, City Manager	

RECOMMENDED ACTION (Motion):

Staff recommends approval of the second reading of Ordinance No. 10-1006.

BACKGROUND:

At the February 2010 work session, the City Commission considered a request from Weatherford's Grand Lodge to change the municipal code to allow social gaming in private businesses. Eric Noel, owner of Weatherford's Grand Lodge, proposed to offer a safe, local place for people to play low limit poker two nights a week. State statute allows social gaming and the Code could be amended. However, the Commission expressed a lack of interest and there was no majority support to bring the issue back.

In recent weeks, however, staff has received additional information that the Commission should consider.

First, a call from the State's Department of Justice relating to our ordinance prompted Bill Kabeiseman, City Attorney, to review the existing ordinance. Mr. Kabeiseman responded that the City should update its code to clarify that the City does not regulate bingo or lotto. Oregon State law allows local governments to regulate social games and the City may prohibit bingo and lotto, but if the City allows bingo and lotto, the City cannot require licensing or otherwise regulate such games. The current code, which was written some time ago, requires organizations that wish to hold bingo and lotto games to obtain licenses, which is not authorized under current state statutes and, therefore, the municipal code should be amended.

Second, it has come to staff's attention that non-profit organizations occasionally hold poker tournaments to raise funds. The tournaments have been held in local businesses and homes. OCMC Chapter 5.24 currently limits the organizations holding social games to "charitable, fraternal and religious organizations" and limits the locations of such games to the real property owned by such organization. Due to the nature of these tournaments and the funding benefit to the organization, an amendment to the Code is proposed to allow social games to continue to be operated solely by "charitable, fraternal and religious organizations." The code amendments allow such organizations to hold games at other locations, such as private homes, restaurants and other facilities.

Attached is a revised version of the ordinance that eliminates completely the location restriction. This would allow religious, fraternal or charitable organizations, such as little leagues and school teams, to hold social games anywhere in the city, but they are subject to the time limitations later in the ordinance and licensing requirements.

The City Commission reviewed the additional information at its July 13, 2010 work session and moved the ordinance introduction forward to the August 4, 2010 regular meeting. The Commission approved the first

reading on August 4, 2010.

BUDGET IMPACT:

FY(s):

Funding Source:

ATTACHMENTS:

Ordinance No. 10-1006

ORDINANCE NO. 10-1006

AN ORDINANCE AMENDING CHAPTER 5.24 OF THE OREGON CITY MUNICIPAL CODE RELATED TO SOCIAL GAMES, BINGO AND LOTTO

WHEREAS, Oregon City Municipal Code Chapter 5.24 currently regulates social games, bingo and lotto by allowing only certain entities hold such games in specified locations, and

WHEREAS, Oregon State law allows local governments, such as Oregon City, to regulate social games, but limits the ability of those same governments to regulate bingo and lotto; in particular, local governments may prohibit bingo and lotto, but if the city allows such games, the City cannot require licensing or otherwise regulate such games, and

WHEREAS, the current code requires organizations that wish to hold Bingo or Lotto games to obtain licenses, which is not authorized under current state statutes and, therefore, should be amended, and

WHEREAS, OCMC Chapter 5.24 currently limits the organizations holding social games to “charitable, fraternal and religious organizations” and, moreover, limits the locations of such games to the real property owned by such organization, and

WHEREAS, the City wishes to allow social games to continue to be operated solely by “charitable, fraternal and religious organizations,” but wishes to allow such organizations to hold such games at other locations, such as private homes, restaurants and other facilities,

NOW THEREFORE, THE CITY OF OREGON CITY ORDAINS AS FOLLOWS

Section 1. OCMC Chapter 5.24 is hereby amended to provide as follows:

Chapter 5.24 - SOCIAL GAMES

5.24.010 - License—Fees—Regulations.

Social games, as defined below, shall be permitted to be operated only under the following conditions and regulations:

A. Social games means a game, other than a lottery, bingo or Monte Carlo events, between players where no house player, house bank or house odds exist and there is no house or operator income from the operation of the social game.

B. Licensing. Social games may only be conducted by charitable, fraternal or religious organizations. Before conducting any social games, any of the foregoing organizations shall first apply for and secure a license from the city:

1. To be eligible for a license, the organization must have maintained its operations at an established location in the city for a period of at least one year immediately prior to the date of application.
2. Any conviction for violation of the gambling laws of the United States or any state within two years of the date of application arising out of operations of the organization shall render the organization ineligible to receive a license.
3. Licenses shall be issued on an annual basis commencing on January 1.
4. The annual license fees shall be one hundred dollars.

The license fees are designed to cover costs of license application, investigations and monitoring of compliance with this chapter.

C. Rules of Operation.

1. A licensee may conduct social games only during its period of operation, which shall be limited to no more than two consecutive calendar days, during identical eight hour periods per week. The requested period of operation shall be designated by the applicant and included as a condition of the license.
2. In addition to the designated period of operation, a licensee may conduct no more than three additional special events on an annual basis which shall not exceed eight hours in duration per session. The licensee must furnish at least seven days' prior written notice to the chief of police of such special event.
3. No bet, wager or ante or raise thereof shall exceed the sum of two dollars, and no bet or wager may be raised more than three times per hand or game.
4. Blackjack or twenty-one shall be dealt utilizing three decks of cards from a shoe or other device requiring dispensing of the cards from the top of the deck, and all dice games shall utilize a cup for throwing dice.

5.24.020 - License-Revocation-Penalties.

A. Any conviction for violation of the gambling laws of the United States or of the state or for violation of this chapter during the licensing period shall be grounds for immediate suspension or revocation of the license.

B. When any alleged cause for revocation or suspension of license occurs, the chief of police shall notify the licensee of the alleged violation and the matter shall be heard by the city commission upon not less than three days' written notice.

C. The hearing shall be conducted in an informal manner without resort to the rules of evidence of courts of law, but the licensee shall be afforded full opportunity to respond to the charges, to cross-examine witnesses, and to present evidence in its own behalf. If the city commission concludes by a preponderance of the evidence that a violation has occurred, the license may be suspended for a definite period or revoked. All fees shall be forfeited and there shall be no appeal from the commission's decision.

D. It is unlawful for any person to hold a social game in the City without a license from the City.

Read for the first time at a regular meeting of the City Commission held on the 4th day of August 2010, and the foregoing ordinance was finally enacted by the City Commission this 18th day of August 2010.

ALICE NORRIS, Mayor

Attested to this 18th day of August 2010

Approved as to legal sufficiency:

Nancy Ide, City Recorder

City Attorney



COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	Aleta Froman-Goodrich, Project Engineer
PRESENTER:	Nancy Kraushaar, City Engineer and Public Works Director
SUBJECT:	Supplemental Agreement No. 7 to Personal Services Agreement, Warner Milne Road/ Molalla Ave Intersection Realignment and Utility Replacements, Construction Engineering, Administration, Monitoring and Inspection Services, Wallis Engineering
Agenda Heading: General Business	
Approved by: David Frasher, City Manager	

RECOMMENDED ACTION (Motion):

Authorize the City Manager to execute Supplemental Agreement No. 7 to Personal Services Agreement (PSA) with Wallis Engineering to provide additional construction engineering, administration, monitoring and inspection services required for the Warner Milne Road/ Molalla Ave Intersection Realignment and Utility Replacements project also known as Warner Milne Rd: Beavercreek - Molalla (Oregon City).

BACKGROUND:

The realignment of Warner Milne Road/Molalla Avenue intersection was identified in the adopted April 2001 Transportation System Plan (TSP), as a near-term roadway improvements project (i.e., those in the 1 to 5 year time frame). In addition to the intersection realignment, improvements were included for utilities and pavement in Warner Milne Road from Molalla Avenue to Beavercreek Road. The 8-inch sanitary sewer line was identified in the adopted December 2003 Sanitary Sewer Master Plan for replacement and upgrading to a 12-inch line to provide sufficient capacity for existing and buildout flows. The old 6-inch cast iron pipe was in poor condition with a leak history and needed upgrade to an 8-inch ductile iron pipe. The City's Public Works Operations Storm Division had identified problems with the existing stormwater system and need for upgrades. The pavement needed rehabilitation per the recommendations in the Pavement Design Investigation report dated November 6, 2008.

In March 2009, Metro selected the Warner Milne Road Intersection Realignment Project for American Recovery and Reinvestment Act (ARRA) federal funding. Clackamas County allocated ARRA funds in the amount of \$900,000 to Oregon City to provide a portion of the transportation funding for the Warner Milne project. The use of ARRA funds mandates that the project meet all ARRA, Oregon Department of Transportation (ODOT), and Federal Highway Administration (FHWA) funding requirements including ARRA, ODOT, and FHWA construction contract documentation, certified inspections and reports, material approvals and reports. Information about additional ARRA documentation requirements was made available to the City after the start of construction.

In July 2009, ODOT awarded the construction contract to Parker Northwest Paving, Co. Between June and September 2009, Oregon City entered into Supplemental Agreement No. 3, 4, and 5 with Wallis Engineering (Wallis) to provide the construction engineering, administration, monitoring and inspection services for the subject improvements as mandatory requirements continued to be realized under the ARRA funding rules under ODOT administration. Please note that Wallis had previously provided design services for the Warner Milne project and the Beavercreek Road/Molalla Avenue lane improvements under the original personal services agreement and Supplemental Agreements No. 1 and 2.

Supplemental Agreement No. 6 was approved in April 2010 to cover changes in design and construction

management consulting services attributable to increased oversight services to address ODOT requirements; environmental oversight for unanticipated contaminated groundwater; extra inspection for underground utility construction; unforeseen poor condition of sanitary sewer manholes and stormwater culvert; extending traffic signal and fiber interconnect; traffic study and striping plan to provide for bike lanes in project area; and a two-month construction schedule extension.

Construction is nearly complete and additional consulting services that were previously unanticipated are covered by Supplemental Agreement No. 7. The items in this supplement account for changes in the scope of services that arose between April 2010 and August 2010.

The following summary addresses the primary changes that have contributed to the additional construction engineering, administration, monitoring and inspection services needed to meet the ARRA, ODOT, and FHWA construction contract requirements.

1. Construction period extended five (5) weeks, resulting in an additional 5 weeks of construction administration.
2. Additional waterline installation inspections were required due to significant difficulties related to pressure tests and water leaks in the new system.
3. ODOT certified Quality Control Compliance Specialist (QCCS) requirement required documentation preparation by Wallis and the effort was outside of the agreed scope of work.
4. ODOT labor interviews of the contractor and each subcontractor working on the project was originally to be performed by City staff. Wallis performed labor interviews due to an increase in City staff workload and at the request of City staff.
5. Wallis worked with FHWA and ODOT during the course of the project when incidents relating to the Contractor not paying their subcontractors and suppliers occurred. The project is federally funded, therefore Wallis helped ensure that federal funds were being distributed appropriately.
6. Lack of superintendence by the contractor resulted in Wallis Engineering performing coordination with subcontractors and property owners.
7. ARRA project requirements for contract change orders resulted in additional work tasks to prepare and coordinate with ODOT for ARRA documentation.
8. Contract claims by the Contractor resulted in additional work tasks for Wallis to process documentation and related claim resolution tasks.
9. Wallis prepared and coordinated the FHWA national and local audit review by a team of FHWA auditors.

Attachment 2, "Supplemental No 7 – Wallis Engr Scope of Work & Fee – Warner Milne Rd", provides detailed information on the additional work scope and budget.

To complete the construction phase of the project, Supplemental No. 7 to the PSA is needed to provide the additional resources required for construction engineering, administration, monitoring and inspection services.

BUDGET IMPACT:

FY(s): 2010-11

Funding Source: \$79,824

Wastewater Fund, Wastewater SDC, Water Fund, Water SDC, Stormwater Fund, Transportation SDC

ATTACHMENTS:



VICINITY MAP



SUPPLEMENTAL AGREEMENT NO. 7

This Supplemental Agreement modifies the Personal Services Agreement (AGREEMENT) between Wallis Engineering (ENGINEER) and City of Oregon City (OWNER) signed January 23, 2009, for a PROJECT known as the Warner-Milne Road/Molalla Avenue Intersection Realignment and the Beavercreek Road/Molalla Avenue Intersection Improvements.

The following modifications are made to the AGREEMENT and all other terms and conditions remain unchanged:

1. The Scope of Work and Total Contract Amount are modified to include the following:

The Agreement shall be amended per the attached Exhibit A7 - Supplemental Scope of Work. The fixed fee for this additional work shall not exceed \$79,824.00, as outlined in Exhibit B7.

2. The Duration of the Agreement is hereby amended as follows:

The Agreement's expiration date shall be extended from August 31, 2010 until December 31, 2010.

IN WITNESS WHEREOF this Supplemental Agreement is made and executed this _____ day of _____, 20____.

For OWNER: City of Oregon City

For ENGINEER: Wallis Engineering

Authorized Signature _____

Name (Printed): _____

Robert Wallis

Title: _____

Member

Date: _____

City of Oregon City
625 Center Street
P.O. Box 3040
Oregon City, Oregon 97045

Wallis Engineering
215 W. 4th Street, Suite 200
Vancouver, Washington 98660

**EXHIBIT A-7
SUPPLEMENTAL NO. 7
SCOPE OF WORK**

**City of Oregon City
CL 08-12: Warner Milne Road: Beavercreek-Molalla (Oregon City)
WE# 1254B**

GENERAL SCOPE OF PROJECT

This project (called the “Warner Milne Road project”) consists of realigning the west leg of Warner Milne Road at the Molalla Avenue intersection, replacement of water and sewer mains within the project area and pavement rehabilitation on Warner Milne Road to Beavercreek Road. The project basically consists of:

1. Realignment of Warner Milne Road at Molalla Avenue. Improvements include new AC roadway, curbing and sidewalk, storm sewer, landscaping/rain garden, signal and traffic loop detection improvements, interconnect, street lighting, signing and striping.
2. Construction of approximately 800 LF of 16-inch waterline and 1,500 LF of 8-inch waterline on Warner Milne Road from Molalla Avenue to Beavercreek Road, including new fire hydrants and water services.
3. Construction of approximately 1,460 LF of 12-inch sanitary sewer along Warner Milne Road between Molalla Avenue and Beavercreek Road and within the existing Walgreens/Danielson’s parking lot.
4. Other miscellaneous storm sewer improvements along Warner Milne Road.

BACKGROUND

This Warner Milne Road project was originally one of two related projects that together were included in a single engineering agreement. The *Original Agreement* (January 2009) was for design phase services for both the Warner Milne project and the Beavercreek Road/Molalla Avenue Intersection improvements project.

The Warner Milne Road project was selected to receive federal funding for construction through the American Reinvestment and Recovery Act (ARRA), therefore the City made the decision to separate and bid the project separately. The other project, the Beavercreek Road/Molalla Avenue Intersection improvements project, did not receive federal funding and is projected for construction in 2011/2012.

The Warner Milne Road project was advertised by ODOT on June 25, 2009 and is now under construction. The aforementioned Original Agreement was supplemented to provide for construction phase services of the Warner Milne Road project. This

supplement is being submitted to account for changes in scope that have arisen since the submittal of Supplement #6.

SUPPLEMENT JUSTIFICATION

This supplement addresses changes that have occurred during construction of the project. These have been primarily due to the following:

- Extended construction period – Due to unforeseen circumstances the predicted project completion date is August 20, adding approximate 5 weeks of construction administration to the project.
- During waterline installation inspections the Contractor had significant difficulties relating to pressure testing of the installed system and subsequent line exposure to locate potential leaks. Additional inspection time was required during the exposure, sealing, backfill and re-testing.
- The waterline connection work to the existing water system proved to be difficult for the Contractor and took longer than anticipated. This required additional inspection time.
- ODOT pursued the issue of not having an ODOT certified Quality Control Compliance Specialist (QCCS) on the project. At the request of the City we prepared a package of documentation stating Wallis Engineering qualifications for performing this work. This effort was outside of the agreed scope of work.
- ODOT required labor interviews of the contractor and each subcontractor working on the project. This work was originally to be completed by City staff. Due to an increase in City staff workload and at the request of City staff, Wallis Engineering performed these labor interviews.
- During the course of the project there were several incidents relating to the Contractor not paying their subcontractors and suppliers during the course of the project. As this is a federally funded project, Wallis Engineering became involved in this dispute to ensure that federal funds were being distributed appropriately.
- Lack of superintendence by the contractor resulted in Wallis Engineering performing coordination with subcontractors and property owners.
- Due to change orders, an ARRA project narrative was required for additional work tasks requested for coverage under the authorization and preparation/coordination with ODOT for ARRA. Change Orders relating to road construction and culvert work resulted in approximately 40 hours of additional work to prepare the project narrative.

- Claims for dewatering and delays were received and processed by Wallis Engineering. Considerable time was also spent dealing with a potential claim related to requiring the electrical contractor to perform open trenching in lieu of directional drilling.
- Change order preparation for delay claims and extra work items were required due to the time extension of the project.
- Preparation for the FHWA national and local audit review teams audit.

Details regarding these changes are outlined in the specific scope of work below.

EXTENSION OF TIME

Due to the reasons above, the completion date for construction is now expected to be August 20th, 2010. This supplemental assumes that an additional 2.5 months will be required for processing of all post construction documentation and completion of punch list items.

SPECIFIC SCOPE OF WORK

Task 2 Construction Contract Administration/Construction Engineering (CA/CE) – (Task Supplemented)

- *Supplemental Project Management/Construction Engineering.* This supplement includes additional budget for Project Management and Construction Engineering services. The previous supplemental agreement (Supplemental Agreement #6) accounted for additional CA/CE services through July 15, 2010. Additional fees are required for Project Management services due to the following unanticipated project conditions:
 - The project construction completion is now expected to be August 20, 2010. This supplement covers additional contract time for full time project management (9 hours/day), for the period of time between July 15th and August 20th. Supplemental #6 still covers costs associated with close-out of the project after construction. (Total = 250 hours PM time)
 - The Wallis Engineering PM undertook labor interviews of each contractor working on the project as required by ODOT. This work was outside of the project scope and required additional effort from Wallis Engineering. (Total = 10 hours PM time)
 - During the course of the project there were several incidents relating to the Contractor not paying their subcontractors and suppliers. As this is a federally funded project, Wallis Engineering became involved in this dispute to ensure that federal funds were being distributed appropriately. (Total = 40 hours PM time)
 - Lack of superintendence by the contractor resulted in Wallis Engineering performing coordination with subcontractors and property owners. This

- work helped to ensure continued construction progress and address property owner concerns. (Total = 80 hours PM time)
 - Claims for dewatering and delays were received and processed by Wallis Engineering. Considerable time was also spent dealing with a potential claim related to requiring the electrical contractor to perform open trenching in lieu of directional drilling. (Total = 80 hours PM time)
 - Change order preparation for delay claims and extra work items were required due to the time extension of the project. (Total = 50 hours PM time)
- *Supplemental Project Administration/QCC.* This supplement includes additional budget for Project Administration and QCC (ODOT Quality Control Compliance). Additional fees are required for QC services due to the following unanticipated project conditions:
 - ODOT pursued the issue of not having an ODOT certified Quality Control Compliance Specialist (QCCS) on the project. At the request of the City a package of documentation was prepared detailing Wallis Engineering qualifications for performing this work. This effort was outside of the agreed scope of work. (Total = 40 hours QC time)
 - Due to change orders, an ARRA project narrative was required for additional work tasks requested for coverage under the authorization and preparation/coordination with ODOT for ARRA. Change Orders relating to road construction and culvert work resulted in additional work. (Total = 40 hours QC time)
 - Preparation for the FHWA national and local audit review teams audit. This effort was outside of the agreed scope of work. (Total = 30 hours QC time)

Task 3 Construction Monitoring/Inspection

- *Supplemental Construction Activity/Quality Control Monitoring.* The previous supplemental agreement (Supplemental Agreement #6) included three months full time (8 hours/day) and two months half time (4 hours/day) for a project inspector (Don Jandreau) through June 2010. Additional fees are required for Project Inspection services due to the following unanticipated project conditions:
 - Full time (8 hours/day) inspection services will be required from the end of June 2010 through August 20, 2010. (Total = 296 hours I1 time)
 - During waterline installation inspections the Contractor had significant difficulties relating to pressure testing of the installed system and subsequent line exposure to discover the leak. Additional inspection time was required during the exposure, sealing, backfill and re-testing. (Total = 32 hours I1 time)
 - During waterline connections to the existing system the contractor had difficulties which resulted in longer inspection hours. (Total = 20 hours I1 time)

- *Supplemental Inspections for Greenworks subconsultant.* The reasons for the overage:
 - Additional Field Inspections (4 site visits in contract) – 4 site visits to date (5/4, 6/9, 6/16, 6/29) and 4 more anticipated to inspect the following:
 - Staking of Trees and Irrigation Controller
 - Irrigation Head Layout
 - Irrigation Distribution (separate visit)
 - Planting Inspection & Final Punch List
 - Revisiting the proposed irrigation design to accommodate a ¾” Water Meter, as requested.
 - Nursery Visits – Inspection of tree stock at nurseries in West Linn, Boring, and Forest Grove on 7/14.
 - One additional nursery visit is anticipated to review “replacement” trees (see July 14 Memo)
 - Additional Submittal Reviews for the following:
 - Rain Garden Topsoil (included 2 rejections and subsequent review of resubmittals).
 - Topsoil (included 1 rejection and subsequent review of resubmittal).
 - Review of Pedestrian Walkway shop drawing resubmittal.
 - Additional general project coordination (memoranda, emails, telephone conversations) than what was anticipated.

P:\12\1254A\Agreements\Supplemental No.7\1254B-Exhibit A7 Scope.doc

Exhibit B7 - Fee Estimate
City of Oregon City
Warner Milne Road: Beavercreek Rd. - Molalla Ave. (Oregon City)
WE# 1254A
August 2010

TASK	DESCRIPTION	Wallis Eng. Staff Est. Hrs			Staff Cost	Expenses	Subconsultants	Total
		QC	PM	I1			Greenworks	Cost
	Allotment for Construction Phase Services	110	510	348	\$76,300	\$1,500	\$2,024	\$79,824
	GRAND TOTAL	110	510	348	\$76,300	\$1,500	\$2,024	\$79,824

FEE SUMMARY			
Staff	Hours	Rate	Fees
QC - Quality Control	110	\$95	\$10,450
PM - Project Manager	510	\$95	\$48,450
I1 - Inspector 1	348	\$50	\$17,400
Total Fees from Staff			\$76,300
Subconsultant			Fees
Greenworks			\$2,024
Total Fees from Subconsultants			\$2,024
<i>NOTE: Fee includes 10% markup</i>			
Expenses			Cost
Mileage (@\$0.50/Mile)			\$1,500
Total Fees from Expenses			\$1,500
TOTAL BUDGET			\$79,824

MEMORANDUM

DATE: August 16, 2010

TO: Nancy Kraushaar, P.E.
City of Oregon City

FROM: Jason Irving, P.E.

RE: Warner Milne Rd: Beaver Creek – Molalla (Oregon City)
O.C. Project No. CI 08-012
Wallis Job No. 1254B
ODOT CN14086

This memorandum provides a project timeline summary and details of events that have affected the completion date of the Warner Milne Road project. The project experienced delays totaling ninety-eight (98) calendar days that were justifiable under the ODOT Standard Specifications.

- May 14, 2010 - Original completion date.
- September 21, 2009 - Onsite work began.
- September 21 – October 14, 2009 – During this time period the Contractor worked on the sanitary sewer improvements within the Danielson's property and encountered a sewer manhole problem and a water line conflict which were not anticipated, thus leading to a justified contract extension. A contract change order was approved for the delays to the work, summarized in the following paragraphs. Nine (9) additional calendar days were provided to the Contractor.

The Contractor encountered an un-located 10-inch ductile iron waterline in direct conflict with the proposed sanitary improvements and stopped work for the day. The sanitary design was revised to install an additional manhole to address the waterline conflict.

During excavation around existing sanitary manhole 'H' it was determined that the lack of a sufficient existing base on the manhole would not allow for core drilling the new pipe connection as called for on the plans. Existing sanitary manhole 'G' was found to be in the same condition. The decision was made to replace both manholes.

- November 4, 2009 – The Contractor broke a mis-located 2-inch galvanized water service at approximate station 26+75. A contract change order was approved providing one (1) additional calendar day and compensation for the Contractor's work to repair the broken water service. This contract change order was included with the manhole replacements change order described above.
- January 18 - March 5, 2010 – During this approximately six week time period the project sanitary sewer improvements were put on hold to allow for relocation of a NW Natural Gas main. The gas main relocation was necessary due to the decision to replace an existing sanitary sewer manhole (manhole 'A') and the decision to replace the existing culvert crossing Warner Milne Road. Both these items were replaced as a result of unusual conditions encountered in the field that could not be anticipated. The existing gas main was installed too close to manhole 'A' for the Contractor to safely remove and replace the manhole. The gas main was also in direct conflict with the proposed culvert replacement. NW Natural relocated the gas main to the north using directional drilling methods. The gas main relocation work took longer than anticipated and the sanitary sewer improvements could not continue until the relocation work was completed. A draft contract change order providing sixteen (16) additional calendar days associated with the delay is currently being reviewed by ODOT.
- March 22 - April 23, 2010 – The Contractor spent this approximately five (5) week time period locating and repairing leaks in the newly installed water main. The project was delayed during this time period as the Contractor could not begin roadway reconstruction work until they successfully passed a pressure test on the new water main. No additional calendar days were added because the work was concurrent with other critical path work items.
- May 24 - June 16, 2010 – During this approximately three and a half (3.5) week time period the project area experienced record setting rainfall. Due to the heavy rains and high flow within the drainage ditch the Contractor was unable to complete replacement of the storm sewer culvert crossing Warner Milne Road. The culvert replacement was a critical path item as the roadway reconstruction could not begin until it was completed. A contract change order was approved providing the Contractor with twenty (20) additional calendar days.
- June 11, 2010 – The original plans called for reconditioning of Warner Milne Road west of the full depth reconstruction area. Reconditioning consisted of removal of the existing asphalt pavement, re-grading the existing aggregate base and placing new hot mix asphalt pavement. During trenching work for the sanitary and water system improvements it was determined that, given the nature of the subsoil and existing aggregate base, the pavement life would be increased substantially by full-depth reconstruction as opposed to reconditioning. The decision was made to perform a full depth reconstruction of the roadway. A contract change order was approved providing seventeen (17) additional calendar days to the Contractor.

Kraushaar
August 16, 2010
Page 3 of 3

- August 20, 2010 – Current end of contract time.
- August 23, 2010 - Current projected completion date.

Please feel free to contact me at (360) 600-3653 with any comments, questions, or concerns.

Thank you,

Jason



Agenda Item No. 7f
Meeting Date: 18 Aug 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	Nancy Kraushaar, City Engineer and Public Works Director
PRESENTER:	Nancy Kraushaar, City Engineer and Public Works Director
SUBJECT:	Potential Acquisition of 13445 Gaffney Lane
Agenda Heading: General Business	
Approved by: David Frasher, City Manager	

RECOMMENDED ACTION (Motion):

Staff recommends City Commission consider approval of 13445 Gaffney Lane property acquisition.

BACKGROUND:

The proposed property acquisition provides for future Gaffney Lane multi-modal transportation improvements. These improvements are currently restricted by the existing residential structures. The property has been placed on the market by a willing seller.

Staff is negotiating the property purchase based on previous direction by the City Commission. Final agreement is conditioned by City Commission final approval.

BUDGET IMPACT:

FY(s):

Funding Source:

ATTACHMENTS:

Site Map





Agenda Item No. 8a
Meeting Date: 18 Aug 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	Lieutenant Lisa Nunes
PRESENTER:	Lieutenant Lisa Nunes
SUBJECT:	OLCC: Liquor License Application- Limited on Premise Sales for New Ownership, Applying as a Corporation TJM Holdings LLC, doing business as VIP Deli located at 1346 C Leland Rd, Oregon City, Oregon 97045
Agenda Heading: Consent Agenda	
Approved by: David Frasher, City Manager	

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission approve Oregon Liquor Control License application for TJM Holdings LLC, New Ownership, doing business as VIP Deli, located at 1346 Leland Rd., #C, Oregon City, Oregon 97045 for a limited on premise sales.

BACKGROUND:

The VIP Deli is a small restaurant and lottery business located at 1346 Leland Rd., Oregon City, Oregon. It has been in business in Oregon City for many years and carried a valid limited, on-premise sales liquor license. The past owners have recently sold the business to TJM Holdings who are required by Oregon Law to apply for a limited, on-premise sales liquor license in their name. Travis Maynard and Malisa Maynard are both eligible holders of a valid Oregon Liquor License.

BUDGET IMPACT:

FY(s): None
Funding Source: None

ATTACHMENTS:



OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

** TEMPORARY LICENSE **
ASAP.

PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

- ☐ Full On-Premises Sales (\$402.60/yr)
☐ Commercial Establishment
☐ Caterer
☐ Passenger Carrier
☐ Other Public Location
☐ Private Club
☒ Limited On-Premises Sales (\$202.60/yr)
☐ Off-Premises Sales (\$100/yr)
☐ with Fuel Pumps
☐ Brewery Public House (\$252.60)
☐ Winery (\$250/yr)
☐ Other: _____

ACTIONS

- ☒ Change Ownership
☐ New Outlet
☐ Greater Privilege
☐ Additional Privilege
☐ Other _____

P37324
L137403

Applying as:

- ☐ Limited Partnership ☐ Corporation ☒ Limited Liability Company ☐ Individuals

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By:

(signature)

(date)

Name:

Title:

OLCC USE ONLY

Application Rec'd by: *ELT*

Date: *6-29-10*

90-day authority: ☐ Yes ☐ No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

- ① *TJM Holdings, LLC* ③ _____
② _____ ④ _____

2. Trade Name (dba): *Vip Deli*

3. Business Location: *1346-C Leland Rd. Oregon City, OR 97045*
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: *4219 Winners Circle Ave SE Albany, OR 97322*
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: *503-557-9999*
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☒ Yes ☐ No

7. If yes to whom: *Sonlison, Inc.* Type of License: *LOP*

8. Former Business Name: *Vip Deli*

9. Will you have a manager? ☒ Yes ☐ No Name: *Travis Maynard*
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? *Oregon City / Clackamas Cty*
(name of city or county)

11. Contact person for this application: *Travis Maynard* *503-899-8169*
(name) (phone number(s))
4219 Winners Circle Ave SE Albany, OR 97322
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

- ① *Travis Maynard, member* Date *6-17-10* ③ _____ Date _____
② _____ Date _____ ④ _____ Date _____

1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)

**CITY OF OREGON CITY
JOINT RETREAT OF THE CITY COMMISSION
AND URBAN RENEWAL COMMISSION
MEETING MINUTES**

January 22, 2010

1. **Joint Session with Urban Renewal Commission Introduction to Joint Retreat Agenda Focus on Goals, Accomplishments to date, and Issues for the Future**

Roll Call: Don Slack, Chair; Doug Neeley; James Nicita ; Daphne Wuest; Rocky Smith, Jr; Robb Crocker; Graham Peterson; Brian Shaw ; Alice Norris ; and Nancy Walters.

Staff Present: Larry Patterson, City Manager; Mike Conrad, Police Chief and Public Safety Director; Nancy Kraushaar, City Engineer and Public Works Director; Tony Konkol, Community Development Director; Nancy Ide, City Recorder; Scott Archer, Community Services Director; Jim Loeffler, Human Resources Director; David Wimmer, Finance Director; Dan Drentlaw, Economic Development Manager; Teri Bankhead, Office Specialist III-City Manager's Office; and Kelly Burgoyne, Office Specialist II.

Mayor Norris called the meeting to order at 4:40 p.m.

Mayor Norris said the main City goal was sustainability. At the end of the meeting, the expectation was to have a list of Urban Renewal priorities to give staff direction.

Larry Patterson, City Manager, discussed the current list of Commission goals and objectives and listed the achievements of the last seven years. He also reviewed Urban Renewal financing focusing on the Cove development and the scenarios for what would happen if the Cove project did or did not go forward and on the Rivers project. He then discussed the City budget and how it would be difficult to take on new programs and gave ways to maintain what was being done currently.

2. **6:30 - 6:45 Break**

3. **Focus on Main Street - Lloyd Purdy Focus on Design Standards**

Lloyd Purdy, Downtown Manager, gave a presentation on the Main Street program including the stakeholders, areas of focus, goals, exploring potential, the environment downtown, funding, the Urban Renewal Commission's impact on downtown, and next steps.

The Commission wished to have a future discussion on creative financing for Main Street projects including loans, facade improvements, and EID.

Nancy Kraushaar, City Engineer and Public Works Director, gave an update on the Streetscape Enhancement Project and Circulation Study.

Dan Drentlaw, Economic Development Manager, discussed the Main Street design guidelines and Metro Development Opportunity Grant. The City also applied for a DLCD grant to look at market feasibility for developing the north end.

The Commission also wanted a future discussion on downtown housing, codes and requirements, feasibility, and what type and mix.

There was discussion regarding the Main Street design guidelines and a check list built off of the guidelines for the Storefront Grant Program. A subcommittee would review the guidelines by March 1 and changes would be presented at a March Urban Renewal Commission meeting. There was also discussion regarding reviewing applications for the Storefront Grants a few times a year to evaluate them against each other.

4. **Focusing on the Future: 2010 and Beyond - Vision and Mission**

Mr. Patterson reviewed the Fire Annexation pledge and the budget. The vision was to re-establish Oregon City's historic role as a regional hub. There was discussion about how to align the vision with the mission and moving projects forward.

There was specific discussion about the Rivers project and giving direction for its development and concerns about the Rivers project financing. Staff would research the Commission's questions.

The majority of the Commission wished to move forward with the Rivers project. It was requested to have more frequent updates as the project continued.

5. **Setting Priorities: Discussion of Issues, Individual Views, Concerns Setting Direction: Date for Retreat with New City Manager**

Issues to be discussed in the future were: energy production possibilities and alternatives for siting in the north end area, space for Farmers Market and small business incubator, space for performing arts, options for the paper mill, and presentation on the work product for the Cove.

6. **Other Discussion Items**

7. **Adjournment**

Mayor Norris adjourned the meeting at 8:59 p.m.

Respectfully submitted,

Nancy Ide, City Recorder

**CITY OF OREGON CITY
CITY COMMISSION
RETREAT MINUTES**

January 23, 2010

1. [Convene Retreat of the City Commission, and Roll Call](#)

Roll Call: Alice Norris, Mayor; Daphne Wuest, Commission President; Doug Neeley, Commissioner; James Nicita, Commissioner; and Rocky Smith, Jr., Commissioner.

Staff Present: Larry Patterson, City Manager; Mike Conrad, Police Chief & Public Safety Director; Nancy Kraushaar, City Engineer & Public Works Director; David Wimmer, Finance Director; Scott Archer, Community Services Director; Nancy Ide, City Recorder; Jim Loeffler, Human Resources Director; Maureen Cole, Library Director; Dan Drentlaw, Economic Development Manager; Tony Konkol, Community Development Director ; and Teri Bankhead, Clerical Assistant.

Mayor Norris called the meeting to order at 7:45 a.m.

2. [General Facilities](#)

a. [Police](#)

Larry Patterson, City Manager, said preliminary design and costs had been identified for the new police facility. There would be interim remodeling of the current facility in the mean time and the final design of the renovations would be brought to the Commission for review soon. The City would consider taking a permanent facility for the Police Department to a bond vote in 2011.

There was discussion regarding the new Library facility and options for partnerships and creating a community center. Commissioner Neeley wanted to make sure whatever partnerships came in to the facility fit with the Library use.

Mayor Norris said they needed to have a community opinion assessment for facilities before deciding to go out for a bond vote.

Mike Conrad, Police Chief and Public Safety Director, said by 2022 they were required to meet seismic standards and it was costly to bring the building up to the standards. He discussed the remodeling plans for the current building and the fact they were trying to keep the costs down in hopes of having a new facility in a few years. There was discussion about financing options for the new facility.

Commissioner Neeley said the economy needed to be taken into consideration as far as timing for the bond. Chief Conrad discussed the urgency for a new facility and how it was a priority over staffing.

b. [End of the Oregon Trail Interpretive Center](#)

Mr. Patterson said the purpose of the request for proposals for the task force for the End of the Oregon Trail Interpretive Center were to bring a recommendation to the City for future use. Staff would research the possibility of the EOTIC as a charter park which might pose some restrictions.

There was discussion about the cost for the project and the Commission decided not to eliminate any proposal since they had not set a budget beforehand, but negotiating the cost in the selection process.

c. [Carnegie Center](#)

Scott Archer, Community Services Director, gave an update on the Carnegie Center task force information gathering work. The next event would be a public open house on February 6 to invite community input on the use of the Carnegie building. There was a survey on the City's web site for citizens to provide input as well. The task force would complete its work and report back to the Commission. Funds would need to be identified for implementation of the plan for the Carnegie Center.

There was discussion about the temporary site for the Library as the Library had to move out of the Danielson's site and how the Carnegie could integrate with the Library.

e. [Ermatinger House](#)

Mr. Archer said acting on Commission direction, staff was working on an agreement with Marge and Rolla Harding to continue operating the Ermatinger House. In the mean time, staff was still in discussion with the National Park Service to turn the house and property over to them for permanent preservation. Regarding maintenance, the City might want to set aside some funding to be given to the National Park Service when they turned it over as the Park Service had strict standards for repairs.

Commissioner Smith did not want to wait on repairs. He also discussed how the draft agreement did not address the Harding's concerns. Mr. Archer said it was a draft to be negotiated. The Commission agreed to continue negotiations with the Hardings.

d. [Swimming Pool](#)

Mr. Archer said the support of the Commission to do some maintenance items at the pool made a huge difference in the operation of the pool. The pool needed funding to modernize the building and do some expansion. If the City continued to make smaller incremental investments in the pool, it would expand the life of the pool for another 20 years.

f. [Oregon City Public Works Center Master Plan](#)

Nancy Kraushaar, City Engineer and Public Works Director, said the next task for the master plan was to look at alternatives for the upper yard to save more of the White Oak trees and preservation of the rock outcrops. A citizens group would also be formed for citizen input as they moved forward. A building fund that was a percentage of the utility fee had also been created that would help fund the facilities. She discussed what would be done in Phases one and two of the project.

Commissioner Nicita proposed adopting a formal resolution requesting the County Board of Commissioners to consider putting a county heritage tax on the ballot.

3. **General Committee Structure**

Mr. Patterson said the Commission needed to think about the staff assistance needed for City committees. He also discussed the expectations for these community leaders.

Mayor Norris said the Commission was considering reforming the Arts Commission, Natural Resources Committee, going from seven to five Planning Commissioners, and deciding who would staff a Heritage Committee.

a. **Natural Resources / Tree Committee**

Tony Konkol, Community Development Director, said the City's current ordinance combined the Natural Resources and Tree committees. The Natural Resources Committee was not meeting and the question was if the Commission wanted to re-establish the Committee or combine it with the Planning Commission. If the City wanted to obtain the Tree City USA, they had to have a Tree Committee for the designation. Re-establishing the Natural Resources Committee would result in some staffing issues in Community Development.

The Tree City USA designation and re-establishing the Natural Resources Committee was not a goal for 2011, but would be put on a future issues list.

There was discussion about a Cove task force to address Cove dredging. The Commission agreed to set back the presentation on the stormwater issue to assist in scheduling the Cove task force discussion.

b. **Citizen Involvement Council and Neighborhood Association Program**

The Commission directed staff to explore the legalities of creating an ombudsman position as a CIC liaison reporting to the Commission and to explore funding sources.

c. **Planning Commission**

Mr. Konkol said the process had been started to change the code to reduce the number of Planning Commission members from seven to five.

4. **General Staffing**

Mr. Patterson outlined the staffing needs for the Parks, Finance, Police, and Community Development departments.

a. **Parks**

b. **Finance**

c. **Police**

The Commission recommended that the City earmark money to provide for the police positions hired during the COPS Grant once those funds expired.

d. **Community Development and Building**

Mr. Konkol said the Community Development and Building departments had no administrative help currently. He proposed hiring an administrative assistant split between planning and building.

The Commission recommended that the City consider the hiring of an urban design specialist for when the economy improved and to consider Commissioner Nicita's suggestion for contacting an urban designer in Hillsboro for input.

e. **Committee Support**

f. **Appointment of City Attorney Commissioner James Nicita**

Mayor Norris said this item would be added to the Commission goals, and a Charter amendment would be required if the Commission were to appoint the city attorney.

5. **General - Other**

a. **Willamette Falls Television**

b. **Sustainability Program**

c. **Business License Priorities and Grant Funded Projects**

There was discussion regarding the priorities for the Business License fee. The Commission chose to fund the economic development position from this fund. They would look at new funding sources for other programs.

There was discussion about funding the formation of the National Heritage Area as a one time commitment and being more diligent about making sure the businesses that operated in Oregon City had a business license.

8. **Community Services**

a. **Downtown Parking**

b. **Code Compliance**

Mr. Patterson said staff's approach to code compliance had been on a complaint basis. However, the response time was getting longer and they needed additional assistance and a more proactive approach.

Commissioner Neeley thought Code Enforcement should be under the Police Department, not Community Services.

There was discussion about the cost and patrol for increasing the hours of the elevator.

9. **Community Development**

- a. **Habitat Task Force**
- b. **Park Place and Beavercreek Annexation**

Mr. Konkol said the Park Place Concept Plan had been approved and adopted. The Beavercreek Concept Plan had been remanded back to the City. The plan for future annexations in the concept plan areas was to annex the property and maintain the County zoning designation. After the annexation was approved, all of the technical work would be done to show compliance for the 20 year growth projections.

- c. **South End Concept Plan**

Mr. Konkol said the process for the South End Concept Plan had not been started yet. There was discussion regarding the funding and lack of support from the neighborhood. Staff would find out if there was a sunset on the availability of the funding.

- d. **Municipal Code Update**
- e. **Urban Rural Reserves Current Maps**

Mr. Konkol explained a request for including the Sears property in the urban reserve. Currently it was undesignated. There was discussion about the boundaries and whether or not to make property changes at this late date in the process. Staff would talk to Metro and County staff to see what the options were and discuss it at the next Commission meeting.

- 10. **Public Works**
 - a. **Wastewater Mitigation / County and Regional Relationships**
 - b. **Capital Improvements Project Program Review**

Ms. Kraushaar discussed the list of current capital improvement projects Public Works was working on for transportation, water, wastewater, stormwater, and facilities. She also passed out a list from Scott Archer of the projects that were underway or anticipated for Community Services.

- c. **Transportation Systems Plan**
- d. **Water Rate Rollback**
- 11. **City Recorder**

The materials included in the packet related to items 11a-11e were for the Commission's review and would be addressed throughout the year.

- a. **Records Management Strategic Plan**
- b. **Historic Preservation of City Records**

- c. **Granicus Voting System**
- d. **Election 2010**
- e. **Commission Policy 1-11, Commissioner Expenses**
- 6. **Police**
 - a. **Community Policing**

Mike Conrad, Police Chief and Public Safety Director, reported on the new community policing programs implemented in 2009. The next focus would be to reach out to the business community and to start a citizens' police academy and airing information on the public access channel.

- 7. **Human Resources**
 - a. **Management Contracts**
 - b. **Training**

The Commission discussed the goals from last year, goals for this year, and those for future consideration. This year's goals would include building a sustainable future, selecting an excellent City Manager, addressing critical facility needs, volunteer recognition, and creating a volunteer coordinator. The goals would be formally adopted at a later time.

Future discussion suggestions were energy production, implementing conservation easements, an IGA with the County on the preservation of Newell Creek Canyon, water conservation and tiered water rates.

12. **Adjournment**

Mayor Norris adjourned the meeting at 3:00 p.m.

Respectfully submitted,

Nancy Ide, City Recorder

**CITY OF OREGON CITY
CITY COMMISSION
MEETING MINUTES**

August 4, 2010

1. [Convene Regular Meeting of August 4, 2010, and Roll Call](#)

Roll Call: Mayor Alice Norris; Commissioner Doug Neeley; Commissioner Rocky Smith, Jr.; Commissioner James Nicita; and Commissioner Daphne Wuest.

Staff Present: David Frasher, City Manager; Ed Sullivan, City Attorney; Nancy Kraushaar, City Engineer and Works Director; Nancy Ide, City Recorder; Scott Archer, Community Services Director; David Wimmer, Finance Director; Maureen Cole, Library Director; Mike Conrad, Police Chief and Safety Director; Tony Konkol, Community Development Director; and Teri Bankhead, Assistant to the City Manager.

Mayor Norris called the meeting to order at 7 p.m.

2. [Flag Salute](#)

3. [Ceremonies, Proclamations, Presentations](#)

a. [Recognition of Service and Support to the Oregon City Library](#)

Mayor Norris recognized the members of the Church of Latter Day Saints for their help with the Library move.

Mayor Norris recognized the Danielson family for offering space for the Library and extending the lease until the Library funding was secure for a move which put their plans on hold for redevelopment of their property.

b. [Commission to Sergeant and Oath of Office for Sergeant Shaun Davis, Oregon City Police](#)

Mike Conrad, Police Chief and Public Safety Director, gave background on Shaun Davis' police experience and the importance of a Sergeant's role. Mayor Norris administered the Oath of Office to Sergeant Shaun Davis.

Mayor Norris also expressed appreciation for the National Night Out event.

c. [Oregon Code Enforcement Officers Recognition Week Proclamation](#)

Mayor Norris read the proclamation proclaiming August 9-13, 2010 as Oregon City's Code Enforcement Officers Recognition Week.

4. [Citizen Comments](#)

Paul Edgar of Oregon City spoke about public safety concerns on Highway 99E/McLoughlin Boulevard. He went to the City's Transportation Advisory Committee with no result. Something needed to happen in this area.

Nancy Kraushaar, City Engineer and Public Works Director, said ODOT had been asked in the past for a traffic signal and reduced speeds in the area and they had not had the findings in their studies to support doing those things. She suggested a letter from the Canemah Neighborhood to the Transportation Advisory Committee making the request.

Commissioner Nicita suggested designating it as a Special Transportation Area.

William Gifford of Oregon City encouraged the Commission to consider hiring a volunteer coordinator.

5. **[Adoption of the Agenda](#)**

The agenda was adopted as presented with item 8d removed from the consent agenda for discussion.

6. **Public Hearings**

There were no public hearings.

7. **General Business**

a. **[Resolution No. 10-18, Ballot Measure for Voter Approval of a Public Road and Utilities across Oaktree Park](#)**

Mayor Norris excused herself from the discussion as she had a conflict of interest as a member of the church and an investor in the project.

Tony Konkol, Community Development Director, said at the last Commission Work Session there was discussion about the proposal to put a new connection across an existing park and the recommendation was it should go to the voters. This would be on the November 2, 2010 ballot.

Commissioner Nicita clarified that the church would be paying the cost for the election. He suggested adding to the ballot a measure that allowed the City Commission to appoint and hire the City Attorney.

Commissioner Smith did not like the ballot wording that said the Commission thought it was in the public interest to do this. It was in the interest of the church and there were other locations for the road that made better sense.

Mr. Konkol said the applicant had a minor partition and they were required to show a possible layout to provide connectivity. Staff worked with the applicant for alternative placement to meet the needs of the City, Fire District, and applicant. There were site constraints for the needed connection.

Commissioner Wuest was in favor of letting the voters decide.

Commissioner Nicita was also in favor of the citizens voting on this issue.

Commissioner Neeley said cul-de-sacs were being discouraged especially for fire and life safety issues.

Tom Sisul, engineer for the church, explained how the connection had been determined.

Motion by Commissioner Daphne Wuest, second by Commissioner James Nicita to approve Resolution No. 10-18, a resolution calling for an election to approve the vacation and change in status for a portion of the Oaktree Park subdivision under Section 41 of the City Charter and adopting a ballot title.

A roll call was taken and the motion passed with Commissioner Doug Neeley, Commissioner Rocky Smith, Jr., Commissioner James Nicita, and Commissioner Daphne Wuest voting aye. [4:0:0]

Mayor Norris returned to the Chambers.

- b. [Second Reading of Ordinance No. 10-1007, Annexing Certain Property to the City of Oregon City and Approving the May 18, 2010 Election Results for Measure No. 3-359, Annexation File No. 09-01 \(Bauer\)](#)

Motion by Commissioner Doug Neeley, second by Commissioner Rocky Smith, Jr. to approve the second reading of Ordinance No. 10-1007, annexing certain property to the City of Oregon City and approving the May 18, 2010 election results for Measure No. 3-359, Annexation File No. 09-01 (Bauer).

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Doug Neeley, Commissioner Rocky Smith, Jr., Commissioner James Nicita, and Commissioner Daphne Wuest voting aye. [5:0:0]

- c. [Ordinance No. 10-1006, Amending Title 5, Business Licenses and Regulations, Chapter 5.24, Social Games, Bingo, and Lotto](#)

Chief Conrad said this would align City Code with State law which prohibited regulating the licensing of bingo or lotto games and allow for social gaming for non-profit organizations to take place at any location.

Motion by Commissioner Rocky Smith, Jr., second by Commissioner Daphne Wuest to approve the first reading of Ordinance No. 10-1006, amending Title 5, Business Licenses and Regulations, Chapter 5.24, Social Games, Bingo, and Lotto.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Doug Neeley, Commissioner Rocky Smith, Jr., Commissioner James Nicita, and Commissioner Daphne Wuest voting aye. [5:0:0]

- d. [Deed of Dedication, Slope Easement, Temporary Construction Easement, and Settlement Agreement with Metro at 2001 Washington Street, Project: OR 213: I-205 - Redland Road O'xing \(Oregon City\) \(aka Jughandle Project\)](#)

Ms. Kraushaar said the Metro Council approved these deeds of dedication and easements which were necessary for the Jughandle Project. The value of the properties was \$190,000 and Metro would use the money for a future project that would benefit the area. She explained the project on a map.

Motion by Commissioner Doug Neeley, second by Commissioner Rocky Smith, Jr. to approve the Deed of Dedication, Slope Easement, Temporary Construction Easement, and Settlement Agreement with Metro at 2001 Washington Street, Project: OR 213: I-205 - Redland Road O'xing (Oregon City) (aka Jughandle Project).

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Doug Neeley, Commissioner Rocky Smith, Jr., Commissioner James Nicita, and Commissioner Daphne Wuest voting aye. [5:0:0]

e. [Resolution No. 10-20, Adopting the Parking Study](#)

Scott Archer, Community Services Director, said the adoption of the Parking Study had been delayed to meet with stakeholder groups. Previous questions of the Commission regarding extending parking times on the bluff and indexing of the fees could be done as separate actions.

Mayor Norris suggested the notes from the stakeholder group meetings be included as an appendix in the adoption and asked for an implementation schedule.

Mr. Archer said the notes were entered as part of the record with the staff report.

Commissioner Neeley wanted to know why there was a wide range for the parking meter fees.

Mr. Archer was not familiar with the range of fees, due to the fact his involvement in the discussions were limited.

Teri Bankhead, Assistant to the City Manager, said she recalled the recommendation was based on demands for one, which allowed for more flexibility from the Commission, and secondly, the proximity of meter location.

Motion by Commissioner Daphne Wuest, second by Commissioner Rocky Smith, Jr. to approve Resolution No. 10-20, adopting the Parking Study for Main Street of downtown Oregon City.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Doug Neeley, Commissioner Rocky Smith, Jr., Commissioner James Nicita, and Commissioner Daphne Wuest voting aye. [5:0:0]

f. [Update on Current Library Facility at Carnegie Center](#)

Maureen Cole, Library Director, said the papers were signed for the purchase of Eastham School for the new Library and the due diligence period had begun. The Library was doing well at their temporary location, the Carnegie Center. She was working on a program that acknowledged the history of the Library in the Carnegie. She gave the statistics for circulation, reference, Summer Reading Program, addition of new titles, fines, and new features since the move. She also announced upcoming programs at the Library.

8. [Consent Agenda](#)

- a. **OLCC: Liquor License Application Full On Premise Sales for New Ownership Change Applying as a Corporation, Berman's 505 Tavern LLC, located at 505 Main Street, Oregon City, OR 97045.**
- b. **Public Improvement Contract to Blackline, Inc. in the Amount of \$154,567.70 for the 2010 Oregon City Slurry Seal Project**
- c. **Minutes of the July 7, 2010 Regular Meeting**
- e. **Resolution No. 10-19, Amending the 2010 Fee Schedule to Include Residential Landscaping Review Fees and to Set the Tree Replacement/Mitigation Fee**

Motion by Commissioner Doug Neeley, second by Commissioner Daphne Wuest to approve the Consent Agenda except for item 8d.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Doug Neeley, Commissioner Rocky Smith, Jr., Commissioner James Nicita, and Commissioner Daphne Wuest voting aye. [5:0:0]

d. [Minutes of the July 13, 2010 Work Session](#)

Commissioner Neeley expressed his concern about the brevity of the minutes.

Motion by Commissioner Doug Neeley, second by Commissioner Rocky Smith, Jr. to approve the minutes of the July 13, 2010 Work Session.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Doug Neeley, Commissioner Rocky Smith, Jr., Commissioner James Nicita, and Commissioner Daphne Wuest voting aye. [5:0:0]

9. **Communications**

a. [City Manager](#)

David Frasher, City Manager, said ODOT would be making a presentation on the bridge project to the Commission. The Commission would need to register soon for the 85th Annual LOC Conference. He also discussed the letter from Buy Local who was asking for \$3,000 and gave a summary of donations the City made to these types of activities. The Commission was committed to economic development, however there was no specific line item for this and there were ways to help without spending money.

The Commission consensus was to not provide funding for this request as it would set a precedent for other groups to request donations.

Mr. Frasher passed around a reference book for suggestions for what to do with the interest from the

South Fork Water Board loan. Also to accommodate the Jughandle Project he would need to sign an entry permit on a City owned parcel off of Washington Street.

Ms. Kraushaar said to construct the flood plain mitigation between I-205 and the railroad tracks the City required access to the property during construction and for five years of maintenance of the plantings. Also the sculpture on 7th Street was back.

b. Mayor

Mayor Norris stated that on August 10 the Chief Operating Officer of Metro, Michael Jordan, would issue a report on UGB expansion issues. There might be a change in regional centers and a proposal to study areas around Oregon City for servicing the areas in an urban growth expansion. The Commission would look at the study areas at the next Commission Work Session.

Mr. Konkol said he did not think there was a need at this time for study areas except for one area south of the City that was small acreage with finished tax lots and it was the natural edge of the City.

c. Commissioners

Commissioner Neeley reported on discussions between West Linn and Oregon City regarding cable access. There was a draft Memorandum of Understanding and many concerns of the cable access board still needed to be met.

Commissioner Wuest reported on the First City Celebration downtown event. She announced the First Friday event for the month of August.

Commissioner Smith gave a speech on Saturday at the Sustainability Fair. He also attended the First City Celebration and National Night Out.

Commissioner Neeley clarified the agendas of upcoming Work Sessions.

Commissioner Nicita wanted to discuss the issue of adding to the August work session a discussion on a ballot measure that would allow the Commission to appoint the City Attorney. This would be a Charter amendment and he proposed to place it on the November 2, 2010 ballot.

Commission consensus was the timeline was too tight to allow for public discussion and input. This item would be discussed further at the August Work Session.

Commissioner Nicita referred to Commission Goal #2, objective 5e related to exploring alternatives for energy production and conservation at a work session. There was consensus to bring the discussion to a future work session, perhaps in September or October. He also wanted to discuss the replacement of the spray park at the Carnegie Center and suggested a competitive design competition. The Commission also wanted to look at other parks and water feature opportunities throughout the City.

10. [Adjournment](#)

Mayor Norris adjourned the meeting at 9:45 p.m.

Respectfully submitted,

Nancy Ide, City Recorder

DRAFT



Agenda Item No. 8e
Meeting Date: 18 Aug 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	Nancy Ide, City Recorder
PRESENTER:	Nancy Ide, City Recorder
SUBJECT:	Resolution No. 10-21, Extension of Comcast Franchise to December 31, 2010
Agenda Heading: Consent Agenda	
Approved by: David Frasher, City Manager	

RECOMMENDED ACTION (Motion):

Staff recommends approval of Resolution No. 10-21 for a fourth extension of the Comcast franchise agreement to December 31, 2010.

BACKGROUND:

The current franchise agreement between the City of Oregon City and AT &T Comcast Corporation (Comcast) expired on May 6, 2009. Good faith efforts have been made to negotiate a renewal of the agreement, and an extension of the current agreement to October 31, 2009 was approved by the Commission by Resolution No. 09-24; a second extension was approved by Resolution No. 09-29 to January 15, 2010; and a third extension was approved by Resolution No. 10-03 to August 31, 2010. Negotiations are still underway and a fourth extension is being sought to December 31, 2010. Comcast does not object to the extension.

Comcast has continued to pay franchise fees and otherwise appears to have complied with the terms of the franchise during this lapse. The resolution will ensure that Comcast continues to have authority from the City to provide cable services.

The City will bring the proposed renewal to the City Commission by ordinance once the parties have reached agreement.

BUDGET IMPACT:

FY(s):
Funding Source:

ATTACHMENTS:

Resolution No. 10-21

RESOLUTION NO. 10-21

A RESOLUTION APPROVING A FOURTH EXTENSION OF THE CABLE FRANCHISE AGREEMENT WITH AT&T COMCAST CORPORATION

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City of Oregon City, a municipal corporation of the State of Oregon ("City"), and AT&T Comcast Corporation ("Comcast") are parties to a Cable Franchise Agreement passed and approved by the City on May 7, 1997, (the "Franchise"), pursuant to which the City granted a cable television franchise to Comcast to construct, maintain and operate a cable television system throughout the City; and

WHEREAS, the Franchise expired on May 6, 2009; and

WHEREAS, Comcast and the City have begun renewal negotiations in accordance with Section 626(h) of Title VI of the Communications Act of 1934, as amended, and the parties continue to reserve all rights under Section 626 of Title VI of the Communications Act of 1934, as amended, and do not waive any rights related thereto; and

WHEREAS, because the City and Comcast have not yet reached agreement on the renewal, the City deemed it necessary to extend the Franchise by Resolution No. 09-24 on August 5, 2009 to October 31, 2009; a second extension to January 15, 2010 by Resolution No. 09-29; and a third extension to August 31, 2010 by Resolution No. 10-03; and

WHEREAS, it is in the public interest to extend the Franchise for an additional period of time so that cable service to the public will not be interrupted; and

WHEREAS, the City requested that Comcast enter into an extension agreement reflecting the extension described above, but Comcast would not enter into a written extension agreement. We understand that Comcast, without waiving any of its rights under Section 626 of Title VI of the Communications Act, does not object to extending the franchise to December 31, 2010, or until a renewed franchise is agreed upon, whichever occurs first.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. That the Franchise shall be extended through December 31, 2010, or until a renewed franchise is agreed upon, whichever occurs first.

Section 2. This Resolution shall be effective following adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 18th day of August 2010.

ALICE NORRIS, Mayor

Attested to this 18th day of August 2010,

Approved as to legal sufficiency:

Nancy Ide, City Recorder

City Attorney

Resolution No. 10-21
Effective: August 18, 2010



Agenda Item No. 8f
Meeting Date: 18 Aug 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	Engineering Technician III John Knapp
PRESENTER:	City Engineer and Public Works Director Nancy Kraushaar
SUBJECT:	Restrictive Covenant Non-Remonstrance Agreement for the Benchmade Knife Company Inc. expansion project - City Planning File No. SP09-11
Agenda Heading: Consent Agenda	
Approved by: David Frasher, City Manager	

RECOMMENDED ACTION (Motion):

Move to approve the Restrictive Covenant Non-Remonstrance Agreement for the Benchmade Knife Company, Inc. Expansion Project (Attachment 1), City Planning File No. SP09-11, and authorize the Mayor and the City Recorder to execute it.

BACKGROUND:

This agreement provides 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 purpose of making various public improvements for this property.

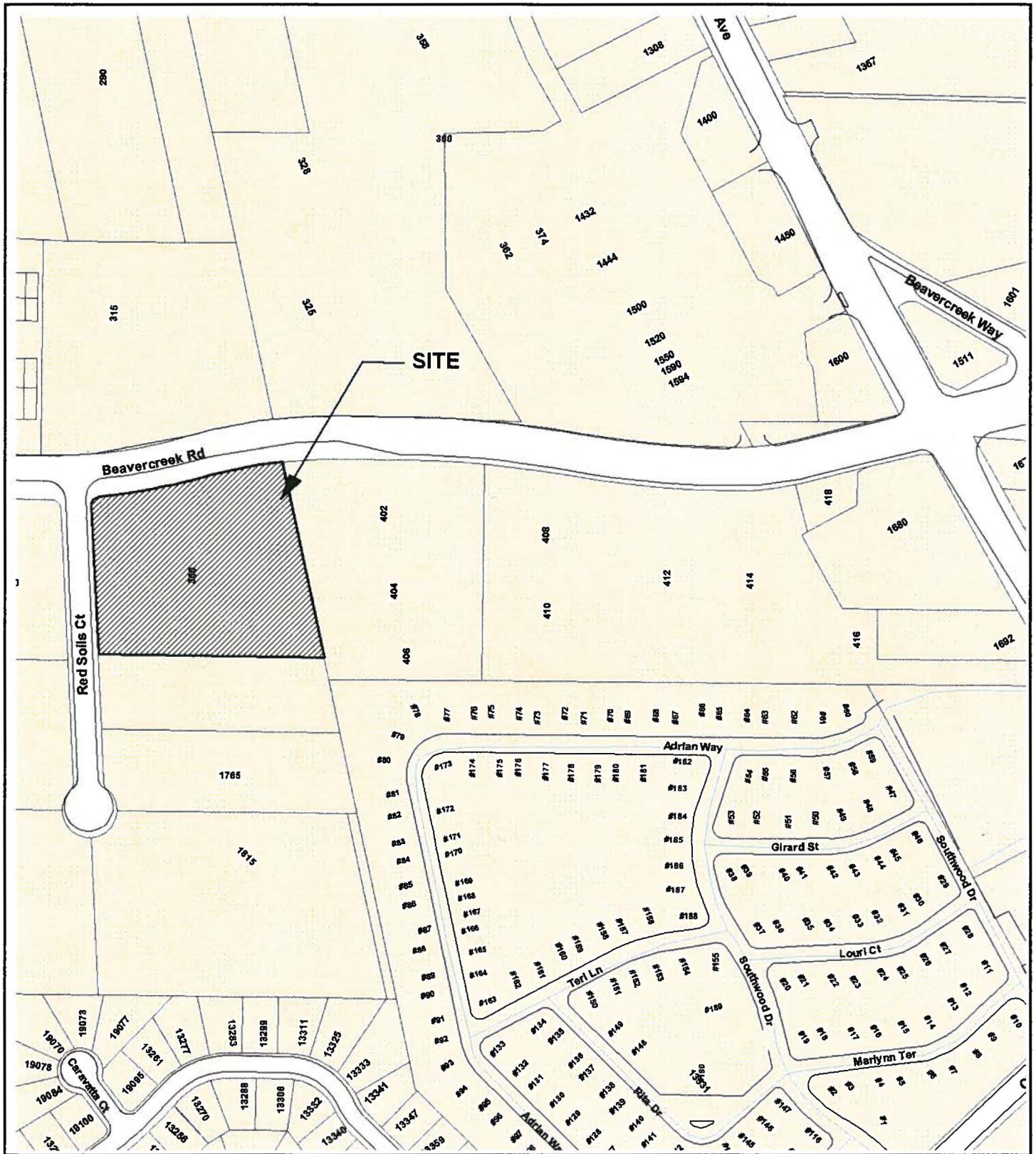
Tax Map No. 3-2E-05C Tax Lot 803 Benchmade Knife Company, Inc. (SP2009-11)

BUDGET IMPACT:

FY(s): N/A
Funding Source: N/A

ATTACHMENTS:

- 1) Restrictive Covenant Non-Remonstrance Agreement
- 2) Site Map



City of Oregon City Area Site Map

City of Oregon City
P.O. Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.oregocity.org



This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.

AFTER RECORDING RETURN TO:

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

Map No.: 3-2E-05C

Tax Lot : 803

Planning No.: SP09-11

Grantor: Benchmade Knife Company, Inc.

**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 **Benchmade Knife expansion project (300 Beavercreek)**

Oregon City Planning File No. SP09-11

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 2nd day of AUGUST, 2010; 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)

BENCHMADE KNIFE COMPANY, INC.
(Corporation/Partnership Name)

(Signer's No. 1 - Printed Name)

[Signature]
(Signature No. 1)

(Signature No. 2)

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

(Signer's No. 2 - Printed Name)

(Signature No. 2)

(Signature No. 3)

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

(Signer's No. 3 - Printed Name)

(Signature No. 3)

(if executed by a corporation affix corporate seal below)

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



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

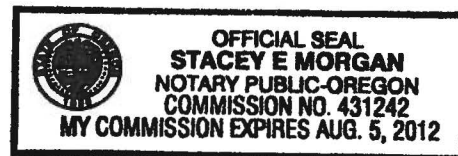
Corporate Acknowledgment

STATE OF OREGON)
) ss.
County of CLATSOP)

On this 2nd day of AUGUST, 2010,
before me, STACEY MORGAN, the
undersigned Notary Public, personally appeared
GREG MOONEY ~~and~~ SM
_____ who
being duly sworn, each for himself/herself and not
one for the other did say that the former is the
_____ president SM
~~and that the latter is the~~ secretary of
BENCHMARK KNIFE COMPANY
_____, 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

My Commission Expires: AUG 5, 2012
Stamp seal below

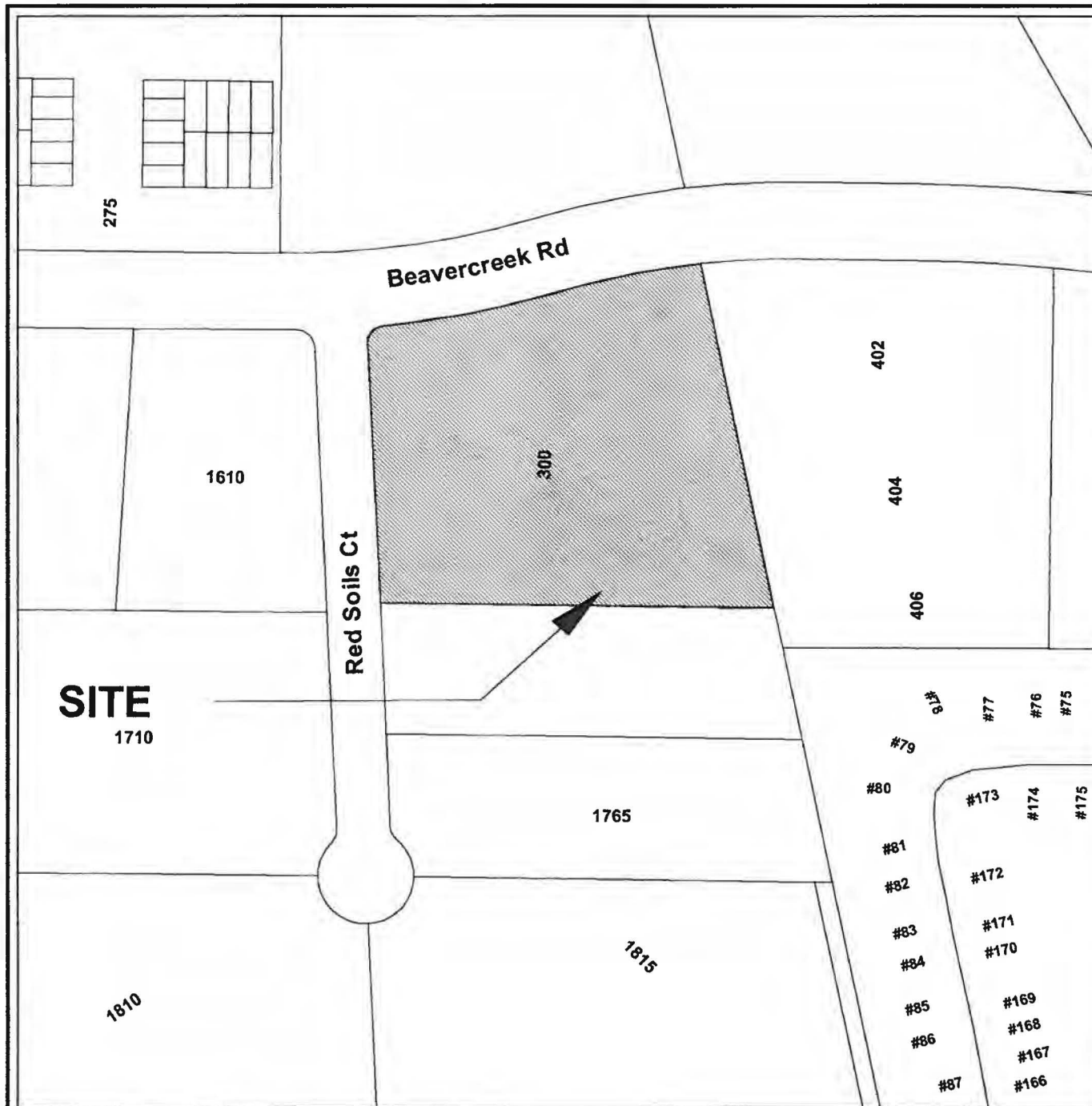


LEGAL DESCRIPTION

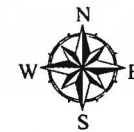
Lot 3 of "Red Soils" subdivision (a duly recorded plat,
Clackamas County Plat No. 2980), Clackamas County,
Oregon City, Oregon.

EXHIBIT "A"

EXHIBIT "B"



Benchmade Knife
Co., Inc. (300
Beavercreek Rd)



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

This map is not suitable for survey engineering, or navigation purposes. Errors and omissions may exist

Map created with OCMap 2010

08/03/2010



Agenda Item No. 8g
Meeting Date: 18 Aug 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	Engineering Technician III John Knapp
PRESENTER:	City Engineer and Public Works Director Nancy Kraushaar
SUBJECT:	Public Sanitary Sewer Easement for the Willett Partition Project - City File No. MP07-01
Agenda Heading: Consent Agenda	
Approved by: David Frasher, City Manager	

RECOMMENDED ACTION (Motion):

Move to approve the "Public Sanitary Sewer Facilities" public utility easement (Attachment 1) for the Willett Partition Project, City Planning File No. MP07-01, and authorize the Mayor and City Recorder to execute it.

BACKGROUND:

The property owner / developer (Chad and Sarah Willett) had previously agreed to provide this 5-foot wide public sanitary sewer easement as a companion document to their partition plat.

This easement provides an additional access to the existing public sanitary sewer main and manhole facilities that are located within a separate City Public Sanitary Sewer Easement located along the rear (westerly side) of the property. This new easement allows direct access (especially for manhole maintenance activities) between Front Avenue and the existing sanitary sewer facilities located at the rear of the property.

Tax Map No. 2-2E-29AA Tax Lot 3400 Willett partition (MP07-01)

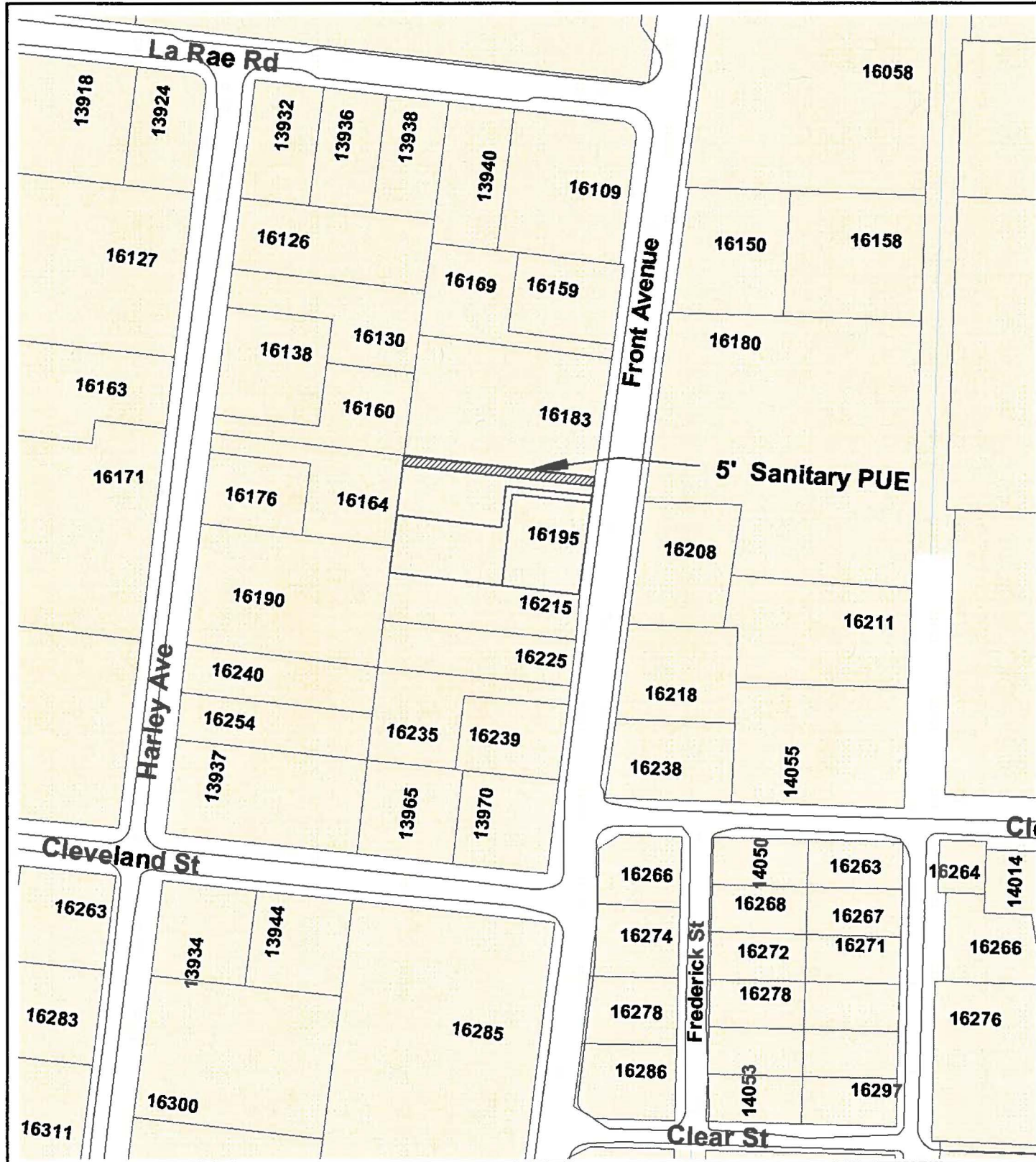
BUDGET IMPACT:

FY(s): N/A

Funding Source: N/A

ATTACHMENTS:

- 1) Public Sanitary Sewer Facilities Easement
- 2) Site Map



City of Oregon City **Area Site Map**

City of Oregon City
P.O. Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.oregoncity.org



This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.

AFTER RECORDING RETURN TO:

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

Map No.: 2-2E-29AA
Tax Lot : 3400
Planning No.: MP07-01

Grantor: Willett, Chad & Sarah

CITY OF OREGON CITY, OREGON PUBLIC UTILITY EASEMENT

KNOW ALL BY THESE PRESENTS, THAT Chad R. Willett & Sarah M. Willett hereinafter called the GRANTOR, do(es) hereby grant unto the City of Oregon City, hereinafter called the CITY, its successors in interest and assigns, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain **Public Sanitary Sewer Facilities** on the following described land:

See attached Exhibit "A" Legal Description and attached

Exhibit "B" Sketch for Legal Description

TO HAVE AND TO HOLD, the above described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, and related uses. Such uses undertaken by the GRANTOR shall not be inconsistent or interfere with the use of the subject easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of the CITY.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition and shall indemnify and hold the GRANTOR harmless against any and all loss, cost, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is \$1.00, the receipt of which is hereby acknowledged by GRANTOR.

And the GRANTOR above named hereby covenants to and with the CITY, and CITY's successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances (no exceptions) and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

In construing this deed 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.

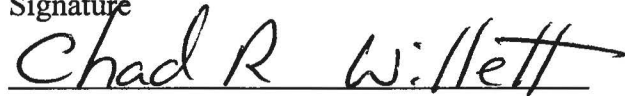
IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 25TH day of MAY, 2010; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

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

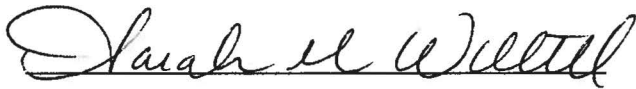
Individuals, general partnerships



Signature



Printed Name



Signature



Printed Name

(if executed by a corporation
affix corporate seal below)

Corporation/limited partnership

Corporation/Partnership Name

Signer's Name, Title

Signer's Name, Title

Signer's Name, Title

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

Personal Acknowledgment
STATE OF OREGON)
County of Clackamas) ss.

Personally appeared the above named

Chad R Willett

and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

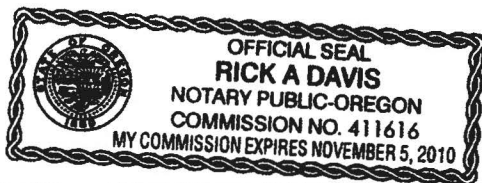
NOTARY PUBLIC FOR OREGON

[Signature]

Notary's signature

My Commission Expires: Nov 5, 2010

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 easement granted is free and clear from any taxes, liens, and encumbrances.

Mayor

City Recorder

Personal Acknowledgment
STATE OF OREGON)
County of Clackamas) ss.

Personally appeared the above named

Sarah M Willett

and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

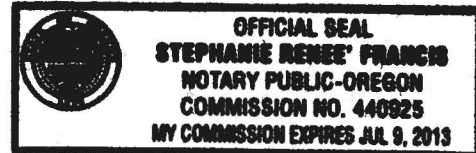
NOTARY PUBLIC FOR OREGON

[Signature]

Notary's signature

My Commission Expires: July 9, 2013

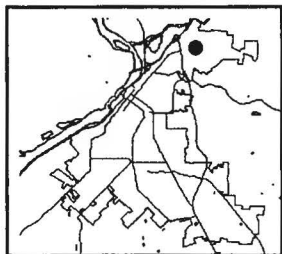
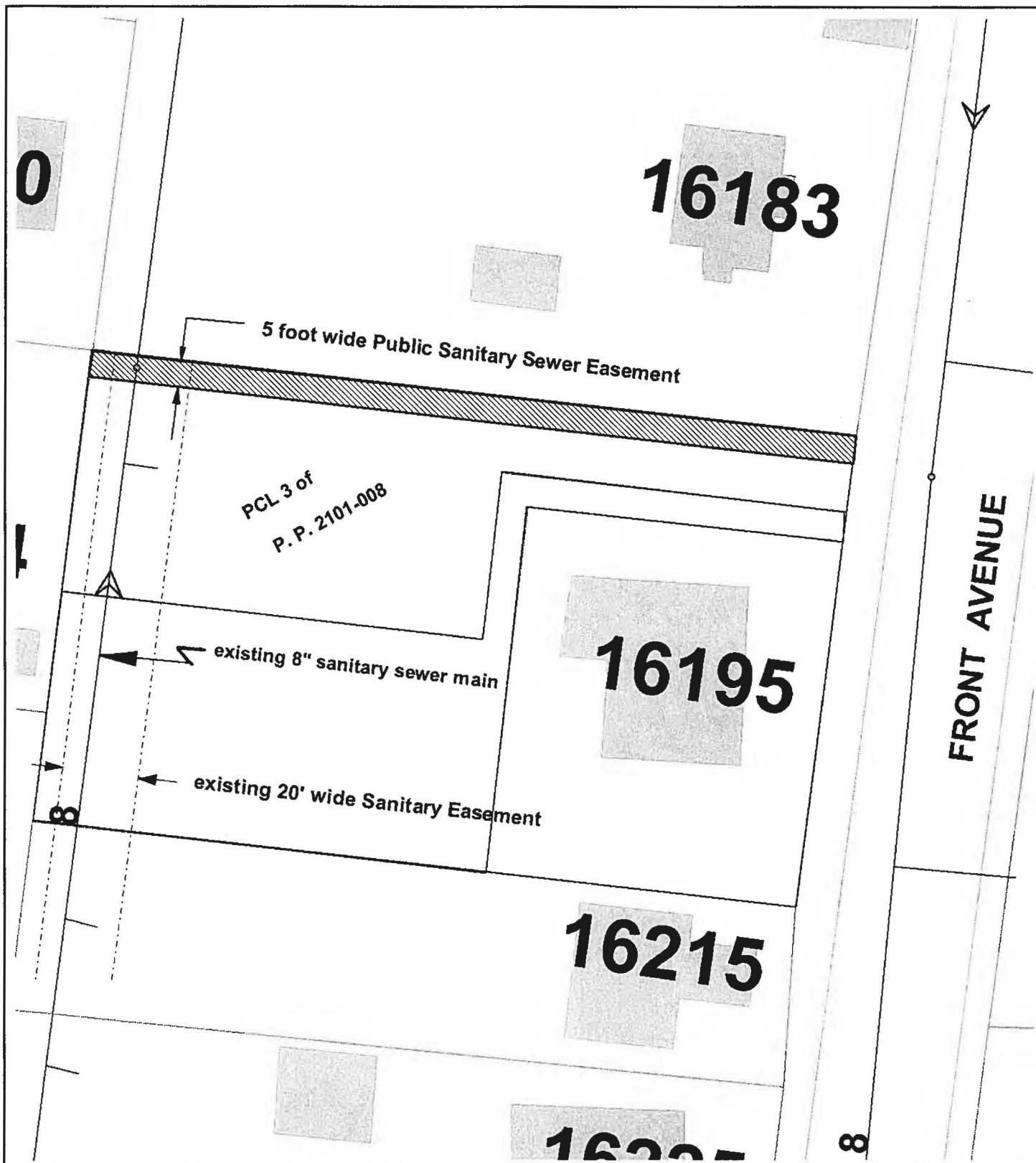
Stamp seal below



LEGAL DESCRIPTION

The northerly 5-feet of Parcel 3, Partition Plat No. 2010-008, Clackamas County Plat Records, located in the Northeast 1/4 of Section 29, Township 2 South, Range 2 East, Willamette Meridian, City of Oregon City, Clackamas County, Oregon.

EXHIBIT "A"



City of Oregon City 5' Sanitary PUE

EXHIBIT "B"

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



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Agenda Item No. 8h
Meeting Date: 18 Aug 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	Project Manager Erik Wahrgren
PRESENTER:	City Engineer and Public Works Director Nancy Kraushaar
SUBJECT:	Public Improvements Contract to Parker Northwest Paving Company in the amount of \$492,670.00 for the 2010 Pavement Rehabilitation Project
Agenda Heading: Consent Agenda	
Approved by: David Frasher, City Manager	

RECOMMENDED ACTION (Motion):

Staff recommends that the City Commission award the bid and authorize the City Manager to execute the Contract Agreement with Parker Northwest Paving Company in the amount of \$492,670.00 to provide construction services to complete the 2010 Pavement Rehabilitation Project (CI 10-004).

BACKGROUND:

In accordance with City and State contracting procedures, an invitation to bid was solicited from qualified contractors for the 2010 Pavement Rehabilitation Project and published in the Portland Daily Journal of Commerce on July 15, and 19, 2010.

The work authorized by this contract is a component of the City's annual maintenance program funded through the City's Pavement Maintenance Utility Fee (PMUF). The project limits begin at the intersection of Warner Milne, Warner Parrott, and Leland Roads continuing south on Leland through its intersection at Meyers Road and south on Meyers Road ending near Moccasin Way. The project will also include storm drainage improvements along Leland and Pease Road, Hiefield Court and Dallas Street. The stormwater improvements will allow for the construction of a wider shoulder for safer travel in these areas and will also improve runoff conveyance capacity.

The required work involves 21,000 square feet of pavement grinding and constructing 3,500 tons of asphalt paving, installing 410 linear feet of concrete curb and 130 square feet of concrete sidewalks and ramps, installing approximately 535 linear feet of 24 inch storm sewer pipe, 400 linear feet of 12 inch pipe and 5 concrete inlets, and the installation of permanent striping.

On Tuesday, August 10, 2010 Oregon City Public Works opened bids for the above referenced project. Six bids were received with the lowest responsive and responsible bid being submitted by Parker Northwest Paving Company. The bidders and their bid amounts are tabulated below:

Parker Northwest Paving Co. \$492,670.00

Brix Paving \$566,895.34

S2 Contractors, Inc. \$585,898.00

Eagle-Elsner, Inc. \$611,611.00

Kodiak Pacific \$618,618.00

Coffman Excavating	\$675,014.00
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BUDGET IMPACT:

FY(s): FY 2010-2011

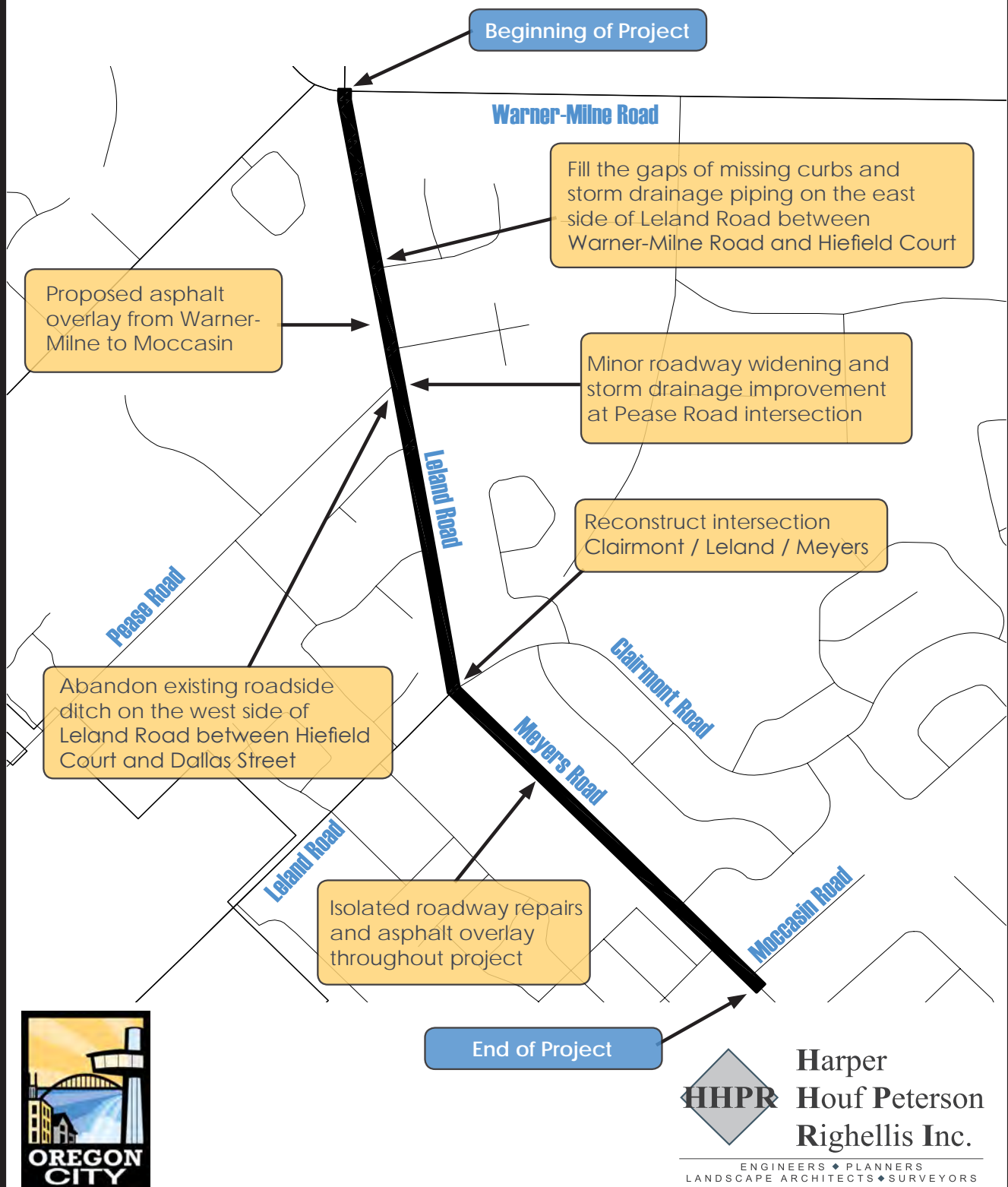
Funding Source: Pavement Maintenance Utility Fee

ATTACHMENTS:

Site Map

Contract Agreement

Leland - Meyers 2010 Pavement Rehabilitation Project



**SECTION IIIA
CONTRACT AGREEMENT**

This Agreement, made and entered into this _____ day of _____, 2010, between the CITY OF OREGON CITY ("CITY"), acting by and through the City Commission and Parker Northwest Paving Company ("CONTRACTOR").

Witnesseth, that the CONTRACTOR and the CITY, for the considerations stated herein, agree as follows:

ARTICLE I - Scope of Work

The CONTRACTOR hereby agrees to furnish all of the materials, equipment and labor necessary, and to perform all of the work for the project entitled **2010 Pavement Rehabilitation Project** in accordance with the contract documents which are hereby made a part of this agreement.

The contract documents consist of:

Invitation to Bid	Performance Bond
Scope of Work	Payment Bond
Instructions to Bidders	State of Oregon Statutory Public Works Bond
Bid Proposal and Bid Schedule	General Conditions
Compliance with ORS 279C.840	Prevailing Wage Rates for Public Works Contracts in Oregon dated January 1, 2010
Resident Bidder Status	Prevailing Wage Apprenticeship Rates dated January 1, 2010
Certification of Drug Testing Program	Definitions of Covered Occupations for Public Works Contracts in Oregon dated January 1, 2010
Non-Collusion Statement	Amendment to PWR Apprenticeship Rates dated April 1, 2010
Asbestos Certification	Corrections/Amendments dated April 1, 2010
Registrations	Special Provisions
Certification of Non-Discrimination	Contract Drawings
Certification of Compliance with Tax Law	City of Oregon City Standard Details
Qualification of Bidder	Technical Specifications
Bid Bond	2008 Oregon Standard Specifications for Construction (ODOT and APWA) as referenced by these documents
First Tier Subcontractor Disclosure Form	Addenda 1 dated June 22, 2010
Oregon City Public Improvements Standard Conditions	All items included within these Contract Documents.
Contract Agreement	
Oregon City Public Improvement Standard Conditions	
Statutory Conditions to Contract Agreement	

The order of items cited above does not constitute an order of precedence different than that established in the special or standard specifications. Equivalent titles, which may be substituted for the above listed items, are included as if specifically named.

ARTICLE II - Time of Completion

The project shall be at substantial completion fifty (50) consecutive calendar days after the Notice to Proceed. The project shall be ready for final acceptance within sixty (60) consecutive calendar days after Notice to Proceed.

ARTICLE III - Contract Amount

The Contract Amount for the work covered by this Agreement is estimated to be **four hundred ninety-two thousand six hundred seventy and 00/100 dollars (\$492,670.00).**

ARTICLE IV - Warranty and Quality of Work

In addition to all other warranties, express or implied, that are part of this Agreement, the Contractor expressly warrants to the City for a period of one year from acceptance of the work by the City that all materials and equipment furnished under this contract will be new, unless otherwise specified, and that the work will be of good quality, free from faults and defects and in conformance with the City's specifications. Work that does not conform to these standards shall be considered defective.

Contractor shall, at its own expense, make good and repair any and all defects arising from faulty workmanship or materials, if the defective work is discovered within the one-year warranty period and notice thereof is given to the Contractor within 60 days after the expiration of the warranty period. If required by the City, the Contractor shall furnish satisfactory evidence as to the kind and quality of materials and equipment used to repair the defect.

In witness whereof, the parties hereto have executed this agreement, the day and year first above written.

CITY OF OREGON CITY

Parker Northwest Paving Company

by: _____
David W. Frasher
City Manager

Printed Name

by: _____
Authorized signature

by: _____
Nancy J.T. Kraushaar
City Engineer/Public Works Director

Title

Federal Taxpayer ID Number:

Approved as to Legal Sufficiency:

By: _____
City Attorney

Address:
P. O. Box 429
Oregon City, Oregon 97045

City Commission Award Date:

August 18, 2010

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