



# City of Oregon City

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

## Meeting Minutes - Final

### City Commission

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

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Wednesday, March 16, 2016

7:00 PM

Commission Chambers

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#### REVISED

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

*Mayor Holladay called the meeting to order at 7:08 PM.*

**Present:** 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli, Mayor Dan Holladay and Commissioner Renate Mengelberg

**Staffers:** 10 - City Manager Tony Konkol, City Attorney William Kabeiseman, John Lewis, Police Chief and Public Safety Director James Band, Human Resources Director Jim Loeffler, City Recorder Kattie Riggs, Library Director Maureen Cole, Finance Director Wyatt Parno, Eric Underwood and Community Services Director Scott Archer

#### 2. Flag Salute

#### 3. Ceremonies, Proclamations

#### 4. Citizen Comments

*There were no citizen comments.*

#### 5. Adoption of the Agenda

*The agenda was adopted as presented.*

#### 6. Public Hearings

#### 7. General Business

##### 7a. First Reading of Ordinance 16-1003 for Historic Properties LLC Planning Files ZC 15-03: Zone Change and PZ 15-01: Comprehensive Plan Amendment for Property Located Near Beavercreek Road, Highway 213 and Maple Lane Road

*Tony Konkol, City Manager, said at the last Commission meeting the Commission gave tentative approval of this application. Additional audio/video files and affidavits had been entered into the record in relation to the bias claim.*

*Bill Kabeiseman, City Attorney, said the record and hearing were closed at the last meeting, and typically that was the last of the materials that could come in. However, there was a provision in the Code that if any of the party objected to the bias it might be raised at any time before the final decision. Mr. Nicita alleged bias at the last meeting and had some additional materials to submit. They consisted of five video files and two audio files that were referenced in the materials he submitted as well as two affidavits from David and Alice Prideaux?? He recommended accepting them into the record for the purpose of the bias allegation, not as part of the land use decision.*

**A motion was made by Commissioner Shaw, seconded by Commissioner Pauli, to accept the additional material for this application. The motion carried by the following vote:**

**Aye:** 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli, Mayor Dan Holladay and Commissioner Renate Mengelberg

*Mr. Konkol said staff had incorporated the findings in the conditions of approval for this application. He recommended the Commission approve the first reading of the ordinance.*

**A motion was made by Commissioner Shaw, seconded by Commissioner Smith, to approve the first reading of Ordinance 16-1003 for Historic Properties LLC planning files ZC 15-03: Zone Change and PZ 15-01: Comprehensive Plan Amendment for property located near Beaver Creek Road, Highway 213 and Maple Lane Road. The motion carried by the following vote:**

**Aye:** 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli, Mayor Dan Holladay and Commissioner Renate Mengelberg

**7b.**

First Reading of Ordinance 16-1004 for Providence Willamette Falls Medical Center Planning Files ZC 15-04: Zone Change, PZ 15-02: Amendment to the Comprehensive Plan and CP 15-02: Master Plan Amendment

*Mr. Konkol said the Commission tentatively approved this application at the last Commission meeting. Staff had prepared findings and the ordinance approving the application. He recommended approval.*

**A motion was made by Commissioner Pauli, seconded by Commissioner Smith, to approve the first reading of Ordinance 16-1004 for Providence Willamette Falls Medical Center Planning Files ZC 15-04: Zone Change, PZ 15-02: Amendment to the Comprehensive Plan and CP 15-02: Master Plan Amendment. The motion carried by the following vote:**

**Aye:** 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli, Mayor Dan Holladay and Commissioner Renate Mengelberg

**7c.**

First Reading of Ordinance No. 15-1016, Re-adoption of the Beaver Creek Concept Plan

*Mr. Konkol said the Commission closed the record for this legislative file and tentatively approved this application at their last meeting. Staff prepared revised findings of fact for adoption which were included as Exhibit 1 in the ordinance. The Beaver Creek Road Concept Plan and appendices were attached as Exhibit 2 in the ordinance. He recommended approval.*

**A motion was made by Commissioner Smith, seconded by Commissioner Pauli, to approve the first reading of Ordinance No. 15-1016, re-adoption of the Beaver Creek Concept Plan. The motion carried by the following vote:**

**Aye:** 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli, Mayor Dan Holladay and Commissioner Renate Mengelberg

**7d. Second Reading of Ordinance No. 16-1001, Amending Oregon City Municipal Code Title 5 - Business Licenses and Regulations**

*Wyatt Parno, Finance Director, said at the last Commission meeting staff presented changes to the business licensing regulations in the Code. No new fees were being proposed except for one additional initial application fee. He recommended approval.*

**A motion was made by Commissioner Shaw, seconded by Commissioner Smith, to approve the second reading and final adoption of Ordinance No. 16-1001, amending Oregon City Municipal Code Title 5 - Business Licenses and Regulations. The motion carried by the following vote:**

**Aye:** 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli, Mayor Dan Holladay and Commissioner Renate Mengelberg

**7e. Resolution No. 16-06, Adopting Business License and Miscellaneous Permit Fees**

*Mr. Parno said this resolution included the fees related to business licenses.*

**A motion was made by Commissioner Pauli, seconded by Commissioner Smith, to approve Resolution No. 16-06, adopting business license and miscellaneous permit fees. The motion carried by the following vote:**

**Aye:** 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli, Mayor Dan Holladay and Commissioner Renate Mengelberg

**8. Consent Agenda**

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

**Aye:** 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli, Mayor Dan Holladay and Commissioner Renate Mengelberg

**8a. 2015-2016 Sewer Inflow and Infiltration Characterization Program (Contract Amendment #2)**

**8b. Stormwater Master Plan Update Contract**

**8c. Contract Modification for the Construction of the Madison Street and 14th Street to Division Street Sewer Project (CI 15-004)**

**8d. Appointment of Library Board Member Don Wright to Library District Advisory Committee**

**8e. Fleet Purchase Authorization for the Building Division**

**8f. OLCC: Liquor License Application- On-Premises Sales, New Location: Applying as a Limited Liability Company, Pho Thi 716B Main Street**

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8g. Minutes of the February 17, 2016 Regular Meeting

**9. Communications**

**a. City Manager**

*Mr. Konkol announced the Arbor Day Celebration on April 9, 2016 and Earth Day event on April 23, 2016. The governor signed SB 1573, which allowed annexation applications not to be sent to the voters if they had all consenting land owners, met all of the land use criteria, were contiguous to the City, and were approved by the City Commission.*

*Mr. Kabeiseman explained the requirements of the Senate Bill and discretion the Commission had whether or not it met the planning criteria. Only those annexations that met the criteria did not go to a vote. The Commission's decision could be appealed to LUBA. He heard the League of Oregon Cities might challenge the measure to do home rule.*

*Mr. Konkol said the City had an application for a lot with a failing septic and staff was working on how to proceed in light of the new Senate Bill.*

*Mr. Kabeiseman said there was also an issue of applications that were currently in process, and whether the Senate Bill was retroactive. He would advise those applicants to withdraw their applications and resubmit them.*

*Maureen Cole, Library Director, gave an update on construction of the library addition. There would be work on 6th Street for installation of water lines for the next couple of weeks. Pints from the Past would be held on April 11, 2016.*

**b. Commission**

*Commissioner Mengelberg attended the Girl Scout event at Latourette Park. She also attended the C4 Metro Subcommittee meeting and was on the selection committee for the Willamette Falls Legacy Board.*

*Commissioner Shaw also attended the Girl Scout event and CIC meeting.*

*Commissioner Pauli reported on the Commission Retreat. She attended the State of the Schools Address. The Downtown Oregon City Association had a new office which would provide more interaction with the public.*

*Commissioner Smith attended the Girl Scout event and Clackamas Heritage Partners meeting.*

**c. Mayor**

*Mayor Holladay attended the second meeting of the Governor's Willamette Falls Locks Task Force. It would still take a few years before transfer of ownership could be done. He had a conversation with ODOT regarding adding lanes to the Abernethy Bridge. He also attended the Columbia Pacific Northwest Building Trades Council meeting.*

## 10. Adjournment

*Mayor Holladay adjourned the meeting at 7:50 PM.*

*Respectfully submitted,*

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*Kattie Riggs, City Recorder*