

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

September 1, 2010

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

Mayor Norris called the meeting to order at 7:00 p.m.

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 Public Works Director; Nancy Ide, City Recorder; Scott Archer, Community Services Director; Mike Conrad, Police Chief and Public Safety Director; Maureen Cole, Library Director; Teri Bankhead, Assistant to the City Manager; Tony Konkol, Community Development Director; and Dan Drentlaw, Economic Development Manager.

2. [Flag Salute](#)

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

a. [Presentation to City Archives of Trophy from the 1955 Municipal Elevator Dedication -Mayor Alice Norris](#)

Mayor Norris announced that the City received a commemorative trophy from the 1955 Elevator Dedication found at an estate sale in Portland by Dan and Vickie Thompson, Oregon City residents. She stated the trophy would be placed in the City's archives.

b. [Oregon City Police Department Oath of Office -K-9 Rico](#)

Officer Dan Shockley gave the highlights of the career of Titus, the first Oregon City K-9 police dog. He then described Rico whose training would begin in October.

Mayor Norris administered the Oath of Office for K-9 Officer Rico.

Tony Konkol, Community Development Director, introduced Thomas Hosey, Oregon City's new Building Official.

4. [Citizen Comments](#)

Maureen Cole, Library Director, said on September 16, the Library would host an event featuring Oregon's poet laureate Paulann Petersen.

Karin Morey representing the Chamber of Commerce thanked the City for their support during the Antique Fair.

Kathy Hogan who lived outside of Oregon City announced the Taste of Clackamas event on December 9. This was a fundraiser for the Fill-a-Stocking, Fill-a-Heart program.

Kathy Roth of Oregon City said the South End Neighborhood Association would hear a presentation from the State Department of Geology and Minerals regarding rock slide hazards in the Oregon City area at their meeting on September 16.

5. **Adoption of the Agenda**

The agenda was adopted as presented.

6. **Public Hearings**

There were no public hearings.

7. **General Business**

a. **Permanent Obstruction in Right-of-Way (ROW) permit (RW10-0048), 517 Jefferson Street, Atkinson Memorial Church -continued from August 18, 2010**

Commissioner Smith had a conflict of interest as he was an employee of Atkinson Church and he would not participate in the discussion.

Nancy Kraushaar, City Engineer and Public Works Director, said at the last Commission meeting it was recommended that the neighbors within 100 feet of this property be contacted to make sure they were aware of the request. The church had sent notice to the property owners. Nothing had changed from the staff's perspective. The Commission would need to approve the permits by resolution.

Greg Stults of Oregon City was the Oregon City Preschool School Board President. The School Board was in support of this request and they would like to get it resolved quickly as school would begin soon.

Ms. Kraushaar said a letter had been received from Kimberly Walch who supported the request.

Commissioner Neeley clarified this permit could be revoked if needed.

Motion by Commissioner Daphne Wuest, second by Commissioner Doug Neeley to adopt Resolution No. 10-23.

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

b. **Review of Potential Urban Growth Boundary Expansion Areas for Oregon City**

Mayor Norris said Michael Jordan, Metro Chief Operating Officer, issued a report after the urban and rural reserve process. There would be a review of the report for future areas of study in light of a possible urban growth expansion next year. There was one potential area in Oregon City, the Maple Lane expansion. This was the opportunity for citizens who wished to become part of the Urban Growth Boundary expansion to make their requests. There were two applications for consideration.

Mr. Konkol explained the request from the Kmetic Family to consider their 20 acres in the Newell Creek urban reserve area. He discussed where the water and sewer was located for the property. This was an expansion for residential use and he discussed the units that could be provided from the property. There would also be one property remaining which would need to be brought in as well so as not to create an island. There was also a request from the Vandermolen Family and Mr. Johnson in the Beaver Creek Bluff urban reserve area. Metro had already looked at this area and it did not make the final cut for an area that they would recommend. He also discussed the Growth Management Assessment which assessed the future housing need in the region. He provided the pros and cons for bringing in more property into the Urban Growth Boundary. He was not sure that now was the appropriate time to expand the UGB in Oregon City due to the 950 additional acres through the last two UGB expansion processes. The Beaver Creek Concept Plan had been appealed to LUBA and that issue also needed to be addressed.

Tamara DeRidder, TDR & Associates, was representing the Kmetic Family. The property was located off of Davis Street and was one 20 acre parcel. This property was adjacent to mixed use employment and there was potential for employment land. There was also bottomland that could potentially be sold to Metro for a Native American ceremonial place. She discussed the possible looping system for utilities and a roadway and possible uses for the site. This property was in Tier 2 for the Metro lands that they wanted to purchase and most of the properties in the area were owned by ODOT, Metro, or Mr. Welldon. It was a unique piece of property and it could be a boon to the City if used for a different use than residential.

Jack Dresden of Oregon City said he was part of the Trillium Park Homeowners Association and had a lot of dialog with the hospital regarding development of this area. If there was going to be expansion of the UGB, he requested involvement with the citizens who lived in the area.

Katherine Quartz of Beaverton was in support of the Native American aspect of the property and asked that the Commission take the time to consider the opportunity.

Jim Bean of Oregon City said he had developed property to the south of this area. He had attended a meeting regarding rewriting land use regulations that dealt with institutionalized and religious uses of land. If the land was within three miles of the UGB under the contemplated change to the statute, LCDC would make it impossible to have assemblies within three miles of the UGB except in certain areas. He was in favor of the Commission considering what to do with this property, but to determine what to be done on the property was a different process.

Bill Vandermolen and Vern Johnson of Oregon City said they did not receive notice this was going to be on the agenda and apologized for the late submittal. All the things that made this land a potential urban reserve still stood to bring it into the UGB expansion. This was non-productive agricultural land and was adjacent to City limits, the UGB, utilities, would be low cost for expansion of the residential tax base, filled out the property to the natural geographic curves, and could be part of a walking trail. All the landowners in this area supported the expansion at this time. Mr. Vandermolen was speaking for the western section which would be 120 acres with about 80 buildable acres. Mr. Johnson said there were three bluffs and they would be open to the other two coming in together as one group. If the other bluffs did not wish to come in, they would speak more specifically about their own parcel.

Kathy Hogan, who lived outside of the City limits across from the properties, was concerned about issues that would be created on the canyon, creek, and Central Point Road. She wanted to make sure research was done to know how much of it would be appropriate to bring in.

Tom O'Brien of Oregon City clarified the numbers of housing and residents that would be added by this expansion.

Mr. Konkol said regarding Maple Lane, he thought it was hard to justify bringing in 530 acres at this point. Regarding the Kmetic Family land, it was a small potential of additional housing units. The City was looking at residential land, and the region did not need employment or commercial land right now. However, it was only 80 units. Regarding the Vandermolen/Johnson application, Metro looked at these properties and decided that the urbanization of the Beaver Creek Bluffs would not contribute to the vision or purpose of the Oregon City regional center. The land was as far south as Oregon City would go because of the topography and it was not a huge amount of land either.

Commissioner Nicita asked about the current zoning and the Native American use on the site. Ed Sullivan, City Attorney, explained the County's use designation and rules about religious gatherings on private land.

Commissioner Nicita wanted to see the land slide hazard maps for this area and asked to continue the discussion to the next Commission meeting. He also thought if they wanted to protect sensitive lands, the lands should not be included in the UGB and should not be designated.

Mr. Konkol said for the Kmetic Family parcel, there needed to be a recommendation to Metro by September 3.

Commissioner Neeley said without knowing how the City should deal with storm water detention in these kinds of areas, he was not sure how to proceed.

Mr. Konkol said it was difficult to design a site at this level. It would be appropriately designed to avoid the slope failing.

Nancy Kraushaar, City Engineer and Public Works Director, said there were new City codes that better protected and maintained these areas than in the past.

Mayor Norris did not think the Maple Lane property needed to be added.

Motion by Commissioner Daphne Wuest, second by Commissioner Doug Neeley to authorize the Planning Director on behalf of the City to recommend the Maple Lane property not be added to the Urban Growth Boundary.

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]

Commissioner Neeley said due to the slow rate of growth, he thought it was premature to bring the Kmetic and Vandermolen properties forward. Major annexations in the City had been voted down and citizens needed to believe growth would pay for itself and there was a real need for properties for specific uses.

Motion by Commissioner Doug Neeley, second by Commissioner James Nicita to not extend the Vandermolen/Johnson property to Metro for consideration.

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]

Commissioner Nicita said out of consistency with the earlier conclusion that the Kmetic property should not be designated as an urban reserve and due to the lack of time given by Metro and insufficient information, he recommended not to include the Kmetic property.

Motion by Commissioner James Nicita, second by Commissioner Doug Neeley to not forward the Kmetic property as a recommendation to Metro.

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. [Deed of Dedication, Temporary Construction Easement, and Settlement Agreement with RLS LLC at 13001 Clackamas River Drive, Project: OR 213: I-205 - Redland Road O'xing \(Oregon City\)](#)

Ms. Kraushaar said this was the last property acquisition and temporary construction easement that would complete the Jughandle Project. She explained the improvements that would be made on Washington Street.

Motion by Commissioner Doug Neeley, second by Commissioner Rocky Smith, Jr. to approve the Deed of Dedication, Temporary Construction Easement, and Settlement Agreement with RLS LLC at 13001 Clackamas River Drive.

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. [TriMet Portland-Milwaukie Light Rail Bridge, City of Portland FEMA Conditional Letter of Map Revision and Letter of Map Revision, Oregon City Letter of Concurrence](#)

Ms. Kraushaar said this request came from Tri-Met and the City of Portland regarding the Portland-Milwaukie light rail extension and Willamette River crossing. The columns for the bridge would be placed in the river and it would have a small impact on the 100 year flood plain elevation. The cities upstream of the project were being asked for a letter of concurrence.

Motion by Commissioner Daphne Wuest, second by Commissioner Doug Neeley to authorize the City Manager to submit a letter of concurrence for the City of Portland FEMA Conditional Letter of Map Revision and Letter of Map Revision for the Tri-Met Portland-Milwaukie Willamette River Bridge crossing.

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. 10-22, Exempting the I-205/OR 213 "Jughandle" Transportation Improvement Project from the Competitive Bidding Requirement for a Public Improvement Contract and Authorizing a Best Value Alternative Contracting Process](#)

Ms. Kraushaar said the contracting method staff was asking the Commission to approve would exempt them from the traditional public bidding process. Typically the City accepted the lowest bid, but this project required a lot of experience and a high level of sophistication of contracting ability. She proposed to use the Best Value Alternative Contracting Process for selection of the contractors. This would not result in favoritism and would be a substantial savings for the City.

Motion by Commissioner Doug Neeley, second by Commissioner Daphne Wuest to approve Resolution No. 10-22, exempting the I-205/OR 213 "Jughandle" Transportation Improvement Project from the competitive bidding requirement for a public improvement contract and authorizing a best value alternative contracting process.

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. [Commission Policy 1-11, Reimbursement of Commissioner Expenses](#)

Nancy Ide, City Recorder, said there was an addition of a State rule relating to the gift of travel expenses. The Commission agreed to the addition.

Motion by Commissioner James Nicita, second by Commissioner Rocky Smith, Jr. to approve Commission Policy 1-11, reimbursement of Commissioner expenses with all associated supporting documentation.

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]

William Gifford of Oregon City said there was some language in the policy that was in second person.

Mayor Norris said the policy could be adopted with the understanding that the language would be changed to the third person.

- 8. [Consent Agenda](#)
 - a. [Minutes of the August 10, 2010 Work Session](#)
 - b. [Minutes of the August 18, 2010 Regular Meeting](#)
 - c. [Restrictive Covenant Non-Remonstrance Agreement for the Rachelle Estates project - City Planning File No. TP06-08.](#)

Motion by Commissioner Daphne Wuest, second by Commissioner Rocky Smith, Jr. to approve the Consent Agenda.

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 he had been in discussions with Clackamas County for economic development assistance to create a program to mitigate the potential effects of the bridge closure on downtown businesses.

Ms. Kraushaar recommended demolishing the 1810 Washington Street property. There would be a meeting on September 2 to discuss high speed rail in the Willamette Valley. She reported on several downtown Oregon City projects and the Leland Road reconstruction project.

b. **Mayor**

Dan Drentlaw, Economic Development Manager, reported on the recently applied for HUD grant which focused on linking transportation and housing.

Mayor Norris presented the results of a citizens' survey conducted by the Oregon City Chamber of Commerce. She suggested the City do a public opinion poll through Urban Renewal funds.

Commissioner Neeley and Wuest agreed to doing a poll.

Commissioners Nicita and Smith thought the election in November would show citizen opinions.

Mr. Frasher would need to clarify that Urban Renewal funds could be used for the poll. He would bring back the information to the Commission.

c. **Commissioners**

Commissioner Smith said school started next week and reminded citizens to drive slowly.

Mayor Norris said there would be a commemorative event on September 11 at Liberty Plaza.

Commissioner Wuest announced the First Friday event downtown on September 3.

Commissioner Neeley complimented the Parks and Recreation Department on the Concerts in the Park series. There would be a public meeting on the Circulation Study on September 8.

Commissioner Nicita thanked the organizers of the Antique Fair. He also thanked the Community Service Department and Denise Kai for their work on the *Trail News*.

10. **Adjournment**

Mayor Norris adjourned the meeting at 9:49 p.m.

Respectfully submitted,



Nancy Ide, City Recorder