

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

**November 17, 2010**

1. [Convene Regular Meeting of November 17, 2010, and Roll Call](#)

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

**Staff Present:** David Frasher, City Manager; Nancy Ide, City Recorder; Nancy Kraushaar, City Engineer and Public Works Director; Scott Archer, Community Services Director; David Wimmer, Finance Director; Jim Loeffler, Human Resources 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; Ed Sullivan, City Attorney.

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

2. [Flag Salute](#)

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

a. [\*\*Oath of Office -Oregon City Police Department Officer Tracy Weiland Officer Jo Robinson\*\*](#)

Mike Conrad, Police Chief and Public Safety Director, introduced the new officers.

Mayor Norris administered the Oath of Office for Officer Tracy Weiland and Officer Jo Robinson.

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\*\*](#)

a. [Decision regarding Eastham School Purchase for the Oregon City Library](#)

Commissioner Smith recused himself as an employee of the Oregon City School District due to conflict of interest.

**Roll Call:** Mayor Alice Norris; Commissioner Doug Neeley; and Commissioner James Nicita.

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

Maureen Cole, Library Director, summarized the findings of the due diligence process for the purchase of Eastham School. The estimated costs of the remodel had gone up significantly, there was reduction of flexibility in some of the spaces, and a lot of deferred maintenance needed to be done. Staff recommendation was not to pursue the purchase of Eastham School for the new library and do an inventory of other options.

Harryette Schull, Vice Chair of the Library Board, said the Board unanimously recommended not to continue the process on Eastham School.

David Frasher, City Manager, discussed the financial implications and ways to proceed for future site locations.

Motion by Commissioner James Nicita, second by Commissioner Doug Neeley to discontinue pursuing Eastham School as the new library option and move ahead on considering alternative sites.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Doug Neeley, and Commissioner James Nicita voting aye. [3:0:0]

Commissioner Smith returned to the dais.

b. [Resolution No. 10-30, Oregon City Garbage, B&B Leasing, Proposed Solid Waste Rate Adjustment](#)

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

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

David Wimmer, Finance Director, said the resolution was a request for the City's garbage franchise fee to be increased 4%. He gave a history of the franchise with B&B Leasing and how the fee was used.

Mike McCoy of B&B Leasing discussed the reasons for the rate increase.

Commissioner Nicita requested a public hearing regarding the increase before a decision was made.

The Commission would hold a public hearing at their next meeting and make a decision after the hearing.

c. [Purchase of Property for Park and Open Space Purposes](#)

Scott Archer explained the proposed real estate agreement for the purchase of 7.2 acres in the Canemah area for park and open space purposes. The price was \$120,000 plus shared closing costs. The funds came from the Metro local share allocation from the 2006 open spaces bond measure. There was a due diligence period and the City had until December 31 to close on the property. The Parks and Recreation Advisory Committee would review the purchase at their meeting on December 2. Mr. Archer recommended the Commission approve the purchase and he would bring back the input from the Committee. The Council would still have the option to stop the transaction if need be.

Paul Edgar of Oregon City expressed the Canemah Neighborhood Association's support for the purchase.

Motion by Commissioner James Nicita, second by Commissioner Rocky Smith, Jr. to approve the real estate agreement for a purchase in the amount of \$120,000 plus closing costs for approximately 7.2 acres of property in the Canemah area for park and open space purposes and to direct Mr. Archer to bring this item before the Parks and Recreation Advisory Committee during the due diligence phase.

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

d. [Amendment Number 01 Local Agency Agreement No. 25,074, Between ODOT and Oregon City, For Construction and Addition of 2009 Oregon Jobs and Transportation \(JTA\) Funds for OR 213: I-205 -Redland Road O'xing \(Oregon City\) \(aka Jughandle\) Project](#)

Nancy Kraushaar, City Engineer and Public Works Director, said there had been a thorough review of the Local Agency Agreement by ODOT, Oregon City staff, and the City Attorney's office and staff was recommending approval.

Motion by Commissioner James Nicita, second by Commissioner Doug Neeley to approve Amendment No. 01 to the Local Agency Agreement between ODOT and Oregon City for the Jughandle project.

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

e. [Purchase of Wetland Credits from Foster Creek Wetland Mitigation Bank and Mud Slough Wetland Mitigation Bank to Comply with Department of State Lands \(DSL\) Permit #0044900 for Wetlands Mitigation Relating to OR 213: I-205 -Redland Road](#)

### O'xing (Oregon City)

Ms. Kraushaar said the Jughandle Project had some impact on wetlands and these were impacts that could not be mitigated due to lack of space. The City would pay for credits to make improvements elsewhere where they were more meaningful. The cost for the mitigation was \$260,000 and would be taken out of Transportation SDCs and reimbursed by the JTA funds in January.

Commissioner Nicita did not think they should spend the money on a wetland mitigation bank that might lead to improvements in other areas besides Oregon City.

Ms. Kraushaar responded that the City did not have the option to determine where the money would be spent. They were for improvements to areas that were beneficial to the Willamette River. This was approved by the Core of Engineers and Division of State Lands and was essential in getting the environmental approvals to move forward with the contract and keep to the schedule. Starting over and looking for wetlands in Oregon City to mitigate would be a major delay to the project.

After brief research, Ms. Kraushaar said the Foster Creek wetland bank was in the Clackamas River Basin and the mud slough wetland mitigation bank was in the middle of the Willamette River Basin. The bulk of it was in the Clackamas River Basin, not in Oregon City.

Commissioner Neeley thought there were projects that could be done in Oregon City, but he did not want to impair the project while that was being figured out.

Commissioner Nicita would vote against the purchase of wetland credits because he did not know the purpose of the Commission when they were presented with these types of non-choices. He thought this should have been presented to the Commission with sufficient time to choose an alternative.

Mr. Frasher explained it was difficult to know what steps to involve the Commission on a project that the Commission had previously endorsed. There was no established mitigation bank in the City.

Commissioner Smith said he had in the past had similar concerns as Commissioner Nicita, but is not necessarily the case on this project. While he thought Commissioner Nicita's comments this evening need to be heard because this has been an issue occasionally in the past, he felt with other major projects getting ready to happen, this project should not be delayed any further.

Motion by Commissioner Doug Neeley, second by Commissioner Rocky Smith, Jr. to approve the purchase of wetland credits from the Foster Creek Wetland Mitigation Bank and the Mud Slough Wetland Mitigation Bank to Comply with Department of State Lands (DSL) Permit #0044900.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Doug Neeley, and Commissioner Rocky Smith, Jr. voting aye and Commissioner James Nicita voting no. [3:1:0]

f. **Resolution No. 10-31, Adoption of the Manual for Boards and Commission**

Nancy Ide, City Recorder, said the Commission reviewed the draft of the training manual at their last Work Session. There were two changes made as requested. There was a concern that citizen's voices be heard, and she read the section on public comment in the manual.

Commissioner Neeley said he wanted citizens to have the opportunity to comment on issues that were on the agenda. A sentence would be added to address the concern.

William Gifford of Oregon City asked how the manual would be distributed and if there would be an established review period for the document. Ms. Ide explained the manual would be distributed to all current and new board and commission members and be posted to the City's Web site. There could be an annual review.

Due to the addition regarding public comment, this item would be placed on the Consent Agenda for the next Commission meeting.

g. **[Minutes of the November 3, 2010 Regular Meeting](#)**

Motion by Commissioner Rocky Smith, Jr., second by Commissioner James Nicita to approve the minutes of the November 3, 2010 Regular Meeting.

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

8. **Consent Agenda**

9. **Communications**

a. **City Manager**

Mr. Frasher had been doing performance evaluations of senior staff. He was also working on changing the business license process, working with the Chamber to encourage businesses who wanted to expand to come to Oregon City, and would be attending the Oregon Business Plan meeting. Regarding Commissioner Nicita's concern about traffic safety on Highway 99E and the Canemah neighborhood, Ms. Kraushaar wrote a letter to ODOT expressing the concern. The Commission would be notified when a response came back.

b. **Mayor**

Mayor Norris appointed Dan Holladay to the Clackamas Cable Access Board for a term to expire on December 31, 2012. She also announced a bridge event on January 15.

Mayor Norris left the meeting at 8:15 p.m.

c. **Commissioners**

Commissioner Smith appreciated the fact there were now 39 City police officers and the windows in the Ermatinger House were being replaced.

Commissioner Nicita attended an educational seminar on economic development sponsored by the League of Oregon Cities. He thought the City's web site should be more robust regarding economic development and business information.

Commissioner Neeley said he was working on the Boards and Committees liaison spreadsheet and talking to various advisory boards regarding appointments to the boards.

10. **Adjournment**

Commission President Neeley adjourned the meeting at 8:24 p.m.

Respectfully submitted,

  
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Nancy Ide, City Recorder