



City of Oregon City

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

Meeting Minutes City Commission

Wednesday, January 2, 2013

7:00 PM

Commission Chambers

1. Convene Regular Meeting and take Roll Call

Mayor Neeley called the meeting to order at 7:00 PM.

Present: 4 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm and Commissioner Kathy Roth

Absent: 1 - Commissioner Carol Pauli

Staffers: 11 - City Manager David Frasher, City Attorney William Kabeiseman, Police Chief and Public Safety Director Mike Conrad, Public Works Director John Lewis, Assistant Parks and Recreation Director Denise Kai, City Recorder Nancy Ide, Human Resources Director Jim Loeffler, Finance Director Wyatt Parno, Library Director Maureen Cole, Economic Development Manager Eric Underwood and Community Development Director Tony Konkol

2. Flag Salute

3. Ceremonies, Proclamations, Presentations

3a. [13-010](#) Vocal Presentation by the Barbershop Quartet, Tonsorial 4

The Tonsorial 4 introduced themselves and performed for the audience. They had recently received a grant to perform for the Get America Singing Program in area schools.

3b. [12-286](#) Oath of Office, The Honorable Laraine McNiece Officiating

Commission Position No. 2: Rocky Smith, Jr.
Commission Position No. 3: Carol Pauli

The Honorable Laraine McNiece, Municipal Judge, swore in Rocky Smith as City Commissioner. Carol Pauli was absent due to illness and would be sworn in at a later time.

Commissioner Smith thanked his campaign committee and family for their support.

3c. [12-287](#) Election of Commission President for 2013

A motion was made by Commissioner Smith, seconded by Commissioner Mumm, to nominate Kathy Roth as Commission President for 2013. The motion carried by the following vote:

Aye: 3 - Mayor Doug Neeley, Commissioner Rocky Smith and Commissioner Betty Mumm

Abstain: 1 - Commissioner Kathy Roth

- 3d.** [12-288](#) Oath of Office for 2013 Commission President
The Honorable Laraine McNiece Officiating

Judge McNiece swore in Kathy Roth as 2013 Commission President.

- 3e.** [12-285](#) Commission Assignments for 2013

The 2013 Commission assignments were as follows:

Commissioner Mumm would serve on the C4 Committee.

Mayor Neeley with Commissioner Roth as alternate would serve on the Metro Policy Advisory Committee.

Mayor Neeley, Commissioner Mumm, and Commissioner Smith would serve on the South Fork Water Board.

Mayor Neeley would serve on the Regional Wastewater Advisory Committee.

Commissioner Pauli would serve on the Main Street Oregon City Board.

Eric Underwood, Economic Development Manager, with Mayor Neeley as alternate would serve on the Willamette Falls Heritage Coalition.

Commissioner Smith would serve on the Oregon City Tourism Council.

4. Citizen Comments

Bob La Salle, resident of Oregon City, said at the October 1 CIC meeting he had brought up a concern regarding the lack of liability insurance provided by the City for the officers of the Neighborhood Associations. Some Park Place officers had resigned for this reason. At the November 5 CIC meeting, staff had reported that the City Attorney was working on this issue. At the December 3 CIC meeting, a letter from the City Attorney was read stating why this was a thorny issue and that it would be put on the January City Commission Work Session agenda. He reviewed some fiscal facts and asked that this concern be given serious discussion.

Dan Fowler, resident of Oregon City, Danielle Cowan, Executive Director of Tourism for Clackamas County, and Gail Yazzolino, Administrative Director for Clackamas Heritage Partners, reported on the activities at the End of the Oregon Trail Interpretive Center. The Board had been expanded to include a City Commissioner and School Board representative. Maintenance issues had continued to be addressed as well as making connections with the Native American community.

Ms. Yazzolino gave an update on the progress that had been made on the facility with the grant funding and on two significant meetings held with partners. There had also been meetings with staff and tribal members for parallel Native American history at the site. The number of visitors had increased 38%.

Ms. Cowan said this had been an amazing process to make something happen at the

Center. The Center was a tourism asset, and more development needed to be done and she was excited about the changes and investments occurring.

Mayor Neeley announced an Open House on the Oregon passenger rail system from Eugene to Portland on January 15 in Oregon City. Two other Open Houses in the Portland Metro area would be held on this topic on January 9 and January 10.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. General Business

- 6a. [ORD 13-1001](#) First Reading, Ordinance No. 13-1001, Extending the Franchise Granted to Portland General Electric Company; and Declaring an Emergency

Nancy Ide, City Recorder, stated the City had been diligently working with PGE to develop a new 20 year franchise agreement. The negotiations were not finished; however, the previous agreement expired on December 31, 2012. Staff was requesting an extension for three months to finish the negotiations. Because of the timing, she requested the Commission approve both first and second readings that evening.

A motion was made by Commissioner Roth, seconded by Commissioner Mumm, to approve the first reading of Ordinance No. 13-1001. The motion carried by the following vote:

Aye: 4 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm and Commissioner Kathy Roth

A motion was made by Commissioner Roth, seconded by Commissioner Mumm, to approve the second reading and final adoption of Ordinance No. 13-1001. The motion carried by the following vote:

Aye: 4 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm and Commissioner Kathy Roth

- 6b. [13-006](#) Award Rivercrest Restroom - Design Build Contract to Emerick Construction Co.

Denise Kai, Assistant Parks and Recreation Director, gave a background on the financing for the project, RFP process, and how Emerick Construction was chosen. The project was proposed to be finished before June 1. There was an inadvertent omission of Exhibit A which she submitted formally to the Commission. This was a personal services contract as opposed to the standard construction contract, but the contract award would be for the same amount.

Bill Kabeiseman, City Attorney, explained the difference between a personal services contract and construction contract. The corrected construction contract would be used as the final contract document.

A motion was made by Commissioner Roth, seconded by Commissioner Mumm, to award the Rivercrest restroom. design building contract to Emerick Construction Co. The motion carried by the following vote:

Aye: 4 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm and Commissioner Kathy Roth

- 6c. [13-008](#) Amendments to a Personal Services Agreement for Design and Consulting Services for 2012 & 2013 Annual Paving Program
- John Lewis, Public Works Director, explained this was a two year contract funded by the Pavement Maintenance Utility Fee. Two amendments had been approved by the City Manager for additional design work and construction services. The third amendment was for additional construction services to complete the 2012 projects. The fourth amendment was for a variety of design services that were needed. The total for the two years was \$420,141.00. He requested approval of the amendments.*
- A motion was made by Commissioner Roth, seconded by Commissioner Mumm, to approve the amendments to the Personal Service Agreement for design and consulting services for the 2012 & 2013 Annual Paving Program. The motion carried by the following vote:**
- Aye:** 4 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm and Commissioner Kathy Roth

7. Consent Agenda

A motion was made by Commissioner Roth, seconded by Mayor Neeley, to approve the consent agenda. The motion carried by the following vote:

Aye: 4 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm and Commissioner Kathy Roth

- 7a. [12-270](#) OLCC Liquor License Application - Winery, Applying as a Limited Liability Company, Portland Cider Company, LLC, DBA Portland Cider Company, Located at 275 S. Beavercreek Road, Suite C-149, Oregon City, OR 97045
- 7b. [12-277](#) OLCC Liquor License Application - Limited On-Premises Sales, applying as a Limited Liability Company, JMP Deli Holdings, LLC, DBA - VIP Deli, Located at 1346 C Leland Road, Oregon City, OR 97045
- 7c. [12-278](#) OLCC Liquor License Application - Full On-Premises Sales, Applying as a Limited Liability Company, Cedar Creek Events and Catering, LLC, DBA - Trails End Saloon, 1320 Main Street, Oregon City, OR 97045

..Body

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission approve Oregon Liquor Control License Application for Cedar Creek Events and Catering, LLC, DBA - Trails End Saloon, 1320 Main Street, Oregon City, OR 97045

BACKGROUND:

The Oregon City Police Department ran a background check on the officer. Eric Hallingstad is eligible to hold a liquor license.

- 7d. [RES 13-01](#) Resolution No. 13-01, Approving an Eighth Extension of the Cable Franchise Agreement with AT&T Comcast Corporation
- 7e. [13-012](#) Minutes of the December 11, 2012 Joint Work Session

7f. [13-013](#) Minutes of the December 11, 2012 Work Session

7g. [PUB 13-001](#) Intergovernmental Agreement (IGA) between the City of Oregon City and Clackamas County for Thayer Road, Falcon Drive, Connie Court and Thayer Court.

8. Communications

a. City Manager

David Frasher, City Manager, announced a Town Hall meeting with Senator Merkley on January 9 in West Linn. The third annual Sight and Sound Celebration would be held on January 20. A citizen was interested in starting a Clackamas Cove Triathlon on June 23 and was looking for sponsors. The annual financial audits for Oregon City, Urban Renewal District, and South Fork Water Board had been completed and submitted to the State. Oregon City's comprehensive annual financial report had been submitted to the Certificate of Achievement for Excellence in Financial Reporting program. He encouraged people to join the Rotary Club.

Maureen Cole, Library Director, discussed the Library's next First Friday Film that would be shown on January 4.

b. Mayor

[12-213](#)

Mayoral Appointments to Boards and Commissions

Mayor Neeley made the following appointments:

1. *Appointment of Douglas DeHart and re-appointment of Sha Spady to the Natural Resources Committee for the term January 2, 2013 - December 31, 2015.*

2. *Reappointment of Laura Zentner and Autumn Rudisel and appointment of Robert Stoll to the Budget Committee for the term January 2, 2013 - December 31, 2015.*

3. *Reappointment of Phoebe O'Leary to the Metro Enhancement Committee for the term January 2, 2013 - December 31, 2016.*

4. *Appointment of Jan Croeni to the Oregon City Civic Improvement Trust for the term January 2, 2013 - December 31, 2016.*

5. *Appointment of Daniel Millard to the Library Board for the term January 2, 2013 - December 31, 2016.*

6. *Reappointment of Charles Kidwell and appointment of Tom Geil to the Planning Commission for the term January 2, 2013 - December 31, 2016.*

7. *Reappointment of Bob Mahoney and Scott Failmezger to the Transportation Advisory Committee for the term January 2, 2013 - December 31, 2015.*

Due to the change of going to a biennial budget and the appointments to the Budget Committee were for three years, Mayor Neeley suggested a further discussion on extending the appointments to four year appointments, and the current one year

appointments extend to two year appointments. There were still openings on the Parks and Recreation Advisory Committee and Transportation Advisory Committee.

c. Commission

9. Adjournment

Mayor Neeley adjourned the meeting at 8:10 PM.

Respectfully submitted,

Nancy Ide, City Recorder