



# City of Oregon City

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

## Meeting Minutes - Draft

### City Commission

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Wednesday, April 15, 2020

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 7:06 PM.*

**Present:** 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

**Staffers:** 10 - City Manager Tony Konkol, City Attorney William Kabeiseman, Police Chief and Public Safety Director James Band, Community Development Director Laura Terway, Public Works Director John Lewis, City Recorder Kattie Riggs, Sr. Planner Christina Robertson-Gardiner, Economic Development Manager James Graham, Finance Director Wyatt Parno and Greg Williams

#### 2. Flag Salute

#### 3. Ceremonies, Proclamations, and Presentations

#### 4. Citizen Comments

*Curt Reesor, representing the McLoughlin Neighborhood Association, discussed two tree removals that had been done without a permit in the public right-of-way along Washington Street adjacent to St. Johns Church. He suggested the City create a comprehensive Urban Forestry Plan.*

#### 5. Adoption of the Agenda

*The agenda was adopted as presented.*

#### 6. Public Hearings

##### 6a. AP 20-00002: Appeal of Historic Review Board Approval with Conditions for a New Two-Story Mixed-Use Building in the McLoughlin Conservation District at 920 7th Street (GLUA-20-00006 and HR 20-02)

*Mayor Holladay opened the public hearing.*

*Laura Terway, Community Development Director, stated this was an appeal of Historic Review Board (HRB) approval of a new two-story mixed use building in the McLoughlin Conservation District on 7th Street. The applicant had appealed two conditions of*

approval.

Christina Robertson-Gardiner, Senior Planner, discussed the subject site, site plan, appeal issues raised, limited review, elevations of the proposed building, decision factors, and options. Staff recommended remanding the decision back to the May 26, 2020 HRB hearing with a review limited to conditions of approval #1 and/or #2.

Bill Kabeiseman read the hearing statement and asked if there were any ex-parte contacts, conflicts of interest, bias, or statements to declare.

Commissioner Smith attended the McLoughlin Neighborhood Association meeting when this application was presented and he lived four blocks from the site.

Commissioner McGriff also attended the Neighborhood Association meeting and had some phone contact with the applicant prior to that meeting regarding scheduling the meeting. She also lived nearby the site.

John Delson, Delson Engineering, was representing the applicant. He said the HRB had approved the reduction of the height for the first level, and it was only after they saw the summary that they realized there was a requirement for the upper floor to be ten feet in height. The applicant proposed eight feet which would reduce the massing so it would not compete with the church house, it would be more cost effective to build and maintain, and it would be better for energy conservation. He then discussed the proposed setbacks from the historic building of three feet, eight inches on the main floor and five feet on the second floor.

There was discussion regarding the reasons for the ten-foot height requirement on the upper floor.

Ms. Terway said an email had been received today from the McLoughlin Neighborhood Association who supported the staff report.

Mr. Delson reviewed the reasons they had proposed eight feet for the second floor height. If the Commission did not support the appeal, he asked that it be remanded back to the HRB.

Mayor Holladay closed the public hearing.

There was discussion regarding whether or not to remand this application back to the HRB, how the changes to the second floor height and setbacks were reasonable requests, and the need to be flexible so that more housing could be developed in this area.

**A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve AP 20-00002: appeal of Historic Review Board approval with conditions for a new two-story mixed-use building in the McLoughlin Conservation District at 920 7th Street (GLUA-20-00006 and HR 20-02) including retaining the five foot setbacks and approving the eight foot second story height. The motion failed by the following vote:**

**Aye:** 2 - Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

**Nay:** 2 - Mayor Dan Holladay and Commissioner Rachel Lyles Smith

**Abstain:** 1 - Commissioner Frank O'Donnell

*Mayor Holladay preferred to let the project move forward without the five foot setback requirements.*

*There was discussion regarding the reasons for the HRB's decision to require the five foot setbacks as well as the building code requirements.*

*Ms. Robertson-Gardiner clarified the issue was the setback of the ground floor. The HRB had required that it be five feet, the same as the second floor, and the applicant was proposing three feet, eight inches.*

*There was further discussion regarding the front elevations and alignment of the first and second stories with inset windows.*

*A motion was made by Commissioner O'Donnell to remand both issues back to the HRB for further information and clarity. The motion died for lack of a second.*

**A motion was made by Commissioner Lyles Smith, seconded by Commissioner McGriff, to approve AP 20-00002: appeal of Historic Review Board approval with conditions for a new two-story mixed-use building in the McLoughlin Conservation District at 920 7th Street (GLUA-20-00006 and HR 20-02) including retaining the five foot setbacks and approving the eight foot second story height. The motion carried by the following vote:**

**Aye:** 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

## 7. General Business

### 7a. First Amendment to the Real Estate Contract with F & F Structures, Inc. for the Sale of the Oregon City Police Department Property

*Jim Band, Police Chief, said this was a request for a 60-day extension to the real estate contract for the sale of the Police Department property.*

**A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve the first amendment to the real estate contract with F & F Structures, Inc. for the sale of the Oregon City Police Department property. The motion carried by the following vote:**

**Aye:** 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

### 7b. Coronavirus Economic Relief Response: Oregon City Business Debt Relief Program

*Tony Konkol, City Manager, discussed the Oregon City Business Debt Relief Program that would address operating costs of local small businesses who were forced to close due the executive order regarding Covid-19. There were limited funds for the program and it would not make up for all of the financial losses. The program would continue until the funds ran out. He explained the award criteria and entered letters of support into the record.*

*Victoria Meinig, Oregon City Chamber of Commerce, stated she was in full support of the program and explained the importance of this program to the City's businesses.*

*There was discussion regarding possible refinements to the program such as a forgivable loan vs. a grant, including sole proprietors with 1099 contractors, and allowing multiple applications by the same person up to a certain amount.*

*James Graham, Economic Development Manager, discussed the disadvantages of doing a loan program instead of a grant program and reasons not to include sole proprietors.*

*There was consensus to allow sole proprietors with no minimum number of employees, to have a box that the businesses checked indicating they intended to continue doing business in Oregon City for the next 12 months, and only allowing one application per business.*

*Staff would come back to the Commission in May with a modified program.*

## 7c

Resolution No. 20-09, Declaring an Emergency and Exempting the Construction Activities Associated with both the Meyers Road Extension Project and the NW Natural Gas Company's Oregon City Transmission Reinforcement Project from the Prohibition Against Unlawful Noises on a Temporary Basis

*John Lewis, Public Works Director, said this was a request to do night work on Meyers Road, which required approval to temporarily exempt the Municipal Code's prohibition of after hours activities. They would do what they could to minimize the impacts to residents.*

*There was concern about the noise impacts and a suggestion that the notice to neighbors clarified it was the Oregon Department of Transportation (ODOT) that required the work to be done at night and making sure staff worked with NW Natural to minimize the noise.*

**A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve Resolution No. 20-09, declaring an emergency and exempting the construction activities associated with both the Meyers Road Extension Project and the NW Natural Gas Company's Oregon City Transmission Reinforcement Project from the prohibition against unlawful noises on a temporary basis. The motion carried by the following vote:**

**Aye:** 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

## 8. Consent Agenda

*Staff pulled agenda item 8c. off of the agenda completely.*

**A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve the consent agenda except for Item 8c. The motion carried by the following vote:**

**Aye:** 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

- 8a. Construction Contract with Magna Construction Services, Inc. for the High Street Waterline Replacement and Storm System Improvements Project
- 8b. Personal Services Agreement with FCS Group for the Stormwater System Development Charge (SDC) and Rate Study
- 8c. Contract Amendment for Engineering Design Services and Geotechnical Services with Brown and Caldwell for the Scattering Canyon Project (CI 19-012)
- 8d. OLCC: Liquor License Application - Off-Premises, Commercial, Applying as a Limited Liability Company, Joy Hospitality LLC (dba Verdict Bar & Grill and Caufield House), 110 8th Street
- 8e. Minutes of the February 5, 2020 Work Session
- 8f. Minutes of the February 5, 2020 Regular Meeting
- 8g. Minutes of the February 11, 2020 Work Session
- 8h. Minutes of the February 19, 2020 Work Session
- 8i. Minutes of the February 19, 2020 Regular Meeting

## 9. Communications

### a. City Manager

*There was no City Manager report.*

### b. Commission

*Commissioner McGriff encouraged people to spend their Covid-19 stimulus checks in Oregon City.*

### c. Mayor

*Mayor Holladay was doing a 6:30 AM spot on KXL tomorrow morning.*

## 10. Adjournment

*Mayor Holladay adjourned the meeting at 8:47 PM.*

*Respectfully submitted,*

*Kattie Riggs, City Recorder*