



City of Oregon City

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

Meeting Minutes - Draft City Commission

Doug Neeley, Mayor
Kathy Roth, Commission President
Betty Mumm, Carol Pauli, Rocky Smith, Jr.

Wednesday, May 1, 2013

7:00 PM

Commission Chambers

1. Convene Regular Meeting and take Roll Call

Mayor Neeley called the meeting to order at 7 PM.

Present: 5 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth

Staffers: 13 - City Manager David Frasher, City Attorney Ed Sullivan, Police Chief and Public Safety Director Mike Conrad, Public Works Director John Lewis, Community Development Director Tony Konkol, Community Services Director Scott Archer, City Recorder Nancy Ide, Human Resources Director Jim Loeffler, Finance Director Wyatt Parno, Library Director Maureen Cole, Economic Development Manager Eric Underwood, Planner Christina Robertson-Gardiner and Planner Laura Terway

2. Flag Salute

3. Ceremonies, Proclamations, Presentations

3a. 13-293 Annual Report from the Library Board

Don Wright, Library Board Chair, presented the report along with Maureen Cole, Library Director. He discussed the efforts of the Board for land purchase for a new library facility, library programs being offered at the library, adoption of the Strategic Plan, library collections policy, advertising for new Board members, and electronic media use at the library.

3b. 13-302 Downtown Parking Update - Lt. Bill Kler

Bill Kler, Police Lieutenant, discussed how parking was going since the downtown construction was completed including parking capacity, parking meters, handicapped parking, usage, circulation, and enforcement. The construction, pay stations, and signage had helped in reducing the number of warnings and citations.

Mayor Neeley discussed the concern regarding lack of striping for parallel parking. He requested monitoring to see if there really were more cars parking than would be allowed if the spaces were striped.

3c. 13-286 Proclamation for Historic Preservation Month

Mayor Neeley read the proclamation declaring May 2013 as Historic Preservation Month.

3d. 13-285 The Ruth Powers Annual Historic Preservation Award

Mayor Neeley presented the Ruth McBride Powers Memorial Award to Dustin Campos for the restoration of the Frank and Minnie Vonderahe House and Ruth McBride Powers Memorial Service Award to Denyse McGriff.

Christina Robertson-Gardiner, Planner, showed before and after photos of the Vonderahe House and quoted Historic Review Board member Vicki Yates on Ms. McGriff and her love for preservation.

3e. 13-287 2013 Preservation Month Photo Contest

Karin Morey, Clackamas County Historical Society, and Ms. Robertson-Gardiner announced the upcoming Preservation Month Photo Contest and prizes. Clackamas County Historical Society was partnering with the City again this year. The theme was See! Save! Celebrate! and the contest would run May 1 - June 15.

4. Citizen Comments

There were no citizen comments.

5. Adoption of the Agenda

Items 7b and 7c were pulled from the Consent Agenda. The agenda was adopted as amended.

6. Public Hearings**6a. PC 13-038** Ordinance for Introduction, No. 13-1007: Land Use Application Requesting Approval for a Zone Change, 11-Lot Subdivision and Geologic Hazards permit for the Property Located at 19370 Pease Road.

Ed Sullivan, City Attorney, stated the hearing had been held in front of the Planning Commission, and the City Commission was hearing this on the recommendation of the Planning Commission. No new evidence was allowed. He asked if the Commission had any ex parte contacts to declare.

Mayor Neeley stated he had driven by the site.

Commissioner Roth stated all of the Commission received an email from Mr. Last citing what had been decided and his position.

Mr. Sullivan asked if the Commission had any interest in the outcome monetarily or any other reason for bias. There was none.

Laura Terway, Planner, presented the staff report. This application was for an 11-lot subdivision. It was a zone change from R-10 to R-6 and geologic hazards review. She explained the subject site and adjacent properties, zone change criteria, subdivision details, and stormwater for the site. Staff and the Planning Commission recommended approval with conditions.

Rick Givens, Planning Consultant for the applicant, said this application was heard by the Planning Commission who recommended approval. The biggest concerns that

were discussed were the drainage, density of the zone change, and the fill on the property. The geotechnical study determined the fill needed to be excavated and replaced with an engineered fill and the applicant planned to do so. There were various densities surrounding the property and the Planning Commission found R-6 was appropriate for the area. Two thirds of the properties could be caught with catch basins and brought back into the storm drainage system. In the conditions it stated they would not increase the flow in any way. This would complete the Pavilion Park neighborhood and be an asset to the community.

Mayor Neeley opened the public hearing.

William Gifford, resident of Oregon City, said this was across the street from R-10 and R-8 homes which was a drastic change from R-6. It was stated the existing utilities were already in place and that was what was dictating where the road was. He questioned how the utilities could be put in before it was zoned. He hoped in the future they would not let utilities be put in the ground before a property was zoned.

Mr. Konkol discussed how it was common practice to oversize a new storm pond designed to take future development and how there were limited options for where the street could be placed.

Mr. Givens pointed out the only R-10 was located to the southwest and the R-10 across the street he thought would be changed when the property developed. This project completed the neighborhood, fit the existing conditions, and completed the storm drainage for the area.

Mayor Neeley closed the public hearing.

A motion was made by Commissioner Mumm, seconded by Commissioner Pauli, to approve the first reading of Ordinance 13-1007. The motion carried by the following vote:

Aye: 5 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth

7. Consent Agenda

A motion was made by Commissioner Mumm, seconded by Commissioner Smith, to approve consent agenda items 7a, 7d, and 7e. The motion carried by the following vote:

Aye: 5 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth

7a. 13-290 Public Improvement Contract to S-2 Contractors Inc. in the amount of \$668,512.65 for the 2013 Pavement Improvements Project

7b. 13-288 City Manager Employment Agreement

Kevin Hunt, resident of Oregon City, presented an exhibit regarding the City Manager salary cost per resident in comparison to other jurisdictions. He did not think the Commission should vote on the agreement that night, but allow time for the public to give input. He highlighted parts of the agreement such as the compensation, retirement, severance provision, and hours of work that he thought would not be popular with the citizens.

James Nicita, resident of Oregon City, was concerned about putting a cost on

democracy that Section 8b represented. The City Manager had the right to terminate the agreement with severance payment of nine months of salary and benefits. The interpretation was ambiguous. A broad interpretation would mean the most minor of Charter amendments that might impinge on the current authority of the City Manager could lead to the invocation of the termination and severance agreement. He suggested changing the language to specifically say change from the Council-Manager form of government.

Dave Prideaux, resident of Oregon City, recommended delaying the decision on the agreement for more citizen input. This was an important decision that citizens should participate in. He listed the areas he thought were vague and open-ended.

Paul Edgar, resident of Oregon City, suggested taking the agreement to the Citizen Involvement Council for review. This was a five-year contract and would go into multiple elections. He thought the City was not advancing itself towards economic growth in an aggressive manner and he thought it should be looked at again in two years when the next administration came on board to make sure the right staff was in place.

Jim Hamilton, resident of Oregon City, had been working on a reformation plan for the City called the United City Compact. He asked that the decision be delayed until the plan for the reformation was completed and presented to the Commission. There were too many leaders who were not elected and did not work for the community as the elected officials did.

Michael Berman, resident of Oregon City and Vice Chair of the CIC, thought the importance of citizen input and for citizens to know about the contract was of utmost importance. He thought the CIC should be included and provide input. In his private life he was always looking for ways to save money and not set a precedent. This might be a precedent setting contract. Since the citizens paid the salary, he thought they should have a chance to look at the agreement.

Nancy Walters, resident of Oregon City, also thought the agreement should be postponed for future discussion. The proposed compensation was above market rates. When you paid above market rates in government it reduced the net earnings of taxpayers and stifled economic growth. She thought every compensation should be defined and did not think the contract should be for five years.

Howard Post, resident of Oregon City, said the City Manager made three times the average income of the taxpayers in Oregon City and this was a 10% raise per year. He thought it was excessive and taxpayers should not have to pay it. He thought it should be postponed for more input.

William Gifford, resident of Oregon City, thought they deserved the best the City could afford. The decision was made over months of deliberation with good professional help. It should not be negotiated by the CIC.

Amy Willhite, resident of Oregon City, thought the Commission should not accept the contract. It was poorly written, left too much open, and had too many loopholes.

Blane Meier, business owner in Oregon City, president of the Oregon City Business Alliance, member of the Chamber Board, and president-elect of the Lions Club, was supportive of representative government. He reviewed the document provided by Mr. Hunt and did not think it had any standing. Salaries were a relative issue and contracts were negotiable and not for a vote of the people. The contract was negotiated by elected officials that the voters put their confidence in to make these

kinds of decisions. He thought the approach taken was divisive and bad for business. He encouraged the Commission to vote and move on.

Jim Loeffler, Human Resources Director, pointed out some errors in the data of Mr. Hunt's exhibit. He then discussed a recent compensation study. The Commission met twice in Executive Session to discuss the contract and performance appraisal. Mr. Frasher was not currently under contract. Regarding the concerns for 8b and benefits section for 4b, it was the same language as the previous agreement that Mr. Nicita approved when he was on the Commission. Hours of work for management employees were variable. The Commission was the employer of the City Manager.

Mr. Sullivan said this was a business decision to be made by the Commission. Regarding 8b, it had been part of the last five city managers' contracts, and it was in the case that something substantially changed the form of government, that the employee had the right to declare a termination. He also discussed reasonable expenses, business related expenses, moonlighting, and indemnification in the contract. The original basis for many of these things was the International City Managers Association form contract.

There was discussion among the Commission about the contract regarding how the City was advancing economic growth, reasons for the five-year contract including stability and consistency in projects like Blue Heron, and reasons for the salary, cost of living increases, and merit pay.

Commissioner Roth had concerns about the contract in light of the public testimony and thought it should be continued for further public input.

A motion was made by Commissioner Pauli, seconded by Commissioner Mumm, to approve the City Manager Employment Agreement. The motion carried by the following vote:

Aye: 4 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm and Commissioner Carol Pauli

Nay: 1 - Commissioner Kathy Roth

7c. 13-289

City Manager Pay for Performance Based on Annual Evaluation

Mr. Loeffler said the Commission met in Executive Session to discuss the performance evaluation.

James Nicita, resident of Oregon City, said he knew the provision was in the previous contract, but thought it was a quantitatively different situation now than it was in the previous contract because it was six months severance for a two-year contract then, and now it was a nine-month severance for a five-year contract.

Kevin Hunt, resident of Oregon City, explained the basis for his exhibit and how he had not overstated the salary.

A motion was made by Commissioner Roth, seconded by Commissioner Mumm, to approve the City Manager Pay for Performance based on the annual evaluation. The motion carried by the following vote:

Aye: 5 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth

7d. 13-292

Minutes of April 3, 2013 Regular Meeting

7e. 13-304 Minutes of the April 9, 2013 Work Session Meeting

8. **Communications**

a. **City Manager**

David Frasher, City Manager, reported Oregon City Public Works would receive the National Public Works Association Award for the Jughandle project. He had been contacted by County Commission Chair Ludlow regarding hosting a staff level working meeting about downtown parking around the Courthouse.

Eric Underwood, Economic Development Manager, said the murals in the City would be addressed in the Sign Code revisions.

Mr. Frasher said the City received a request from Native American tribes to provide an area for a canoe event overnight. Mr. Sullivan stated there was a provision in the Code that prevented overnight camping in City parks and he thought the Code should be changed. If the Commission granted one group, then it could open the door to others. Michael Berman stated there was a maritime law for safe harbor on navigable waters. The Commission consensus was for staff to bring back options to allow the overnight event.

Mr. Frasher encouraged the Commission to take a tour of the End of the Oregon Trail Interpretive Center in preparation for the discussion at their next Work Session. He then discussed the draft MOU regarding the Willamette Falls Legacy project.

John Lewis, Public Works Director, discussed the Oregon passenger rail program routes. A Southeast Metro Community Advisory Group meeting would be held in Oregon City on May 7 to discuss the goals of the project. The Commission had a Work Session on May 7 and would not be able to attend.

b. **Mayor**

Mayor Neeley said National Train Day was May 11. Amtrak was hosting a Great American Stations Civic Improvement Conversation on June 5. He reported on the City Clean Up Day.

c. **Commission**

Commissioner Smith announced events for the Pioneer Family Festival which would be held May 3-5. He thanked the Parks, Police, and Public Works departments for their work in preparation for the festival.

Commissioner Pauli reported on the McLoughlin Boulevard Design Open House.

Commissioner Roth discussed the award to John Lewis from the Public Works Association.

9. **Adjournment**

Mayor Neeley adjourned the meeting at 9:55 PM.

Respectfully submitted,

Nancy Ide, City Recorder